



# 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/NHRC-SM/North/HR/35/02/2024**

February 28, 2024

To

Justice (retd.) Mr. AK Mishra, Chairperson,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi –110 023  
Email: [chairnhrc@nic.in](mailto:chairnhrc@nic.in)

Respected Justice Mishra,

**Subject: Requesting to initiate Suo Motto proceedings in case of repeated internet shut down in state of Haryana by the Haryana Government.**

We are writing to you to bring to your attention that the Haryana government has announced an internet suspension in parts of Ambala till the end of February because of the ongoing farmers' protest.

Mobile internet and bulk SMS services were first suspended in Ambala, Kurukshetra, Kaithal, Jind, Hisar, Fatehabad and Sirsa on February 11 with repeated suspensions and internet has been shut down in more than 7 districts more than a week.

It should be noted that Indian farmers have been on peaceful Dilli Chalo protest since 13 February 2024. These farmers are protesting and marching towards Delhi with their tractor trolleys to demand the government's guarantee on assured floor prices or Minimum Support Price (MSP) for crop production.

This incident has been widely reported in the media and a link is shared here for your reference-

<https://www.livemint.com/news/india/internet-suspended-in-parts-of-haryana-on-february-28-29-amid-farmers-protest-11709037496538.html>

Due to the farmers' march to Delhi, Haryana government has issued orders to shut down the internet 5 times. Internet shutdown was initially announced for three days, which was extended till 12 midnight of February 15, 2024. After this it was extended till 12 midnight of February 19, 2024. After this it was extended till 12 midnight on February 20, 2024. After this it was again extended till 12 midnight of February 23,

2024. Section 144 of the Criminal Procedure Code (*authorises the Executive Magistrate of any state or territory to issue an order to prohibit the assembly of four or more people in an area*) has been imposed in 15 districts of Haryana.

We believe that the state government is using this internet shutdown as a weapon to prevent the spread of any information that is against the government or shows the brutality of the administration. Internet is related to freedom of speech and expression. It also realizes many fundamental rights. Because today in this digital era, people use it for their daily work including Ration, card transactions, online transactions, talking to their relatives or family, managing healthcare and many other activities which are necessary.

We believe this Internet shutdown is an act of reprisal against the protestors. In January 2020 *the Supreme Court by ruling on the Jammu and Kashmir Internet shutdown held that indefinite internet shutdowns by the State is not permissible under the Indian Constitution and it is an abuse of power.*

*The apex Court further stated that imposition of Section 144 cannot be used as a mechanism to avoid genuine protest which is permitted under the Constitution. Section 144 has very specific parameters, only if those parameters are satisfied then only a Magistrate can pass the orders.*

This amounts to a violation of a host of rights, which includes the right to life, the right to protest and the suppression of freedom of speech and expression.

The Right to protest is recognized under several international instruments, including:

- The International Covenant on Economic, Social and Cultural Rights (Article 8),
- Article 5 (a) of the Declaration on Human Rights Defenders 1998 states that “For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others to meet or assemble peacefully”.

The Right to protest is an essential element of the right to participate in any democratic dispensation, and restrictions imposed on this right must be closely scrutinized with respect to their necessity and reasonableness (A/61/312, para. 56)

The United Nations Declaration on Human Rights Defenders 1999 states the following:

Article 12 (2) and (3) "The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."

Article 9 (1): "In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights".

We urgently appeal to you to exercise Section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019, and take *Suo moto* cognizance of this incident and initiate an independent inquiry through NHRC's investigation wing.

We hope and expect that the NHRC will intervene in this case impartially and in a time bound manner.

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary