



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

HRDA/North/UK/02/02/2023

February 22, 2023

To,
Mr. Indrajeet Kumar,
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 – Urgent Appeal for Action – Uttarakhand –Lathi charge and arrest of peaceful protestors protesting against recruitment scam in Dehradun by the Uttarakhand police.

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 police lathi charge and arrest of job aspirants who were peacefully protesting about the rigging of state government recruitment examinations in Uttarakhand.

Source of Information:

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

Date of Incident:

February 09, 2023

Place of Incident:

Gandhi Park, Dehradun, Uttarakhand

Perpetrators:

Police officials of Dehradun

About the Human Rights Defenders:

1. **Mr. Bobby Panwar**, president of Uttarakhand Berozgar Sangh, a union working for the unemployed and labourers.
2. **Mr. Ramesh Tomar**, protestor
3. **Mr. Amit Panwar**, protestor
4. **Mr. Sandeep Singh**, protestor
5. **Mr. Anil Kumar**, protestor
6. **Mr. Aman Chauhan**, protestor
7. **Mr. Shubahm Singh Negi**, protestor
8. **Mr. Lusun Todariya**, protestor
9. **Mr. Hariom Bhatt**, protestor
10. **Mr. Nitin Dutt**, protestor
11. **Mr. Ram Kandawal**, protestor

Background of the Incident:

During the past few months, there has been a lot of anger among job aspirants in Uttarakhand regarding cheating in government recruitment examinations in the state. Students across the state have repeatedly held street protests against cheating in state government recruitment examinations. Uttarakhand recently faced a major paper leak case in which several people who appeared in graduation-level examination using the leaked paper were arrested by the Uttarakhand Special Task Force (STF). After the Uttarakhand Subordinate Staff Selection Commission (UKSSSC) paper leak scam came into the public eye, 5 more government recruitment examinations for 770 posts were cancelled in September 2022.

Details of the Incident:

On February 08, 2023, a large number of job aspirants and members of the Berozgar Sangh Union, including Mr. Bobby Panwar, staged a peaceful sit-in protest at the Gandhi Park in Dehradun, demanding a CBI probe into irregularities in recruitment by the Uttarakhand Public Service Commission (UKPSC).

The protest was being held peacefully. While the protest was allowed to proceed during the day, in the evening, the Uttarakhand police brutally lathi-charged the students and forcefully removed them from Gandhi Park. The video of the police brutality in the middle of the night went viral on the internet.

(Video link attached here: <https://www.abplive.com/videos/states/dehradun-unemployed-youth-stage-protest-again-protesting-lathi-charge-on-youth-2330811>)

On February 09, 2023, around midnight Mr. Bobby Panwar and 12 other students were arrested and brought to Premnagar police station, after which they were taken to police station Jhajhra, Patelnagar and ISBT at night.

On February 09, 2023 at 06:30 pm Dehradun police registered a FIR against Mr. Bobby Panwar, Mr. Ramesh Tomar, Mr. Amit Panwar, Mr. Sandeep Singh, Mr. Anil Kumar, Mr. Aman Chauhan, Mr. Shubahm Singh Negi, Mr. Lusun Todariya, Mr. Hariom Bhatt, Mr. Nitin Dutt, and Mr. Ram Kandawal at Kotwali Thana, Dehradun. The FIR was registered under sections of Indian Penal Code **147-Punishment for rioting**, **186-Obstructing public servant in discharge of public functions**, **188-Disobedience to order duly promulgated by public servant**, **307-Attempt to murder**, **332-Voluntarily causing hurt to deter public servant from his duty**, **34-Acts done by several persons in furtherance of common intention**, **353-Assault or criminal force to deter public servant from discharge of his duty**, **427-Mischief causing damage to the amount of fifty rupees**.

The next day all of them got medico-legal check-up done at Prem Nagar Government Hospital and Coronation Hospital and were then sent to Sidhuwal jail, Dehradun.

On February 15, 2023 they all got bail from the district court and are out on bail now.

After the arrest of the job aspirants on February 09, state-wide protests and candlelight marches were held by protestors, demanding their release along with CBI to investigation in the rigging in examination for government jobs.

Various social organizations and human rights organizations have issued statements and protested against the police brutality on peaceful protests in Uttarakhand.

We believe that the lathi-charge on a peaceful assembly 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. We also believe that the lathi-charge on unarmed protestors, is a violation of international human rights laws. 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.”

The principle of proportionality applies in use of force during peaceful assemblies. A brutal lathi-charge by the police unprovoked by any physical violence, 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:

- Direct the Director General of Police of Uttarakhand to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident of lathi-charge and arrest of unarmed peaceful protestors within two weeks and submit a report to the honourable Commission.
- Based on the inquiry, order the DGP of Uttarakhand, to take immediate and strict action against all the policemen who were involved in violating the law and submit a report to the NHRC within two weeks.
- Direct the Director General of Police of Uttarakhand to quash the FIR against Mr. Bobby Panwar and other 12 protesting students who were protesting against irregularities in the examinations.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary