



Human Rights Defenders Alert – India

National Coordination Office

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18th April, 2016

To

Shri A. K. Parashar

National Focal Point - Human Rights Defenders & Joint 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 - India - Urgent Appeal for Action – Delhi: Arbitrary arrest, detention, inhuman, cruel treatment amounting to torture in police custody of four social activists of Naujawan Bharat Sabha (NBS) a grassroots human rights defender organisation in north east Delhi, by the police personnel of Karawal Nagar police station, for highlighting police atrocities perpetuated on students and parents of a local government school on April 4, 2016 in New Delhi and denying NBS their rights to free expression, association and protest – Regarding

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a forum of Human Rights Defenders for Human Rights Defenders. It endeavors to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are writing to express our grave concern over the arbitrary arrest, detention, inhuman, cruel treatment amounting to torture in police custody of four social activists and human rights defenders of Naujawan Bharat Sabha (NBS) (Youth India Association) a grassroots human rights defender organisation in north east Delhi by the police personnel of Karawal Nagar police station, northeast Delhi, on April 4, 2016. The NBS activists and human rights defenders were brutally beaten and meted out cruel and degrading treatment in police custody for raising their voice against

police brutality committed on the students and parents of a local government school after their examination results were declared.

Status of the Human Rights Defenders

The four social activists and human rights defenders belong to NBS, a grassroots youth organisation which follows the ideals of great Indian freedom fighters and martyrs like Bhagat Singh, Sukhdev and Rajguru. The aim of Naujawan Bharat Sabha is to unite the scattered youth movement of the country based on the understanding of correct orientation and to carry it forward as an integral part of the anti-imperial struggle of the masses. NBS also envisages eradication of social ills like casteism, communalism, etc. from society. NBS is committed to carry forward the legacy of the great Indian revolutionaries and have been continuously waging struggle against the hateful propaganda of communal groups. The NBS has been active in several parts of north and north east Delhi. NBS has been consistently exposing the Hindu right wing fascist propaganda amongst the common people. The grass root activities of the NBS include mobilising local communities through popularising history and spreading the message of unity that the great Indian revolutionaries have left behind and prevent people from getting swayed by the fascist communal propaganda of dividing people against religious lines. Precisely because of its grass root work, NBS members have been frequently targeted by the state authorities and non-state actors.

Source of Information on the Incident:

- Media Reports

The Perpetrators:

Mr. Naredra Chawla, Assistant Commissioner of Police, Karawal Nagar, northeast Delhi

Mr. J. S. Mehta, SHO, Karawal Nagar Police station, northeast Delhi

Other police personnel from Karawal Nagar Police station, northeast Delhi

Date of Incident

April 4, 2016

Place of Incident

NBS office at Karawal Nagar, northeast Delhi

Karawal Nagar Police station, northeast Delhi

Details of the Incident

According to sources, on April 4, 2016, NBS got a phone call from Karawal Nagar police station, northeast Delhi. The caller police official threatened the member of NBS for leading a campaign against police atrocities perpetuated on the girl students including their parents of a local Government school in Karawal Nagar, north east Delhi after the declaration of the results on April 1, 2016. The phone call was received by Mr. Yogesh, coordinator of NBS at their office in Karawal Nagar, northeast Delhi. The police official also threatened the NBS member for circulating a pamphlet about the incident highlighting irregularities in local school administration and police excesses and warned NBS with dire consequences for their alleged illegal activities such as calling a meeting of parents, concerned citizens for protest and distributing pamphlets. NBS members were asked to come to Karawal Nagar police station to report. Since NBS members were having a meeting so they replied they could come only after finishing the meeting.

According to sources, around 6.45 p.m. in the evening 2 police vans carrying 15 to 16 police personnel came to Karawal Nagar NBS office and forcibly entered into the room and indiscriminately started beating all those present at the office at that moment. There were 4 NBS members and one outsider present at that time. All unarmed and peaceful NBS members including other person were beaten severely and mercilessly by the police personnel. According to sources no police men was wearing a batch or name tag. It clearly indicates that the police acted with the mala fide intention to cause physical harm and also avoid due process of law. The police confiscated their laptops and pend drive to intimidate the NBS activists. At around 7 p.m. all four members of NBS namely Mr. Yogesh, Mr. Sachin, Mr. Rahul and Mr. Rakesh were bundled into the police van and continued to be beaten inside till they reached the Karawal Nagar police station in northeast Delhi. Out of four persons three were kept in a lock up and Mr. Sachin, a class XII student was kept outside as he was suffering from fever due to Malaria. All three others were again beaten inside the lock up and subjected to cruel, inhuman treatment amounting to torture. Mr.

Sachin was also beaten outside till he fell down on the ground. Fearing a case of possible custodial death, the police let Mr. Sachin leave the police station after 8.15 p.m. All three other arrested NBS members were intermittently beaten and subjected to cruel, inhuman treatment amounting to torture. They were repeatedly threatened to be booked under draconian sedition law. Hearing the news of their arrests NBS lawyers and other supporters like parents of school students reached the police station and stayed there till 11 p.m. in the night demanding their release. They were also threatened by the police with dire consequences. Seeing the public pressure all three NBS members were released from police custody after 11.30 p.m. The Karawal Nagar police have not filed any case against the NBS members.

Background Information

On April 1, 2016 the results of class 9th and 11th were published for the girls shift in the Government school in New Sabhapur, Karawal Nagar, north east Delhi. More than 80% of the students had failed in the exams. After the result has been displayed on the board at school, the distressed students rushed to the teachers and principal. The students asked the principal to look into the matter and asked for re-evaluation of the exam papers. But instead of listening to the students the principal called the police which upon reaching the school premises charged on the female students that had gathered there. As the news of the police beating and manhandling the female students reached to the parents and the guardians of the students they also rushed to the school. When the parents intervened the police instead of listening to them beat them as well. The police arrested a few female students along with their parents and took them to the police station. The students were beaten inside the van, abuses were hurled at them while on the way to the police station. The police threatened the students and their parents with false charges and severely beat them.

The next day the activists of NBS went to the police station and asked for their release. An initially reluctant police had to grant bail to the arrested parents as they lacked any evidence against them after the activists of NBS mounted pressure at them. The activists after getting the arrested released distributed a pamphlet in Karawal Nagar urging the students and their parents to organize a public meeting on April 3 to discuss the further course of action. On April 4, the activists distributed a

pamphlet outside the school and in the neighbourhood urging the citizens to intervene in the matter so that the future education of the girls is not hindered.

Appeal:

We, therefore urge you to immediately take necessary steps and ensure that this Hon'ble Commission to urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arbitrary arrest, inhuman, cruel treatment amounting to torture in police custody of four social activists and human rights defenders of Naujawan Bharat Sabha (NBS);
- Takes immediate legal action on the perpetrators in this case the police officials of Karawal Nagar Police station, northeast Delhi for physical assault, cruel, inhuman treatment amounting to torture of four social activists and human rights defenders of Naujawan Bharat Sabha (NBS) and using all provisions of law to ensure that the defenders are not harassed, ill-treated or implicated in false cases in future;
- Takes immediate legal action on account of flagrant violation of the specific guidelines related to making arrests as laid down by the Hon'ble Supreme Court of India in the Case of D.K.Basu Vs State of West Bengal (1997) which clearly say, "the police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle interrogation of the arrestee must be recorded in a register";
- Guarantees in all circumstances the physical and psychological integrity of four social activists and human rights defenders of Naujawan Bharat Sabha (NBS) as they continue to be under risk of further harassment by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensures provision of reparation, compensation, apology to the defenders for the psychological sufferings they have undergone because of the harassment, cruel and ill-treatment and provide a re-assurance of not engaging in such acts against HRDs;

- Ensures to protect the right to life and personal liberty guaranteed under Article 21 of the Indian Constitution;
- Puts an end to all acts of harassment against all human rights defenders in Delhi to ensure that in all circumstances they carry out their activities as defenders of rights without any hindrances;
- Conforms 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”;
- Recommends urgently and speedily during the pendency of this complaint, the SHRC Delhi to also take necessary steps to establish a focal point for HRDs in Delhi in order to ensure that HRDs have a new protection mechanism for them;
- Recommends urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs, etc.] to ensure that a coordinated strategy is developed within Delhi for the protection of the rights of human rights defenders;
- Recommends 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;

- Recommends 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, ensures 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,

A handwritten signature in black ink, appearing to read 'Henri Tiphagne', with a horizontal line underneath it.

(Henri Tiphagne)

Honorary National Working Secretary