



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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December 10, 2021

To,
Mr. C.S Mawri,
HRD Focal Point
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: Brutal lathi-charge on protestors for holding peaceful protests, misuse of law and use of force to deny peaceful assembly by the 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 brutal lathi-charge by the Uttar Pradesh police on unarmed people assembled peacefully for a protest and candlelight march at Lucknow along with multiple incidents of illegal detention.

Source of Information:

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

Date of Incident:

- December 02, 2021
- December 04, 2021

Place of Incident:

Lucknow, Uttar Pradesh

Perpetrators:

- Police officials of Lucknow.

About the Human Rights Defenders:

- Teachers, students and activists who were protesting for jobs at Lucknow.

- Mr. Naushad Raza, student activist, part of the peaceful protest.
- Ms. Chanda Yadav, student activist, part of the peaceful protest.

Details of the Incident:

On December 02, 2021, some students, activists and teachers in Lucknow were organising a peaceful protest near the Gandhi Statue in Lucknow, demanding jobs. The police stopped the protest and detained the protestors from 10 am to 6 pm at the Eco Park. The police officials also abused and manhandled various protestors including a student protestor Ms. Chanda Yadav, while they were detained. The police also illegally snatched the expensive camera of a student HRD Mr. Naushad Raza who was taking pictures of the entire incident. The HRD alleges that the camera was given back to him two days later, fully reformatted and with all protest pictures deleted.

On December 04, 2021, a group of teachers were taking out a peaceful candle march towards a junction near the residence of Chief Minister in central Lucknow. They were protesting against rigging in 2019 Uttar Pradesh Teachers' Entrance Test by recruiting 69,000 assistant teachers.

While they were peacefully taking out the candlelight march, the Lucknow police lathi-charged them brutally to break the protest. A video of the incident was shared on the social media showing the police beating up the peaceful protestors people and chasing them as they run away. (The video of the lathi charge is at the following link: <https://youtu.be/QMmWN-J7uTk>). The brutal lathi-charge resulted in injuries to many peaceful protestors.

We believe that the brutal lathi-charge on a peaceful assembly is arbitrary, illegal, and a serious violation of constitutionally guaranteed right to peaceful assemble. 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 as well as 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.

It is clearly visible from the pictures and videos that the law was not followed by the police and administration. 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 cognizance of the above case and urgently:

- 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 brutal lathi-charge on unarmed peaceful protestors, illegal detention of HRDs and assess compliance of the Lucknow Police to the standard operation protocols for management of assemblies and submit a report to the NHRC within two weeks.
- Based on the investigation, direct the Director General of Police of Uttar Pradesh, to take immediate and strict action against all the policemen who were involved in violating the law.
- Ensure that social activists and human rights defenders in the state of Uttar Pradesh and elsewhere are allowed to carry out their genuine human rights work as per the fundamental rights enshrined in the Constitution.

Looking forward to your immediate action in this regard.

Yours Sincerely,



Henri Tiphagne
National Working Secretary