



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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November 01, 2022

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 – Haryana – Lathi-charge and arrest of unarmed and peaceful protestors in Hisar, Haryana by the Hisar 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 lathi-charge by the Hisar police on unarmed protestors assembled for a peaceful protest to demand an investigation into the death of a Dalit citizens.

Source of Information:

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

Date of Incident:

September 21, 2022

Place of Incident:

Hisar, Haryana

Perpetrators:

Police officials of Civil line police station, Hisar, Haryana

About the Human Rights Defenders:

Dalit NGOs and protestors, marching to demand an investigation into the death of

Mr. Vikram Kapdo. HRDs who were arrested were:

1. Bansiraj aka Harivansh (30 years)
2. Sunil (51 years)
3. Sindar (30 years)
4. Jogi (53 years)
5. Angrej (67 years)
6. Sundar (42 years)
7. Rajesh (43 years)
8. Chandar Singh (59 years)
9. Jasvinder (28 years)
10. Chhanga Ram

Background of the Incident:

On September 07, 2022, a Dalit man Mr. Vikram Kapdo died in an accident near the Kapdo village in Hisar, Haryana. The police called it an accident. However, Mr. Kapdo's family said that Mr. Kapdo was murdered and thrown on the road and started a protest demanding that his death be treated as a murder.

On September 08, 2022, Mr. Vikram Kapdo's family members started a peaceful protest in front of the office of the District Collector of Hisar. The protest dharna continued till September 21, 2022, and some Dalit activist organisations like Bhim army, Dalit Samaj and others also joined the demand for a fair investigation of the murder.

Details of the Incident:

On September 21, 2022, more than a 100, Dalit protestors including women protestors and Dalit activists started a peaceful protest march via the bus stand, main market, nagauri gate and were en route to the Deputy Commissioner (DC)'S office. According to the protestors, at 3 pm they were trying to submit a petition to the DC, but were brutally lathi charged at the gate of the mini-Secretariat and many protestors were injured. The police says that the protestors tried to forcibly enter the secretariat and pelted stones at the police in which 4 policemen were injured.

On September 21, 2022, at 9:30 pm, the Hisar police registered FIR No. 0575 at Hisar Civil Line police station under sections of IPC 114- (abettor present when offence is committed), 147-(Punishment for rioting), 149- (Every member of unlawful assembly guilty of offence committed in prosecution of common object), 186- (Obstructing public servant in discharge of public functions), 332- (Voluntarily causing hurt to deter public servant from his duty) and 353- (Assault or criminal force to deter public servant from discharge of his duty.) against 200 unknown protestors and arrested 10 of them from the protest site. Their MLC was then done at Civil hospital Hisar, and sent to judicial custody at Hisar jail. On October 10, 2022, 6 protestors were released on bail. And on October 12, 4 more protestors were released on bail.

Family and Dalit organizations say that the police are engaged in protecting the killers by taking their side and if fair interrogation is done by the police then the whole truth will come out.

It is our firm belief that the lathi-charge on peaceful assembly was 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.”

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:

- Quash the FIR against the Dalit protestors demanding a re-investigation into the murder of Mr. Vikram Kapdo.
- Direct the Director General of Police of Haryana to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident of lathi-charge on unarmed peaceful 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 Haryana to re-investigate the death of Mr. Vikram Kapdo and submit a written report to the NHRC within four weeks.
- Ensure that social activists and human rights defenders in the state of Haryana 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,



Henri Tiphagne
National Working Secretary