



## Human Rights Defenders Alert – India

National Coordination Office

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**Shri A. K. Parashar,**  
National Focal Point - Human Rights Defenders, National  
Human Rights Commission,  
Manav Adhikar Bhawan, Block-C,  
GPO Complex, INA, New Delhi – 110 023  
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Dear Sir,

**Sub: HRD Alert - India - Urgent Appeal for Action – Delhi: Brutal lathi-charge and ill treatment of the 'Occupy UGC' protesters mainly students and women protestors in Delhi by Delhi police/denying their rights to freedom of peaceful assembly and association to register their protest before the office of the University Grants Commission in Delhi – Regarding**

**Greetings from Human Rights Defenders Alert - India!**

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 now writing to express our grave concern over the brutal lathi-charge on the 'Occupy UGC' protesters mainly students and women protestors in Delhi by Delhi police who were peacefully protesting the revocation/review of the UGC non-NET fellowship outside the office premise of University Grants Commission in New Delhi.

In the police action against peacefully agitating unarmed students were "brutally beaten and dragged" and around 100 students were detained by the police. This is the second incident in the same week of the police brutality meted out against the student protesters.

**Status of Human Rights Defender:**

The defenders are young students including women student protesters from the most reputed universities of India - Jawaharlal Nehru University, New Delhi, University of Delhi, Delhi, Ambedkar University, New Delhi, Jamia Millia Islamia University, New Delhi and students from student organizations such as All India Students' Association (AISA), Student Federation of India, (SFI) and others.

**Date of incident:**

27 October 2015

**Place of incident:**

University Grants Commission (UGC), Bhadur Shah Zafar Marg, New Delhi

**Source of Information on the Incident:**

Regional Coordinator for HRDA, North

**The Perpetrators:**

Delhi Police

**Incident detail:**

According to the sources, on 27 October 2015, student protesters were holding a protest outside University Grants Commission's (UGC) office when suddenly over a 100 police personnel from Delhi Police brutally lathi-charged them to disperse them and suppress the agitation. The incident occurred around 6 PM when the students tried to enter the UGC office to meet the officials.

Around 15 students were injured severely and taken to hospital, including Jawaharlal National University's Student Union's (JNUSU) president Kanhaiya Kumar. The intimidation did not stop there itself, but continued inside the bus harbouring protesting students, disobeying all constitutional laws. Women students were beaten up by male police officials, and individually harassed inside the bus. This is a second such incident in one week, where police have used force to shut down the protesters, the police had also lathi-charged these protesters for the same cause on 23 October 2015.

The students have been agitating through a protest called 'Occupy UGC' against the scrapping of non-National Eligibility Test fellowships by the UGC. These fellowships are allowing approximately 35,000 students to pursue their M.Phil and PhD programmes in central universities across the country. These fellowships, which are not based on the National Eligibility Test, the exam that qualifies candidates to be lecturers, give researchers Rs 5,000-Rs 8,000 each month with some contingency grants.

The students are protesting from the moment when UGC took the decision of discontinuing the non-NET fellowship in their last meeting on 21 October 2015. They have been campaigning vigorously on various campuses, and have also raised the demand for extending the fellowship to all state universities. Their demands also include that the fellowships be continued without any conditions and the stipends be linked to prevailing inflation rates.

According to the students present at the site, they were brutally beaten, dragged and mishandled by the police. Around 40 students were put into vans and taken to Kamla Market Police Station.

**Appeal:**

We, therefore urge you to immediately take necessary steps and -

- Orders an immediate, thorough, transparent, effective, independent and impartial investigation into the above-mentioned incident of brutal beating of student human rights defenders by Delhi Police;
- Takes immediate legal action on the perpetrators in this case personnel of Delhi police for the brutal assault and denial of the right to assemble and associate freely to all the student human rights defenders who participated in the peaceful assembly and protest;
- Ensures provision of reparation, compensation, apology to each of the defenders for the physical and psychological sufferings they underwent because of the use of brutal force and ill - treatment and provide a re- assurance of not engaging in such acts against student HRDs;
- Puts an end to all acts of harassment against all human rights defenders in general in Delhi to ensure that in all circumstances they carry out their activities without any hindrances;
- Take steps to ensure the provisions contained in the Code of Conduct for Police In India under Sec 4 which says, 'In securing the observance of law or in maintaining order, the police should as far as practicable, use the methods of persuasion, advice and warning. When the application of force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used.' The provisions should also be ensured in conformity with Art
- 4 and 5 of the UN Basic Principles on the use of force and firearms. Take steps to ensure the provisions contained in the Human Rights Council resolution 15/21 adopted in October 2010 which reaffirms that everyone has the rights to freedom of peaceful assembly and of association free of restrictions that is subject only to the limitations permitted by international law, in particular international human rights law;
- Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
  - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
  - Article 12.2, which provides that "the State shall take all necessary measures to

ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Delhi to be established and then to also take necessary steps to establish a focal point for HRDs in Delhi in order that HRDs in Delhi have a new protection mechanism for them;
- Recommend urgently and speedily during the pendency of this complaint, the SHRC in Delhi to be established and then to convene a meeting of all state level human rights institutions in Delhi [women, minorities, right to information, disability, children etc] to ensure that a co-ordinated strategy is developed within Delhi for the protection of the rights of human rights defenders;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi in collaboration with the NHRC Focal Point on HRDs to provide sensitization training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, “individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in Delhi.

Looking forward to your immediate action in this regard,

Yours sincerely,



*(Henri Tiphagne)*

Honorary National Working Secretary