



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 17, 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 – Punjab – Lathi-charge, force used to deny peaceful assembly on teachers and students of Punjab 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 unprovoked lathi-charge by the Punjab Police on unarmed students who had assembled peacefully for a protest and a march at Mohali-Chandigarh. The lathi-charge resulted in injuries to many peaceful protestors.

Source of Information:

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

Date of Incident:

June 09, 2022

Place of Incident:

Chandigarh

Perpetrators:

Police officials of Punjab.

About the Human Rights Defenders:

A group of teachers of Punjab university, nine student organizations and around thousand students who were protesting centralization of Punjab University.

Background of the incident:

In May 2022, the Punjab and Haryana high court ordered the central government to consider converting Punjab University into a central University, which evoked strong opposition from student organisations.

Details of the Incident:

On June 09, 2022, around 12:00 pm a group of students, teachers and nine student organizations (*Students for Society (SFS)*, *Democratic Students' Organisation (DSO)*, *Punjab Radical Students' Union (PRSU)*, *Punjab Student Union (PSU)*, *PSU (Lalkaar)*, *Punjab Student Union (PSU) (Shaheed Randhawa)*, *Student Federation of India (SFI)*, *All India Students' Federation (AISF)*, *All India Students' Association (AISA)*, and *Punjab Student Federation (PSF)*) gathered at Amb Sahib Gurdwara, Mohali, where student leaders addressed the protesters.

At 2 pm, they started a march from Mohali towards the Governor House and the house of the Chief Minister of Punjab against the centralization of Punjab University. When they entered the Chandigarh border, a large contingent of Punjab Police tried to stop them at the YPS roundabout and lathi-charged them without any provocation. Several students were injured in the lathi charge.

After the lathi charge, senior policemen started a dialogue with the students and the officer on special duty (OSD) to the chief minister reached out to the protesting student leaders and called the nine representatives for a meeting at CM's residence.

A student said that some students were injured while crossing the barricades and others were injured during the lathi-charge. He also said that they submitted a report to police officials for a meeting with a representative of the Punjab chief minister.

Mr. Sukhnaz Singh, Deputy Commissioner of Police, Chandigarh city said that there was no lathi-charge and the police only stopped the students from entering Chandigarh.

We believe that a lathi-charge on a peaceful assembly is arbitrary, illegal, and a serious violation of constitutionally guaranteed right peaceful assembly which is enshrined in the Article 19 (1) (b) of the Indian Constitution. 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.

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 take cognisance of the above case and urgently:

- Direct the Director General of Police of Punjab to initiate an immediate, independent, thorough, transparent, and impartial investigation into the above-mentioned incident of lathi-charge on unarmed peaceful protestors and assess compliance of the Punjab police to the standard operation protocols for management of assemblies and submit a report to the NHRC within two weeks.
- Based on the inquiry, order the DGP of Punjab, to take immediate and strict action against all the policemen who were involved in violating the law and submit a report to the NHRC.
- Ensure that social activists and human rights defenders in the state of Punjab 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,

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

Henri Tiphagne
National Working Secretary