



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/South/AP/04/01/2024

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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

Respected Justice Mishra,

Subject: Requesting to initiate suo moto proceedings in the case of detention of Anganwadi protestors at Vijayawada on January 3, 2024

We are writing to you to bring to your kind attention that on January 03, 2024, Andhra Pradesh Anganwadi workers and helpers union members tried to protest before the collector's office in NTR district, Vijayawada. The Vijayawada police prevented the protestors from entering the road. They forcefully shifted some of the protestors to Gandhinagar Dharna Chowk and detained a few protestors, including CH Babu Rao and other union leaders. The police stated that the arrest was a preventive measure to restrict the gathering of the Anganwadi protestors.

More than one lakh Anganwadi workers and helpers have been agitating for the last 24 days, demanding the resolution of their long-standing issues. Their protest led to the closure of 55,600 Anganwadi centres across the state. On January 02, 2024, the government of Andhra Pradesh issued a warning to take departmental action against the protestors.

Aggrieved by this, on January 03, 2024, Anganwadi workers staged a protest in front of collectorates across the state of Andhra Pradesh.

On January 06, 2024, the Andhra Pradesh state government brought the Anganwadi workers and helpers under the Essential Service and Maintenance Act, 1971, which prohibits the strike of workers and forces them to join their duties.

The incident has been reported widely in the media and a link is shared here for your reference - [Anganwadi workers taken into preventive custody during protest at Collectorate in Vijayawada - The Hindu](#)

Media reference to this incident is shared for your reference - [AP brings Anganwadi workers under essential services act- The New Indian Express](#)

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)

Human rights defenders play a pivotal role in ensuring that protest and criticism are expressed in a peaceful and constructive manner. States should legitimize and empower human rights defenders in this role and encourage defenders to take full ownership of this role (A/62/225, para. 102).

Women defenders often face more risks when participating in collective public action because of perceptions of the traditional role of women in some societies, and they become targets of non-state actors (A/61/312, para. 72)

States must Investigate and prosecute instances of gender-based violence against women defenders occurring during demonstrations as a matter of priority. It is important to give no-tolerance signals on gender-based violence (A/62/225, para. 101 (a)).

We believe that the use of force and detention of the Anganwadi workers is a act of reprisal against their protest for right to protest.

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,



(Henri Tiphagne)

National Working Secretary