



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/North/DL/08/03/2023

March 31, 2023

To,
Mr. Indrajeet Kumar,
National 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

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action – Delhi—Stopping of peaceful protest of DU students by Delhi University administration and Delhi police and detention of students by the 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 concern regarding the Delhi University authorities and the Delhi police disrupting and stopping the in-campus peaceful protest by university students and detention of the students by the police.

Source of Information:

- Communication with HRDA North Regional Consultant
- Communication with HRDs
- Media Reports

Date of Incident:

March 24, 2023

Place of Incident:

Delhi University, Arts Faculty

Perpetrators:

- Police personnel of Delhi police
- Security guards of Delhi University
- DU administration

About the Human Rights Defenders:

Students organizations like Fraternity Movement, BASF, BSCCEM, DSU, AISA, SIO, and Y4S, who were protesting against the debarment of two students for attempting to screen the BBC documentary.

Background of the Incident:

On January 27, 2023, some students' groups like the National Students Union of India (NSUI) and the Bhim Army Student Federation from Delhi University had organized a screening of the controversial BBC documentary "The Modi Question" on the role of PM Modi during the 2002 Gujarat riots. During the screening, some students were detained by police and an FIR was filed against them. Delhi university banned two students and issued apology notices to six students.

Details of the Incident:

On March 24, 2023, at around 03:00 pm, Delhi University's student organizations held a peaceful protest outside the university's Faculty of Arts. The protests were held by several student organizations like Fraternity Movement, BASF, BSCCEM, DSU, AISA, SIO, and Y4S. The protest comes in response to the notice issued by the university, which debarred students from taking their exams for screening of a BBC documentary, "The Modi Question", which the university claimed was "anti-national" and "propagandist."

The students were demanding that the administration rescind its order to debar the students for screening the BBC documentary and restoration of the democratic rights of the students.

According to the students, 40-50 students were peacefully protesting outside the DU faculty of Arts. But barely 5 minutes into the protest, university guards reached the protest area and stopped the protest. Suddenly about 40 policemen entered the protest, pushed and jostled the students and forcefully removed the protesting students. 11 students, (nine men and two women), were taken forcefully by the police to Burari police station, where they were detained and then released after a few hours.

All India Students Association (AISA) Delhi University unit's secretary said that they were about to start their indefinite strike against the undemocratic debarment of two students by the Delhi University administration when the police took several students into custody. At present, the university has not responded to the demands of the protesters. However, the students have vowed to continue their protest.

Mr. Sagar Singh Kalsi, DCP (North-Delhi) said that on the request of Delhi University authorities, around 11 students, nine men and two women, were removed from Vivekananda statue, Faculty of Arts, to maintain peace. They were gathering there to protest in support of some students who were expelled for indiscipline. No FIR has been registered in this regard.

We believe that the detention of the university students is a violation of their constitutionally guaranteed right to life and peaceful assembly. The right to freedom of peaceful assembly is an essential right in a democracy and Article 19 (1) (b) of the Indian Constitution guarantees the right to peacefully assemble. Article 21 of the Indian Constitution ensures to all its citizen right to life – a life to live without fear, intimidation, harassment, or mental torture.

A peaceful assembly is protected under the Article 21 of the International Covenant on Civil and Political Rights (ICCPR). According to the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, "states and their law enforcement agencies and officials are obligated under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders. The potential for violence is not an excuse to interfere with or disperse otherwise peaceful assemblies."

Thus according to international law potential of violence is not an excuse to interfere with peaceful assemblies. The Delhi police and the university administration should

have provided enough preventive measures to watch over the peaceful protest of students rather than stop the protest.

Appeal:

We urge the Hon'ble Commission to take cognisance of the above case and urgently:

- Direct the VC of Delhi University to initiate an immediate, independent, thorough, transparent, effective, and impartial investigation into the above-mentioned incident of disruption of peaceful assembly of students within the Constitution, the legality of calling the police within the campus and submit a report to the NHRC within 4 weeks.
- Direct the Commissioner of Police of Delhi as to why peaceful protest of students was disrupted and students detained instead of having adequate preventive measures to guarantee that the peaceful protest took place calmly and submit the report to the NHRC within 4 weeks.

We hope to hear from you soon,

Yours Sincerely,

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

(Henri Tiphagne)

National Working Secretary