



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/West/RJ/02/05/2023

May 8, 2023

To,
Mr. Indrajeet Kumar,
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

Dear Sir,

Sub: HRD Alert - India - Urgent Appeal for Action – Rajasthan: Police negligence regarding assault on environmental and anti-mining activist Mr. Mahesh Sehni in Sikar, Rajasthan

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a 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.

We are writing to express our grave concern regarding the negligence of the Rajasthan police regarding the intimidation, assault and threat to life of the environmental and anti-mining activist Mr. Mahesh Sehni by the mining mafia.

Source of Information:

- Communication with the HRDA North Regional Coordinator
- Communication with HRD
- Media Reports

Date of Incident:

March 29, 2023

Place of Incident:

Neem Ka Thana, Sikar, Rajasthan

The Perpetrators:

Mr. Hansraj Gurjar

Police Personnel of Neem Ka Thana police station, Neem Ka Thana, Sikar and Other police personnel of Sikar, Rajasthan

About the Human Rights Defender:

Mr. Mahesh Sehni (39) is an environmental activist in Rajasthan. He is also actively involved in exposing illegal mining and has created a platform to oppose illegal mining.

Details of the Incident:

On March 29, 2023, around 12:30 pm, a team of 4 people from Directorate General of Mines Safety (DGMS), Ajmer came to village Mahawa, Neem Ka Thana to investigate the heavy blasting.

Mr. Mahesh Sehni also reached there to meet the team, with documental proof of the heavy blasting. However, Mr. Hansraj Gurjar who is alleged to be a part of the illegal mining mafia, was present there already with people with lathis. On seeing Mr. Sehni, the men kicked, slapped, assaulted him with sticks and threw him on the ground. Mr. Sehni was grievously injured. The villagers present managed to save Mr. Sehni's life from Hansraj and his men. Then Mr. Hansraj threatened to kill Mr. Mahesh Sehni and wipe out his family if he got in the way of his mining activities.

On March 29, 2023, around 04:00 pm, Mr. Mahesh Sehni went to Neem Ka Thana police station to register a complaint. At 06:43 pm an FIR was registered at Neem Ka Thana Sadar police station against Mr. Hansraj and unknown people under the sections 341- Punishment for wrongful restraint, 323- Punishment for voluntarily causing hurt, 427- Mischief causing damage to the amount of fifty

rupees, 379- Punishment for theft, 506- Punishment for criminal intimidation and 34- Acts done by several persons in furtherance of common intention of IPC. However no further action has taken place after the FIR and no arrests have been made. No Medico legal examination was done by the police despite Mr. Sehni sustaining serious injuries.

On March 29, 2023, itself, some citizens from Neem K Thana civil society handed over a memorandum to the Chief Minister of Rajasthan through the Sub-Divisional Officer regarding the assault on Mr. Sehni. They demanded that Mr. Mahesh Sehni and other social activists and public should be protected from the mining mafiosi Mr. Hansraj and action should be taken against him.

The people have accused the police of not taking any action due to the mining mafia being connected to very powerful people.

We are shocked that an environment HRD was attacked by the mining mafia in the presence of the team of Directorate General of Mines Safety (DGMS), Ajmer. Furthermore, despite an FIR by the HRD, and a memorandum to the CM, the Rajasthan police have been unable to take any action or arrest any of the perpetrators. This might be indicative of a possible collusion of the local police with the mining mafia.

Protection of HRDs is a key duty of any State as specified in the Declaration of Human Rights Defenders 1998, by the UN general Assembly. Article 2 of the declaration states that the State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

Article 12 of the Declaration on Human Rights Defenders enshrines that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.


Therefore in compliance of Article 12 of the Declaration, the Commission is urged to direct for immediate police protection to human rights defender Mr Mahesh Sehni. Further in the context of human rights violations by third parties, the obligation to protect, first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors.

Appeal:

We appeal to the Hon'ble Commission to urgently take action and:

- Direct the Director General of Police of Rajasthan and the District Collector and Magistrate of Sikar to Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned events of intimidation, severe assault, and threat to kill, on anti-mining activist Mr. Mahesh Sehni and take immediate action on the perpetrators as there is a serious threat to his life;
- Direct the Director General of Police of Rajasthan to take urgent action against police personnel who were negligent in investigating the assault on Mr. Sehni and submit the report to the NHRC within four weeks.
- Direct the Director General of Police of Rajasthan to guarantee in all circumstances the physical and psychological integrity of the social and RTI activist Mr. Sehni and his family without hampering his freedom to operate as an activist.

Yours sincerely,

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

(Henri Tiphagne)
National Working Secretary