



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No. 555, West Cross 4th Street, K.K.Nagar, Madurai - 625 020, Tamil Nadu, India.

Mobile: 99943-68540

E.mail: [hrda.india@gmail.com](mailto:hrda.india@gmail.com) Web: [www.hrdaindia.org](http://www.hrdaindia.org)

Ref No: HRDA/North/DL/04/10/2020

October 18, 2020

To,  
Mr. C.S Mawri,  
Focal Point - Human Rights Defenders & Assistant Registrar,  
National Human Rights Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110 023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – New Delhi: Illegal detention, brutal torture and criminal intimidation of The Caravan journalist by Delhi Police.**

Greetings from Human Rights Defenders Alert!

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 regarding the brutal assault of Mr. Ahan Penkar, a journalist associated with The Caravan, who was covering a peaceful protest outside the Model Town police station. Mr. Penkar was assaulted by the Additional Commissioner of Delhi Police (ACP) Mr. Ajay Kumar and the policemen of the Model Town police station.

**Source of Information:**

- Communication with the HRD
- Information from HRDA Regional Consultant
- Media reports

**Date of Incident:**

October 16, 2020

**Place of Incident:**

Model Town Police Station, New Delhi

**Perpetrators:**

- Mr. Ajay Kumar, Additional Commissioner of Police, Delhi Police
- Personnel of the Model Town Police Station, New Delhi.

**About the Human Rights Defender:**

Mr. Ahan Penkar is a 24-year-old journalist, a graduate of St. Stephens College, Delhi. He has been working as a reporter for The Caravan in Delhi for the last two years covering various human interest stories.

**Details of the Incident:**

On October 16, 2020, at around 2:45 pm, Mr. Penkar reached Model Town to report on a case of death of a Dalit girl. A group of citizens were peacefully sitting and protesting outside the Model Town police station against the police's decision of not registering an FIR in the death of a 14-year-old Dalit girl. The dead girl's family and a group of about 10 students from the Delhi University were a part of this protest.

As Mr. Penkar was sitting on the floor and talking to the aunt of the deceased girl, 2-3 policemen (one without uniform) came out, applied force and started dragging the protestors inside the police station. Mr. Penkar started recording this while backing out. When they tried to drag him too he shouted repeatedly that he was a journalist and that he was reporting on the protest, holding his press card in one hand. However, the ACP Mr. Ajay Kumar pointed at him specifically and said "*isko andar le ke jao*" (take him in the custody).

Inside the police station all of them were made to sit on the floor of an office room. ACP Mr. Kumar came inside the room, picked up a steel rod and threatened to beat them with the steel rod. Then he kept the steel rod down and started to beat Mr. Penkar with his hand and feet. Mr. Kumar first kicked Mr. Penkar in the face at which he fell face down. Then he kept kicking him in the chest and back brutally. He made Mr. Penkar sit in a prostrate manner with his head was touching the ground and pounded kicks on him at his shoulders and back. He also stamped on the journalist's ankle.

Mr. Penkar says that he saw Mr. Kumar beat other protestors too repeatedly. He slapped one protester twice, made him lie on the ground and punched his liver repeatedly and then put his foot on the neck. While the ACP concentrated on

assaulting the journalist, Mr. Penkar, 6-7 policemen either stood watching or beating other protestors. This went on for 15 minutes.

After the assault was over, another policeman came inside the room abused Mr. Penkar harshly and asked him to unlock his phone. When Mr. Penkar refused, another inspector entered the room and said *"kahan hai vo bacha, yahin par peshab kara doonga"* (where is that boy, I will make him urinate here only). Then the policemen forced Mr. Penkar to unlock his phone, delete all the photos and videos of the protest from his phone, deleted them from the phone bin and then went to his google drive.

The policemen kept threatening to file an FIR against them under various sections of the Indian Penal Code (IPC), falsely accusing them of inciting violence and that the Delhi's Commissioner of Police wanted to keep them all overnight in custody. They also said to him *"aapko nahi pata desh badal gaya hai?"* (don't you know that the country has changed?).

Later at 7 pm, Mr. Penkar was allowed to leave the police station by the policemen. However, the ACP kept threatening him that *"I never want to see his face around here again"*. Mr. Penkar then called his colleagues and told them about his torture and assault by the Delhi police and they took him to Babu Jagjivan Ram Hospital at Jahangirpuri for an MLC which showed injuries on his back, shoulders and ankle. He then filed a complaint to the Delhi Police Commissioner Mr. S.N. Shrivastava against the ACP Mr. Kumar and other policemen.

HRDA is greatly concerned with this blatant misuse of power, torture, physical assault, illegal use of force, and criminal intimidation by the Delhi Police, specially by the ACP Mr. Kumar, against a journalist/HRD who was doing his duty. The ACP and the policemen despite knowing well that Mr. Penkar is a journalist, dragged him forcefully in the police station and brutally assaulted him. Fully aware of the potential of this criminal act being reported in the media and petitioned before justice institutions, this act of a senior official and other Delhi Police personnel is nothing but demonstrate the impunity. Action by the Delhi Police at the peaceful protest in front of Model Town police station has severely curbed citizens fundamental rights to assemble and express peacefully, more importantly, a brazen attack on freedom of the press.

Our Constitution gives journalists the right to exercise freedom of speech and expression under Article 19(a) of the Indian Constitution which is crucial to the work of HRDs, including journalists. The right to freedom of expression encompasses three

different aspects: 1) the right to hold opinions without interference; 2) the right of access to information; and 3) the right to impart information and ideas of all kind.

On the aforesaid it is stated that UN Declaration on Human Rights Defenders seeks to protect the monitoring and advocacy functions of defenders by recognizing their right to obtain and disseminate information relevant to the enjoyment of human rights. Article 19 of the Universal Declaration of Human Rights also recognises the freedom of speech and expression as an unalienable right of every citizen. Various instruments of the international human rights law also recognise the right of journalists to safely report. The Indian government in the Universal Periodic Review of the UN Human Rights Council has committed to the safety of journalists in India.

**Appeal:**

We hence urge the Hon'ble Commission to:

- Direct the Commissioner of Police of Delhi to submit the following urgently within the next 24 hours:
  - CCTV footages of inside and outside the Model Town police station for October 16, 2020, between 2:30 pm – 7 pm.
  - Duty records, register and other necessary information pertaining to the detention and torture of Mr. Penkar and other protestors for the aforementioned time of the incident at the Model Town police station.
- Direct the Director General of Investigation of the NHRC to inquire independently into this case of brutal torture of a journalist in police station.
- Direct initiation of criminal proceedings against the ACP Mr. Ajay Kumar, and other police personnel for assault, torture, criminal intimidation of Mr. Penkar.
- Direct the Chief Secretary of Delhi to pay interim compensation to Mr. Penkar for the physical and psychological sufferings he underwent and continue to undergo.

Looking forward to your immediate action in this regard,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary