



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: hrdaindia@gmail.com Web: www.hrdaindia.org

HRDA/UA/North/UP/02/12/2022

December 27, 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 – Uttar Pradesh –Lathi charge, firing and FIRs on protestors protesting against fee hike in Allahabad University.

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, firing and FIRs on the students and ex-students of Allahabad University who have been protesting against huge fee hike by the University by the Allahabad police.

Source of Information:

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

Date of Incident:

December 19, 2022

Place of Incident:

Allahabad, Uttar Pradesh

Perpetrators:

- Police officials of Allahabad
- Security guards of Allahabad University

About the Human Rights Defenders:

Mr. Vivekanand Pathak, Mr. Rahul Patel, Mr. Ajay Samrat, Mr. Abhishek Yadav, Mr. Navneet Singh, Mr. Harendra Yadav, Mr. Ayush Priyadarshi and Mr. Satyam Kushwaha--students and ex-students of Allahabad University who have continuously and peacefully protested against the fee hike by the University.

Background of the Incident:

In June 2022, the fee of Allahabad University's fee for under-graduate courses, was increased by 300%+. (from Rs 975 per year to Rs 4,151 per year). Since September 2022, Allahabad University students and student leaders have been protesting against the fee hike continuously, by protests, social media and even threatening self-harm, demanding that the fee hike be rolled back.

On December 18, 2022, a fierce clash took place between students protesting against the fee hike and the police. During this there was chaos in the university campus. Some of the agitating students had even announced self-harm by burying themselves. After that, the police started forcibly removing the students who were trying to take bhu-samadhi (land burial) during which there was a lot of clashes between the police and the students.

Details of the Incident:

On December 19, 2022, around 12:30pm Mr. Vivekanand Pathak, an ex-student of the university was going to the university campus bank in relation with his KYC.

Suddenly the security guard, Mr. Prabhakar Singh stopped him from entering the campus. When Mr. Pathak said that he was going for some work in the campus, they had an argument and the guard hit him with sticks and butt of a gun. This caused him to fall to the ground with his head bleeding. Seeing him falling on the ground, the students present there run to pick him up. Seeing this the guard started firing.

Mr. Ajeet Yadav, a student leader said that Mr. Pathak even called an employee of the bank and said to the guard that "if you do not believe then talk to an employee of the bank. At this, the guard threw the mobile and started abusing Mr. Pathak. Suddenly he attacked Pathak with the butt of his pistol. By the time we reached there, some more guards had come there and started firing on seeing the students. There must have been around 5-6

rounds of firing.". The students also alleged that they were trampled by boots. According to media reports, many vehicles were damaged in the violence that followed.

On December 20, 2022, at 03:17 pm an FIR 0682 was registered against Mr. Vivekanand Pathak, Mr. Rahul Patel, Mr. Ajay Samrat, Mr. Abhishek Yadav, Mr. Navneet Singh, Mr. Harendra Yadav, Mr. Ayush Priyadarshi and Mr. Satyam Kushwaha by Mr. Prabhakar Singh, security guard of Allahabad University at Colonelganj police station, Prayagraj.

The FIR was registered under sections of IPC 147- Punishment for rioting, 323- Punishment for voluntarily causing hurt, 336- Act endangering life or personal safety of others, 427- Mischief causing damage to the amount of fifty rupees, 435- Mischief by fire or explosive substance with intent to cause damage., 504- Intentional insult with intent to provoke breach of the peace and 392- Punishment for robbery. The FIR stated that student leader Mr. Vivekananda slapped the guard, snatched the mobile and other students together beat the guards and vandalized the collage.

Another FIR was registered was registered against 43 security guards at the Colonelganj Police Station on a complaint by Mr. Vivekanand Pathak.

We believe that the brutal lathi charge, the firing by security guards as well as the FIRs against those protesting the fee hike since the last few months is an act of reprisal for their protests by the University administration. The students were beaten with lathis and fired upon by the campus security with FIRs against them.

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.

We believe that the lathi-charge on a peaceful assembly 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 protesters is a violation of the Articles 19 and 21 of the Indian Constitution.

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 and firing upon students and ex-students for entering campus is not an act of proportionality.

Appeal:

We urge the Hon'ble Commission to urgently:

- Direct the Director General of Police of Uttar Pradesh to quash all the FIRs against students and ex-students involved in fee hike protests and submit the report to the NHRC within four weeks.
- Direct the Director General of Police of Uttar Pradesh to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident of lathi-charge, firing on student leaders and protestors protesting against the fee hike in Allahabad University and submit the report to the NHRC within four weeks.
- Based on the investigation, take urgent action against the police personell involved in lathi charge.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary