



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/North/DL/49/09/2024

09 September 2024

To
Ms. Vijaya Bharathi Sayani,
Acting Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in

Respected Ms. Sayani,

Subject: Requesting to initiate Suo Moto Proceedings in restriction of a peaceful students march by the JNU students in Delhi.

We are writing to you in bring to your attention that on August 24, 2024, Jawaharlal Nehru University Students Union (JNUSU) members had planned a march to the Education Ministry. This march was to be taken out to highlight the students' demands for new hostels and increase in scholarship amount and other demands. These students had been on hunger strike for 13 days. However There was a heavy deployment of police personnel with multiple levels of barricades, who stopped the students from stepping out of the campus for the peaceful protest.

The JNUSU president said they were fighting for the education of the entire country. Whenever the students question the Vice Chancellor about merit-cum-means scholarships (MCM) being stuck for the last 12 years, or for a new hostel, she replies there is no fund. So the students decided to ask this question from the Education ministry. He said that the struggle will continue until the problems of the students are solved.

This incident has been widely reported in the media and some link are shared here for your reference- <https://www.newsclick.in/ground-report-our-struggle-wont-stop-say-jnu-students>

We believe a peaceful march being forcibly stopped by police amounts to a violation of the right to protest and the suppression of freedom of speech and expression.

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 working for the preservation of the environment become even more vulnerable because of the remoteness of the areas in which they are active. (A/HRC/4/37/Add.2, para. 23).

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).

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,

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

(Henri Tiphagne)

National Working Secretary