



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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Ref No:- HRDA/North East/AS/4/10/2018

October 24, 2018

To

Mr. Khaleel Ahmed

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

Dear Sir,

Sub: HRD Alert - India – Urgent Appeal for Action – Assam: Brutal Police Atrocity and injuring hundreds of Differently Abled People protesting peacefully at Dispur – Regarding.

Dear Sir,

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 over the brutal atrocity by Assam police on Differently Abled Persons protesting peacefully at Dispur Last Gate Guwahati and negligence of district administration not providing required medical help to the injured protestors.

Source of Information on the Incident:

- The Coordinator of HRDA for the North East of India
- Members of Pratibandhi Suraksha Sangstha Assam (PSSA)
- Media Reports

The Perpetrators:

1. Dr. Ramandeep Kaur IPS, Deputy Commissioner of Police, Kamrup
2. Mr. Amitabh Basumatary Additional Deputy Commissioner of Police Kamrup
3. Nipu Kalita, Sub Inspector Dispur Police Station
4. Nirmali Devi Constable, Dispur Police

Date of Incident:

October 5, 2018.

Place of Incident:

Dispur Last Gate, Guwahati, Assam

Details of the Incident:

The members of Pratibandhi Suraksha Sangstha Assam (PSSA) along with two associated organization namely Blind Council of Assam and All Assam Blind Students Union organized a peaceful demonstration on October 5, 2018 at Dispur Last Gate. The organisers had valid permission for holding the demonstration and it was a peaceful gathering.

On October 5, 2018, peaceful demonstration by the above said groups had started at around 10 a.m. From the very beginning of the peaceful demonstration the Additional Deputy Commissioner of Police (ADCP) of Kamrup Metro District along with Sub Inspector Nipu Kalita, Constable Nirmali Devi and other police officials showed aggressive and dominant attitude and threatened the persons who were gathered peacefully for the demonstration. Besides, the police personnel under the directions of ADCP Mr. Amitabh Basumatary tried to provoke the protesters of peaceful demonstration. But the protesters maintained decorum of the demonstration despite the repeated and deliberate provocation by the police personnel.

At about 1.30 pm, representative from Government came to talk with the protestors and asked the protesters to come out from the place of demonstration to have a conversation little away from the place of protest. Accordingly, Mr. Nripen Malakar, Secretary of PSSA with few others went to talk with the Government representative. But when they were busy talking with the representative of the Government, some of the protestors Mr. Rezaul Haque (disabled with two legs) and others were attacked by the police personnel with an intention to provoke the other participants. In that attack Rezaul Haque and some other participants sustained grievous hurt. The injured were brought back to the tent of the demonstration. They requested police to arrange for medical help but police did not arrange it. The injured protesters were immediately sent to the Guwahati Medical College & Hospital, with the help of members of PSSA.

The talk between the Government representatives (Mr. Islam, Secretary and ACP) and the representative from PSSA were not satisfactory since they wanted to talk with some senior level Government officials such as the Additional Chief Secretary. The government representative sought for half an hour time for discussion. Therefore, the protesters decided to wait for some more time after which they would go for a hunger strike in case no senior officials turned up from the government side. The protestors waited for response from Government side for nearly an hour.

At around 2.45 p.m., when two visually-impaired members of PSSA wanted to go outside from the demonstration place for restroom, the duty police personnel with malafide intention stopped them to provoke the peaceful protesters. They did not allow them to leave the place and without any reason and started assaulting the protesters who had different physical disability of various degrees. They used water cannons and also started indiscriminate 'lathi charge' on the peaceful protestors. The police personnel were so aggressive and rude that without considering the physical condition of the people with disability, they used excessive unreasonable force to beat the innocent disabled persons who can hardly move themselves normally. When the secretary of PSSA, Nripen Malakar tried to talk with the ADCP about the situation and requested for ceasing the attack on persons with disability who were seated peacefully at the demonstration place, they in turn attacked Nripen Malakar on his face by pushing the 'Lathi' as a result of which he sustained injury on his cheek. Further the police personnel attempted to hit on the head of blind persons with their Lathi but Malakar tried to protect them because of which Mr. Malakar got grievous injury on both his shoulders.

The Sub Inspector of Dispur police station, Nipu Kalita, who used slang and degrading language and aggressively and rudely attacked the persons with disability along with other police personnel. In such assault Ranjit Bahadur Chetry (100% blind), Rezaul Hoque, Amrit Sahariya, Srikant Pegu, Sanjay Chunkrang, Prasanna Sarma, Nipul Kalita (blind with one eye), Arup Bhunia (100% blind), Kulo Boruah and many others sustained grievous injury. Ranjit Bahadur Chetri sustained grievous hurt on his head and three stitches had to be made on his injured head.

Around 500 persons with disability were arrested and detained at 4th APBN compound. They were not given any required medical help. At around 6 p.m, one Doctor came to check but he hardly helped the injured victim. Even the protestors with serious injuries were referred to Guwahati Medical College & Hospital very late. It was around 10 p.m that the detained protestors were released.

It is urged herein that peaceful assembly and protest is a constitutional right guaranteed under Article 19 of the Constitution of India. Further use of undue and excessive force by the police on differently abled people amounts to police brutality and misconduct.

Background Information:

Pratibandhi Suraksha Sangstha Assam is a platform for differently abled persons to advocate for the human rights of persons with disabilities in the state of Assam. They had been demanding the filling of vacant post reserved for differently abled persons in Assam Government jobs and release of monthly allowance of Rs.1000 to all differently abled persons which is pending since April 2018 along with other demands.

After a series of discussions with the government and dharnas, Social Welfare Department, Assam gave the responsibility to PSSA to submit the modalities of appointment procedure for the appointment of Persons with disability on December 17, 2017. On April 11, 2018, the PSSA submitted the copy of modalities to the Principal Secretary, Social Welfare Department as well as the Chief Minister of Assam. Thereafter on June 1, 2018, PSSA had a discussion with the newly appointed minister, Ms. Pramila Ranni Bramha about the appointment procedure but the meeting was not fruitful. On July 27, 2018, finding negligence on part of the Assam government, the members of PSSA went to meet the Chief Secretary to know about the status of the appointment matter. On that day, also the police personnel under the directions of Home Department of Assam physically assaulted the innocent differently abled Persons, arrested them and detained them at Sonapur Police Station. When they were released from the Police Station they refused to go back and decided to sit in for a protest. As a consequence, Director of Social Welfare Department, Assam fixed a meeting with Ms Pramila Rani Bramha, Minister of Social welfare on August 2, 2018.

Accordingly, on August 2, 2018, Ms. Pramila Rani Brahma arranged a meeting with PSSA in the presence of Mr. T.Y. Das, the then Chief Secretary of Assam, along with the Directors/Secretaries of various department like, Social Welfare and Finance Department etc. In that meeting an Action Plan was prepared for the procedure of appointment for 4,419 numbers of reserved Posts for differently abled person. As per the action plan, Government was supposed to publish advertisement for the appointments on September 30, 2018, of which the last date of submission of application was scheduled to be on October 22, 2018 and on or before December 31, 2018, the appointment procedure was supposed to be completed. Such written statement about the appointment procedure carried a ray of hope for the differently abled persons.

But unfortunately, it appeared that till September 30, 2018 no initial steps were even taken by the government regarding the said appointments. Being helpless and frustrated on the reluctance of the government, the members of PSSA along with two associated organization namely Blind Council of Assam and All Assam Blind Students Union decided to arrange a peaceful protest on October 5, 2018 at Dispur Last Gate, Guwahati.

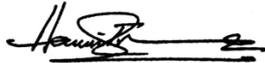
Appeal:

- Urge to take immediately legal action against the concerned and erring police officer, on duty as well as the police personnel involved in the brutal attack;
- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutality;
- Direct for facilitation of immediate medical assistance required by the injured protestors;
- Direct for immediate recruitment of the vacant posts for Differently Abled Persons;
- Ensure provision of reparation, compensation, apology to the defenders for the physical and psychological sufferings they are undergoing because of the brutality by the Assam Police;

- Put an end to all acts of harassment against all human rights defenders in general in Assam to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances.

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