



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/North/UP/02/01/2023

January 17, 2023

To,

Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Uttar Pradesh – Lathi-charge and fabricated FIRs on Dalit women protestors by UP Police for protesting against the defacement of Dr. Ambedkar’s statue

Greetings from Human Rights Defenders Alert!

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 concern regarding the brutal lathi-charge by the Uttar Pradesh police on unarmed WHRDs assembled to protest against the defacement of a statue of Baba Saheb Ambedkar and arrest of women protestors in fabricated cases by the police.

Source of Information:

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

Date of Incident:

November 06, 2022

Place of Incident:

Ambedkar Nagar, Uttar Pradesh

Perpetrators:

- Mr. Ajit Kumar Sinha, Superintendent of police, Ambedkar Nagar
- Mr. Sant Kumar Singh, Station Officer, Jalalpur Police Station, Jalalpur
- Mr. Awshaf Ali s/o Mr Abdul Wahid Sub-Inspector, Jalalpur police station, Jalalpur, Ambedkar Nagar
- Police personnel of Ambedkar Nagar

About the Human Rights Defenders:

Ms. Malti Rao (35), Ms. Krishna Rao (24), Ms. Vidhya (58), Ms. Permila (50), Mr. Ravi Rao (28), Ms. Leelawati (50), Ms. Sonpati (45) and other protestors of Ambedkar Nagar Uttar Pradesh.

Background of the Incident:

On November 06, 2022, black ink was put on the statue of Dr. Bhimrao Ambedkar installed in front of Haothi Mandir, Ambedkar nagar, by unknown miscreants. When the locals of Ambedkar Nagar saw the defacement of the statue, they started a protest demanding action against the culprits.

Details of the Incident:

On November 06, 2022, around 10 am a group of locals of Dalit community , mostly women, gathered at Akbarpur-Jalalpur road, Ambedkar Nagar and started a protest to act against the culprits who threw ink on the statue of Dr. Bhimrao Ambedkar.

Around 11:00 am Mr. Sant Kumar Singh, Station Officer, Jalalpur Police Station, Ambedkar Nagar reached the spot with some policemen. The locals demanded action against the culprits and a fair inquiry.

An argument started between police and protestors and according to the protestors the police started to lathi-charge the protestors.

In the video 15-20 male policemen are seen brutally beating 10-12 un-armed women protestors with lathis as well as hurling “casteist” abuses at them. One woman protestor falls down, while another’s hair is pulled by a policewoman, others are seen

running away while being beaten by sticks by policemen. A video of police lathi-charge on women went viral on social media. The video is as follows:

https://www.youtube.com/watch?v=xPTdw4HwTC8&ab_channel=TheQuint

The SP Ambedkar nagar, Mr. Amit Kumar Sinha, claimed that the women hurled stones at the police force forcing them to use 'mild force'. However, no woman protestor is seeing holding anything in their hands. The police also claimed that they had registered an FIR against the unknown persons who had defaced the statue of Dr Ambedkar and were trying to arrest the miscreants.

On 05 November 2022, at 05:30 pm an FIR **0329** was registered against 300 women and men (name unknown) by Sub-Inspector Mr. Awshaf Ali at Jalalpur police station, Jalalpur, Ambedkar Nagar under sections of IPC **147-Punishment for rioting, 188-Disobedience to order duly promulgated by public servant, 341-Punishment for wrongful restraint, 353-Assault or criminal force to deter public servant from discharge of his duty, 504-Intentional insult with intent to provoke breach of the peace. 506-Punishment for criminal intimidation.**

On 06 November, 2022 a second FIR (No. 0329) was registered at 05:30 pm against Mr. Mahesh, Mr. Raju, Mrs. Reeta, Mrs. Parmila, Mrs Sakla, Mrs. Anara, Mr. Shyam Kumar, Mr. Sandeep and Mr. Santosh Kumar by Mr. Dheeraj Barnawal, at Jalalpur police station, Jalalpur, Ambedkar Nagar under sections of IPC **147-Punishment for rioting, 323- Assault or criminal force to deter public servant from discharge of his duty, 327- Voluntarily causing hurt to extort property, or to constrain to an illegal act, 427-Mischief causing damage to the amount of fifty rupees, 506- Punishment for criminal intimidation.**

On 06, November 2022 at 04:00 pm a third FIR 0331 was registered against unknown women, by Mr. Mahendra Prasad a local, at Jalalpur police station, Ambedkar Nagar under sections of IPC **147- Punishment for rioting, 188- Disobedience to order duly promulgated by public servant, 341- Punishment for wrongful restraint, 342-Punishment for wrongful confinement, 332- Voluntarily causing hurt to deter public servant from his duty, 336- Act endangering life or personal safety of others, 353-Assault or criminal force to deter public servant from discharge of his duty, 427-Mischief causing damage to the amount of fifty rupees and section 7 of Criminal Law Amendment Act 1932.**

On November 6, 2022, Ms. Malti Rao 35, Ms. Krishna Rao 24, Ms. Vidhya 58, Ms. Permila 50 were arrested and sent to prison. On November 21, 2022, Ms. Sonpati (45), Mr. Ravi Rao (28) and Ms. Leelavati (50) was arrested. They were released on bail on December 13, 2022, after one month and eight days. We believe that the lathi-charge on a peaceful assembly by the police is arbitrary, illegal, and serious violation of constitutionally guaranteed right to life and peaceful assembly. The right to freedom of peaceful assembly is an essential right in a democracy and Article 19 (1) (b) of the Indian Constitution guarantees the right to peacefully assemble.

Article 21 of the Indian Constitution ensures to all its citizen right to life – a life to live without fear, intimidation, harassment, or mental torture. Unprovoked lathi-charge on unarmed protestors is a violation of the Articles 19 and 21 of the Indian Constitution. A peaceful assembly is protected under the Article 21 of the International Covenant on Civil and Political Rights (ICCPR).

According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, “states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders. The potential for violence is not an excuse to interfere with or disperse otherwise peaceful assemblies.”

We also believe that the multiple serious charges and jail term for the women protestors was an act of reprisal by the police. Furthermore, nobody has been arrested by the police for defacement of Dr. Ambedkar’s statue. The principle of proportionality applies in use of force during peaceful assemblies. A brutal lathi-charge by the police followed by serious criminal charges on the protestors is a violation of the principle of proportionality and non-adherence to standard operation protocols for management of assemblies.

Appeal:

We urge the Hon’ble Commission to take cognisance of the above case and urgently:

- Initiate an immediate, independent, thorough, transparent, effective, and impartial investigation by the investigation division of the Commission into the above-mentioned incident of lathi-charge on unarmed protestors and who gave the order for the lathi-charge and submit the report to the NHRC within two weeks.

- Direct the Director General of Police of Uttar Pradesh to immediately arrest the perpetrators who defaced the statue of Babasaheb and submit a written report to the NHRC within two weeks.
- Direct the Director General of Police of Uttar Pradesh to initiate urgent action against the policemen who hurled casteist abuses and assaulted the Dalit women protestors.
- Ensure Dalit women protestors are not arrested in act of further reprisal and face no further harassment and ensure that the Director General of Police of Uttar Pradesh gives this in writing to the NHRC.
- Direct the Chief Secretary of Uttar Pradesh to pay a compensation of Rs. 5 lakh to each of the Dalit HRDs for the physical and psychological harassment they and their family had to face.
- Ensure that social activists and human rights defenders in the state of Uttar Pradesh and elsewhere are allowed to carry out their genuine human rights work as per the fundamental rights enshrined in the Constitution.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary