



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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November 25, 2019

To

Mr. Khaleel Ahmad

National Focal Point-Human Rights Defenders & Deputy 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: Brutal beating
Jawaharlal Nehru University students in Delhi by Delhi police –
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 writing to express our grave concern over the brutal beating of the protesters mainly student human rights defenders including women of Jawaharlal Nehru University in Delhi by Delhi police.

Status of Human Rights Defender:

The student human rights defenders are young students including women students from various student organizations of the campus of the Jawaharlal Nehru University, New Delhi.

Source of Information on the Incident:

Regional Coordinator of HRDA for North of India

Media Reports

Date of incident:

November 18, 2019

Place of incident:

Safdarjung Tomb near Lodhi Road in South Delhi

The Perpetrators:

Delhi Police and Central Reserve Police Force (CRPF)

Details of the Incident

According to sources on 18 November, 2019, the Jawaharlal Nehru Students' Union (JNUSU) organized a peaceful march towards Parliament on the first day of the Winter Session to protest against the hostel fee hike in Jawaharlal Nehru University (JNU). Thousands of students from JNU, carrying placards and chanting slogans, participated in the march towards Parliament, demanding a total rollback of the hostel fee hike and withdrawal of the draft hostel manual which imposes dress codes and curfew timings. In response authorities imposed prohibitory orders both outside the parliament building and around the JNU campus, and set up barricades near Safdarjung Tomb in South Delhi to stop them from advancing any further. The protesters, who carried banners that read "save public education", "fees must fall" and "ensure affordable hostels for all", were stopped at multiple points on their march. The JNU administration had on 13 November, 2019 announced a partial roll back in the fee hike. However, the protesting students dubbed the move as eyewash and demanded that the JNUSU be treated as a stakeholder by the administration and the Ministry of Human Resource and Development. They also reiterated their demand for the resignation of the Vice-Chancellor on the university.

The police authorities deployed ten companies outside JNU. The protesters were initially allowed to proceed but were stopped barely half a kilometer from the JNU campus by the police. Around 3.30 pm the students managed to reach Safdarjung Tomb near Lodhi Road where they were stopped by the police again. The first round of lathicharge took place here. Over 100 students were detained by the Delhi Police and several students suffered injuries after the police baton charged the protests. Students of Jawaharlal Nehru University alleged that over 10 students, including the visually and physically challenged, were injured due to the "brutality" of police personnel. JNUSU president Aishe Ghosh, general secretary Satish Yadav and former JNUSU president N Sai Balaji were among several detained and allegedly taken to Delhi Cantt, Kalkaji and Badarpur police stations — where they claimed they were beaten up.

Since students were not allowed to move they then sat on the main road at Safdarjung Tomb near Lodhi Road, singing songs, while negotiations between JNUSU and police

continued. After around 6.30 pm streetlights were soon switched off and a second round of lathicharge took place, after which over 50 personnel escorted students to INA Metro station. Several students have reportedly been severely injured following the lathicharge by police. Following the protest, videos surfaced showing personnel of the Delhi police beating up students, including girls, in a brutal manner. A particular video doing the rounds on social media shows a male student being forcibly led into a police vehicle while profusely bleeding from the head. Media reported that the Delhi police is going to lodge a First Information Report (FIR) against protesting students of the Jawaharlal Nehru University (JNU) for flouting Section 144 (which prevents unlawful assembly) of the Code of Criminal Procedure (CrPC), which was imposed in the area surrounding the university campus and the Parliament, to prevent students from joining the agitation on 18 November, 2019.

It is pointed out that the state through police is in full action to suppress the voice of students protesting for a genuine cause which is subsidized education. The police through its modus operandi are trying to repress a democratic movement.

Manhandling of students by Delhi police including women and visually challenged (which is doing rounds of social media) amounts to being barbaric, committal of atrocity and show of excessive use of force. It is further said that the police has created a situation wherein the students protesting peacefully are being shown as rioting, gathering unlawfully and obstructing public servants from discharging their public function. This is nothing but just framing the students who are exercising their constitutional right to assemble peacefully and right to protest for a cause.

Appeal:

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

- Order an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of brutal beating of protesting student human rights defenders of Jawaharlal Nehru University (JNU), New Delhi;
- Take immediate legal action on the perpetrators in this case personnel of Delhi police and CRPF 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;
- 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. The former UN Special Rapporteur on the right to Peaceful Assembly and Association, Mr. Maina Kiai has, in his several reports to the United Nations Human Rights Council and the General Assembly in the past few years emphasized on the right to peaceful assembly;

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary