



January 31, 2021

To,
Mr. C S 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 - India - Urgent Appeal for Action - Rajasthan: Inaction and negligence of police in arresting the main accused of kidnapping and assaulting RTI Activist Mr. Amraram Godara.

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 regarding the inaction of the Rajasthan Police in arresting the main accused of the kidnapping and assaulting RTI activist Mr. Amraram Godara in Barmer. We fear that this might be because of the political influence of the accused and poses further threat to the safety of the tortured HRD and his family.

Source of Information:

- Communication with our West Regional Consultant
- Communication with the HRDs in the region
- Media reports
- Fact Finding Report by HRDs in Rajasthan

Date of Incident:

December 21, 2021

Place of Incident:

Barmer, Rajasthan

The Perpetrators:

- Mr. Nagaram, husband of the current Sarpanch of Kumpaliya gram panchayat and former Sarpanch
- Mr. Jay Ram, Station House Officer, Gida police station
- Mr. Bankaram, Sarpanch of Pareu gram panchayat

About the Human Rights Defender:

Mr. Amraram Godara (30) seeks information using RTI and has been involved in exposing local level corruption in Gram Panchayat Kumpliya, where he resides.

Background of the Incident:

On December 15, 2021, Mr. Godara had given an application to the state government under the '*Prasashan Gaon Ke Sang*' campaign of the state government. In his application he stated that the panchayat had paid more than the fixed amount for some work. On December 17, 2021, a committee was formed to investigate his complaint. The committee found the allegations to be true and on December 19, 2021, the panchayat had to return the excess amount. In the past too Mr. Godara complained about many cases like sale of illegal liquor. The sarpanch of the village and others were angry with him for repeatedly raising corruption cases.

Details of the Incident:

At around 7 pm on December 21, 2021, Mr. Godara returned from Jodhpur, where he had gone for some work. His bus dropped him around 150 meters from his house.

After the bus left, he saw an SUV parked close by and felt something was amiss. He then started running towards his home and was chased by the individuals in an SUV. The assailants first tried to run over him but couldn't, after which they put him in the SUV and took away his phone.

They then took him to an isolated location where he was brutally tortured. He was made to drink urine and both his hands were broken. Nails were hammered into his legs, and he was left completely immobile. He was then put back in the SUV and thinking he had died, the assailants threw him out near the bus stand.

The whole incident happened within 30 minutes. As it was night, no one could see Mr. Godara. After shouting for a while, residents arrived and one of them, a person called Mr. Hiraram Sansi, recognised him. His father and brother were called and once they arrived, he was taken to the primary health center in village Pareu. From there he was referred to Nahta Hospital, Balotra and then to Jodhpur.

An FIR (No 270/2021) was registered at Gida police station. The FIR was initially registered against unknown persons under IPC Sections 307 (attempt to murder), 365 (abduction), 355 (assault) and 120-B (criminal conspiracy). Though four people have been arrested, the main accused Mr. Nagaram, alias Nagraaj named by the HRD, continues to be free. It is important to note that Mr. Nagaram is the husband of the current sarpanch and the former sarpanch and wields considerable clout in the area.

Mr. Godara went on a brief hunger strike earlier this month demanding the arrest of the main accused: Mr. Nagaram, Mr. Manaram and Mr. Bankaram (Mr. Bankaram is the sarpanch of Pareu gram panchayat, which is in the region where Mr. Godara lives). Mr. Manaram is a local contractor who has received several village level contractors from the Panchayats. He also wrote a letter to the SP stating the same. However, the accused have still not been arrested by the police.

We believe the delay in the arresting the main accused who are political heavyweights in the region exposes the negligence of the police towards protection of HRD who has been subjected to torture and kidnapping. Their lax attitude has put the HRD and his

family in danger of reprisal in the future. We also fear that the main accused may interfere with the investigation.

A fact finding conducted by prominent HRDs in the state on this assault has raised several red flags. In the report, released on January 20, 2022, it was noted that the police first took Mr. Godara's statement on December 22, 2021, at 11.20 a.m. At this point, he had only been provided first aid. His subsequent statements have been added under 'views added later' and not been acted upon. The report has demanded that his subsequent statements be treated as his original because he was not able to provide a clear statement in the immediate aftermath of his attack.

RTI users have been among the most vulnerable and targeted human rights defenders in India. Protection of HRDs is a key duty of any State as specified in the declaration on human rights defenders, adopted in 1998 by the UN general Assembly. Article 2 of the declarations 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.

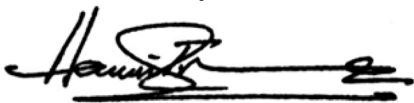
We believe that the role of the local police and the ongoing negligence in arrest of the main accused needs to be thoroughly investigated as we believe that the police negligence has been instrumental in this brutal assault of an HRD.

Appeal:

We request the Hon'ble Commission to urgently:

- Direct the Director General of Police of Rajasthan to initiate and inquiry in the negligence by the local police in pursuing the case and submit a report to the NHRC within two weeks.
- Depending on the result of the inquiry to initiate stern action against the local policemen who might be in collusion with the accused or negligent in following up the case.
- Direct the Director General of Police of Rajasthan to instruct the Superintendent of Police of Barmer to arrest the main accused and to submit a report to the NHRC within a week.
- Direct the Director General of Police of Rajasthan to ensure complete physical and psychological safety of the HRD and his family and give it in writing to the NHRC within one week.
- Direct the Government of Rajasthan to provide Rs. 10 lakh compensations to the RTI activist.

Yours sincerely,



Henri Tiphagne
National Working Secretary