



## HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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August 31, 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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Haryana: Brutal lathi-charge, disproportionate use of force by police and administration on peacefully protesting farmers, resulting in the death of an HRD at Karnal, Haryana.**

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 deep concern regarding the brutal lathi-charge by the Haryana Police on unarmed farmers assembled peacefully for a protest at Karnal Toll Plaza, Karnal, Haryana. The brutal lathi-charge resulted in injuries to many peaceful protestors and one of the protestors, Mr. Sushil Kajal, died. The lathi charge was allegedly pre-determined by the SDM who asked the policemen to crack the skulls of any peaceful protestors who tried to pass them.

**Source of Information:**

- Information from HRDA North Regional Consultant
- Media Reports

**Date of Incident:**

August 28, 2021

**Place of Incident:**

Bastara Toll Plaza, Karnal, Haryana

**Perpetrators:**

- Mr. Ayush Sinha, Sub-Divisional Magistrate, Karnal
- Police personnel of Haryana Police

**About the Human Rights Defenders:**

- Mr. Sushil Kajal, an HRD and farmer from village Rayepur Jattan, Haryana. He was consistently protesting the three farm laws for the last nine months. Mr. Sushil was injured in police lathi charge at the Karnal toll plaza, and he died in the night.
- Haryana farmer groups who were protesting at the Karnal Toll Plaza against the three farm laws.

#### **Details of the Incident:**

On August 28, 2021, the Bhartiya Janata Party (BJP) - the ruling party in Haryana – had a meeting regarding local elections in Karnal, Haryana. The Haryana Chief Minister Mr. Manohar Lal Khattar and BJP state president Mr. O.P. Dhankhar were also present in the said meeting.

The Haryana Bhartiya Kisan Union (Chaduni) decided to hold a peaceful protest against the BJP leaders as a part of their ongoing agitation against the farm laws. They had assembled at Bastara toll plaza, about 15 km from the hotel hosting the said meeting. The farmers shouted slogans in protest and showed black flags to the vehicles of BJP leaders. The Haryana police barricaded all roads leading to the BJP meeting venue in Karnal and declared the peaceful protest unlawful citing section 144.

About 12 noon, without any provocation, the police suddenly started brutal lathi charge on the farmers. About 8-10 farmers were severely injured according to the eyewitnesses. Though the police said they used only mild force, social media videos showed brutal injuries borne by old and unarmed farmers. Mr. Sushil Kajal, a protester who was severely injured in the lathi charge, died in the night of August 28, 2021.

However, the Superintendent of Police of Karnal, Mr. Ganga Ram Punia, said that the reports of his death due to injuries sustained during the force used by the police are false. *“He did not go to any hospital. He went home in stable condition and died in his sleep. Some people are saying that he died of a heart attack. If the claims were true, the family members of the deceased farmer would have come to report to the police. We have not received any such information. There is no connection between these two incidents.”*

Shockingly, a video on social media also shows Mr. Ayush Sinha, SDM Karnal instructing the policemen before the protest, to crack the head of any protestor who tries to get past them. *“Do not hesitate to break their heads, do not have any doubts.”* and then SDM Mr. Ayush asks the policemen, *“will you break their heads?”* In response the cops say, *“yes”*.

The brutal use of force against peacefully protesting farmers, violative of standard operating procedures, by the Haryana Police has drawn severe criticism. The Sanyukt Kisan Morcha and many kisan leaders have demanded SDM Mr. Sinha's dismissal.

We are shocked at the brutal lathi-charge on a peaceful protest and consider it 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.

We also believe that the lathi-charge on unarmed protestors, 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 all police actions must be governed by the rules in management of 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.

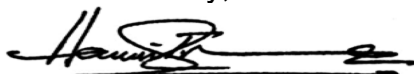
The video of the instructions of the SDM and the pictures and videos of the injured farmers shocks us that the law was not followed by the police and administration, but brutality has been adopted towards peaceful citizens of India. A public servant ordering the police to break heads of peaceful protestors is a shocking misuse of official power and needs strict action against the public servant.

**Appeal:**

We urge the Hon’ble Commission to take cognisance of the above case and urgently:

- Direct its investigation wing to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident of brutal lathi-charge on unarmed peaceful protestors, resulting in the death of Mr. Sushil Kajal, and submit the report within two weeks.
- Given the prima facie evidence against the SDM Mr. Ayush Sinha, direct the Chief Secretary of Haryana to suspend Mr. Sinha till the completion of the NHRC inquiry, for misusing his powers and his orders to use brutal violence against peaceful protest of unarmed citizens.
- Based on the inquiry, direct the Director General of Police of Haryana, to take immediate and strict action against all the policemen who were involved in violating the law and submit a report to the NHRC.
- Recommend at present an interim compensation to the family of Mr. Sushil Kajal.

Yours Sincerely,



**Henri Tiphagne**

National Working Secretary