



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/North/DL/04/01/2023

January 17, 2023

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 – Delhi – Lathi-charge, force used to deny peaceful assembly of students in Delhi.

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 lathi-charge by the Delhi Police on unarmed students assembled peacefully for a protest and a candle march at Rajendra Nagar, Delhi. The lathi-charge resulted in injuries to many peaceful protestors.

Source of Information:

- Information from HRDA North Regional Consultant
- Media Reports

Date of Incident:

December 20, 2022

Place of Incident:

Rajendra Nagar, Delhi

Perpetrators:

Police officials of Delhi.

About the Human Rights Defenders:

A group of students who were aspirants for the UPSC examination.

Background of the Incident:

Since December 19, 2022, student aspirants for the UPSC exams have been protesting in Delhi, demanding an additional attempt to appear in the civil services exam given the unprecedented times of Covid-19 in 2020 and 2021 as many students either lost a parent or both to Covid or themselves suffered from the COVID. They also argued that the aspirants of SSC and Agniveer were given extra attempts due to the pandemic but the government has neglected those who have been preparing for UPSC.

Details of the Incident:

On December 19 and 20, 2022, a protest was planned by the students from 02:00 PM to 09:00 PM at Old Rajendra Nagar in Delhi. Mr. Gaurav Thakur, the moderator of the protest, claimed that the protesting candidates had sought permission from the local police and had informed them in advance about the dates and hours of their protest.

On December 19th about 50-60 students assembled and were peacefully protesting with posters and banners at the decided venue. On December 20, they continued their protest at the same manner.

On December 20, 2022, around at 10:30 pm, suddenly the police came and forcibly removed them from there. Many student protestors were taken into custody released after some time. The students said that "we had full support from the police on the first day of the protest but on the second day they did not allow us to raise slogans. The entire protest was being conducted peacefully until the Delhi Police tried to forcibly clear the protest site by beating up the students."

On December 21, 2022, Delhi Police released a statement saying that the group had applied for NOC/permission to protest but it was rejected.

Ms. Shweta Chauhan, Deputy commissioner of police Central district, Delhi said that the group became aggressive and started raising slogans the Department of Personnel & Training. Despite repeated attempts to assuage the protesters, they continued to protest. They arranged mattresses and started protesting in the presence of the media. Subsequently, additional personnel were called and the protesters, including women, were removed from the protest site. Around 40 protesters were detained at Police Station Rajendra Nagar and later released.

We believe that a lathi-charge on a peaceful assembly is 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 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 Commissioner of Police of Delhi to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into

the above-mentioned incident of lathi-charge on unarmed peaceful protestors and the police personnel who ordered the lathi charge on a peaceful assembly and submit a report to the NHRC within two weeks.

- Based on the inquiry, order the Commissioner of Police, Delhi, to take immediate and strict action against all the policemen who were involved and submit a report to the NHRC within four weeks.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary