



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

July 09, 2021

To,
Mr. CS 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- Haryana: Unprovoked lathi-charge on peaceful assembly and illegal detention of WHRD Ms. Rajveer Kaur, HRD Mr. Ravinder Singh and others by Haryana Police.

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 concern regarding the unprovoked lathi-charge by the Haryana Police on unarmed people assembled peacefully for a protest at Ambedkar Park, Khori Village, Faridabad, Haryana. The brutal lathi-charge resulted in injuries to many peaceful protestors and illegal detention of at least 6 persons including HRDs and journalists.

Source of Information:

- Communication with the HRDA North Regional Consultant
- Communication with local HRDs in the area
- Communication with victims

Date and Time of Incident:

June 30, 2021

Place of Incident:

Ambedkar Park, Khori Village, Faridabad, Haryana

The Perpetrators:

- Police personnel of Surajkund police station, Faridabad, Haryana

About the Human Rights Defender:

- Ms. Rajveer Kaur is a PhD student at the Delhi University and a member of Bhagat Singh Chhatra Ekta Manch (BSCCEM). BSCCEM is an association of students and works on their issues and for social justice.
- Mr. Ravinder Singh is the President of BSCCEM and a student of law at the Delhi University.
- Mr. Sanjay Maurya is a member of Inqilab Mazdoor Kendra and works on labor issue.
- Mr. Sahil is a resident of Khori village.
- Mr. Satbir is a journalist associated with the Hindi Magazine Yarth Patrika.

Background of Incident:

On June 07, 2021, the Supreme Court ordered removal of all encroachments on the Aravalli Forest land, including the Khori village, located on the outskirts of Faridabad. It directed the Faridabad Municipal Corporation and Haryana Police to ensure compliance of the eviction order within 6 weeks.

About 10,000 houses are settled for the last 15-20 years in the Khori village of Faridabad. People of the Khori village demand adequate rehabilitation, transit camps, no eviction during the pandemic and being treated with respect by the government authorities before they are displaced from their houses. They also demand that Section 144 of CrPC be removed, electricity and water to be restored, cases against Khori residents quashed and door to door survey instead of the drone surveys.

To this end, there have been continuous peaceful and unarmed protests and demonstrations by the villagers and HRDs.

Details of the Incident:

On June 30, 2021, Khori village residents had called a Mahapanchayat at Ambedkar Park at 11:30 am. to discuss concerns against evacuation during the pandemic. However, in the morning, Faridabad Police had surrounded the Ambedkar Park and refused to allow the panchayat to take place. A crowd of people had assembled in front of the park to attend the meeting.

At around 11 am, the police without any physical provocation, started to lathi-charge the unarmed crowd gathered in front of the park, including women. The lathi-charge was brutal and many citizens were injured in this lathi charge, including women, journalists and HRDs.

According to the police as reported in the Indian Express, *“When people began to gather near the park, we told them Section 144 had been imposed and they could not assemble. They began arguing with us and became aggressive. Some people started pelting stones at personnel; we had no choice but to use mild force to control the situation. We have detained six people; they are being produced in court,”* said Sukhbir Singh, ACP (Badhkal).”

However, according to videos made by the protestors, the police initiated an unprovoked lathi charge on the unarmed protestors. HRDA is willing to share these videos with the Hon’ble Commission.

Mr. Ravinder Singh and Ms. Rajveer Kaur, both associated with the BSCEM, were also present with the villagers gathered in front of the park and demanded that police should let the meeting to take place. During the lathi-charge, the police beat Mr. Ravinder Singh, Ms. Rajveer Kaur and others brutally and forcefully detained them in different police jeeps. They were then taken to the Surajkund police station and detained there till 4 PM. They were not allowed to meet anyone at the Surajkund police station, nor were they allowed to eat and drink.

Around 04:00 pm, police took all of them for medico-legal examination to CBK Faridabad government hospital. Here they were examined in a very cursory manner by the doctors. According to Mr. Ravinder Singh, the medical was a mere formality as the doctor didn't even ask him to show his wounds. Mr. Ravinder has wounds on his shoulders, back and thighs from the lathis, Ms. Rajveer has wounds on her waist and thighs. After the medical examination, they were all taken to DCP Faridabad's office at 11 pm in the night, where they were asked to sign a bond paper. They were not allowed to read and then released without any charges.

We believe that the unprovoked lathi-charge on a peaceful assembly as well as detention of students and HRDs 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.

The DK Basu guidelines of arrest require the person detained or arrested must be made aware of his right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained. In case of Mr. Ravinder Singh and Ms Rajveer Kaur, no one was informed of their detention, no memos were given to them and they were forced to sign a bond paper without being allowed to read it, in total violation of the guidelines.

We also believe that the lathi-charge on unarmed protesters, 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."

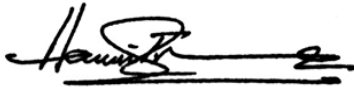
The principle of proportionality applies in use of force during peaceful assemblies. A brutal lathi-charge by the police unprovoked by any physical violence, is a violation of the principle of proportionality and non-adherence to standard operation protocols for management of assemblies.

Appeal:

We urge the Hon'ble Commission to urgently:

- 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 unprovoked lathi-charge on unarmed protestors and illegal detention of HRDs and assess compliance of the Faridabad Police to the standard operation protocols for management of assemblies.
- Following the inquiry, recommend strict actions against police officials who resorted to brutal lathi-charge to suppress the peaceful assembly.
- 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.

Yours sincerely,

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

Henri Tiphagne

National Working Secretary