



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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January 09, 2020

To

Mr. Debindra Kundra

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 - India - Urgent Appeal for Action – Rajasthan – Case of mental agony, harassment and humiliation of Mr. Nirmal Kumar by government officials in Ajmer, Rajasthan – Regarding

Greetings from Human Rights Defenders Alert - India!

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 grave concern over the attempt to harass and humiliate lawyer and Human Rights Defender Mr. Nirmal Kumar by the clerk at the office of sub divisional officer in Kishangarhvas division (block) of Ajmer district of Rajasthan on 17 December, 2019.

About the Human Rights Defender:

Mr. Nirmal Kumar belongs to Meghwal Dalit community of Rajasthan and is a lawyer. He has been practicing as a lawyer in the Kishangarhvas divisional court for the last one year. He is an active member of Meghwal Development Committee of Ajmer. He has been associated with Ajmer Legal Service Authority as a para legal volunteer. He also works on human rights issues especially on tribal rights and discrimination with close association of regional human rights organisations.

Source of Information on the Incident:

- The Coordinator of HRDA for the North of India
- The Coordinator of HRDA for Rajasthan, India

The Perpetrators:

Mr. Chhote Lal Sharma, Sub Divisional (block) Officer, Kishangarhvas division of district Ajmer, Rajasthan

Ms. Sudha Sharma, Clerk, Office of Sub Divisional officer, Kishangarhvas division of district Ajmer, Rajasthan

Date and Place of incident:

17 December, 2019

Office of Sub Divisional Officer, Kishangarhvas division (block) of district Ajmer, Rajasthan

Details of the Incident:

According to sources on 17 December, 2019 Lawyer and Human Rights Defender Mr. Nirmal Kumar had gone to the office of Sub Divisional officer, Kishangarhvas division of district Ajmer to submit the bail bonds of Rs. Two lakh on behalf of his clients Ms. Savita and her family who have been booked by the police under section 151 of IPC. It is to be pointed out here that Ms. Savita had complained about repeated sexual harassment by Mr. Govind s/o Prakesh Chaudhary from Jat community in her village. Ms. Savita's family tried to ask Mr. Govind not to repeat such indecent behaviour. Mr. Govind got angry and with the help of some people assaulted Savita's family members with batons. Savita's family members were badly injured in the attack and were referred to the local hospital for treatment. The police instead of helping the family who had been victimised, arrested the whole family and put them behind bars. The police asked the family to submit the bail bonds in the office of Mr. Chhote Lal Sharma, Sub Divisional Officer Kishangarhvas division of district Ajmer, Rajasthan. Mr. Nirmal Kumar was representing the victim's family as their counsel. At the office of Sub Divisional officer, Mr. Nirmal Kumar was manhandled by Ms. Sudha Sharma, the subordinate clerk of Sub Divisional Officer Mr. Chhote Lal Sharma. She refused to accept the bail bonds and both the officials were adamant to send the victim's family to jail. Mr. Nirmal Kumar tried to explain and convince both the officials that the two women had suffered injuries and also objected the official attempts to support the

perpetrators. Both the Sub Divisional Officer Mr. Chhote Lal Sharma and his subordinate clerk Ms. Sudha Sharma did not accept the bail bonds and refused to complete the bail procedure. Mr. Nirmal Kumar filed his complaint with the Bar Association of Kishangarhvas for harassment and humiliation meted out to him by Sub Divisional Officer Mr. Chhote Lal Sharma and his subordinate clerk Ms. Sudha Sharma. According to the local lawyers such callous behaviour on the parts of Sub Divisional Officer Mr. Chhote Lal Sharma and his subordinate clerk Ms. Sudha Sharma has been a regular affair in Sub Divisional Officer's official premise which has become a major cause of mental agony, harassment and humiliation for the lawyer community in general in Ajmer and in Kishangarhvas division in particular. Lawyers regularly complain that they are humiliated and denied to perform their professional functions as per the demand of the justice system. They often face hindrance, harassment or improper interference when they are appearing before it for their clients.

Human Rights Defenders like lawyers work to improve societies and contribute to peace and democracy. Lawyers and defenders like Mr. Nirmal Kumar are agents of positive change and development. They are key in protecting against human rights violations and in advancing universal human rights. Therefore Mr. Nirmal Kumar has the right to be able to carry out his work unhindered, and under the protection of national law if needed.

Having committed to the UN Declaration on Human Rights Defenders, the present Commission is urged to take immediate action in the present case of intimidation and harassment of human rights defender and lawyer Mr. Nirmal Kumar by taking recourse to national implementation of international standards that protect and promote human rights defenders. This will not only help in protecting the rights of the defender Mr. Nirmal Kumar but also of the victims - Ms. Savita and her family who are being denied the right to be heard and to have a legal representation.

Appeal:

- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the Incident of harassment and intimidation of lawyer and human rights defender Mr. Nirmal Kumar in Ajmer in Rajasthan;

- Take immediate legal action against the perpetrator as mentioned above for harassing and intimidating the lawyer and human rights defender Mr. Nirmal Kumar;
- Guarantee in all circumstances the physical integrity of the lawyer and human rights defender who still face the risk of further reprisals and using all provisions of law to ensure that the lawyer and defender is not harassed and intimidated in Rajasthan in future and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensure provision of reparation and apology to the defender for the psychological suffering he underwent because of the humiliation while performing his legitimate work and provide a re-assurance of not engaging in such acts against lawyers and HRDs;
- Put an end to all acts of harassment and attacks against all lawyers and human rights defenders in general in the state of Rajasthan to ensure that in all circumstances they carry out their activities as lawyers and defenders of human rights without any hindrances;
- Conform in any circumstances with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 and 12.2;
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Rajasthan.

Looking forward to your immediate action in this regard,

Yours sincerely,

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

(Henri Tiphagne)

National Working Secretary