



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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**HRDA/UA/WEST/MH/04/08/2024**

August 31, 2024

To,  
Mr. Indrajeet Kumar,  
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](mailto:hrd-nhrc@nic.in)

Dear Sir,

**Sub: HRD Alert – Urgent Appeal for Action – Maharashtra – Ban on Progressive Student Forum by the Tata instate of Social Sciences Administration (TISS)**

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 ban on Progressive Student Forum by the administration of Tata instate of Social Sciences (TISS) alleging the forum was unauthorised and illegal.

**About the Human Rights Defenders:**

Progressive Student Forum (PSF) is a student organisation based in Tata Institute of Social Sciences (TISS), it was established in 2016, build democratic and secular spaces that would enable critical engagement with the emerging socio-economic and political environment. The student body organised sessions, discussion and dialogues on various issue and different events such as talks, seminars, films, screenings, informal discussions between students. PSF intervene in various issues and concerns of students of TISS.

**Source of Information:**

Communication with HRDA West Co-ordinator

**Perpetrators:**

Professor Anil Sutar, Registrar, Tata Institute of Social Sciences, Mumbai.

**Date of Incident:**

August 19, 2024

**Place of Incident:**

Tata Institute of Social Sciences - Mumbai

**Background:**

PSF organised a protest in solidarity against the suspension of PhD Scholar KS Ramdas over alleged 'misconduct and anti-national activities' at the Institute and they condemned dismissal of TISS faculty in July 2024.

**Details of the Incident:**

On August 19, 2024, the registrar of TISS administration issued a notice to ban PSF, calling the forum unauthorized and illegal forum. The notice claimed that the "*PSF has been engaging in activities that obstruct the institute functions, defame the institute, demean members of our community, and create divisions among students and faculty.*" The notice further states that "*group is misleading, distracting and misguiding students from their academic pursuit and harmonious life in the campus*". The Notice imposed immediate ban on PSF for all institute premises and activities and ordered that "*any student or faculty member found supporting, associating with or propagating the group's divisive ideologies will be subject to disciplinary action*".

HRDA strongly believes that restriction on a student body is an act of reprisal against their activism. The right to freedom of expression is recognized in many international and regional instruments, including: -

The Universal Declaration of Human Rights (Article 19); The International Covenant on Civil and Political Rights (Article 19); The International Convention on the Elimination of all forms of Racial Discrimination (Article 5(d)(viii)); The Declaration on Human Rights Defenders (Article 6).

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

*The right to freedom of opinion and 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 kinds.<sup>1</sup>*

*The right to freedom of opinion and expression also requires states to comply with positive and negative obligations, including: a) to abstain from interfering with the enjoyment of the right; b) to protect the right by working to prevent, punish, investigate, and provide redress for harm caused by private persons or entities; and c) to take positive measures for the realization of the right.<sup>2</sup>*

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in Para 8 of A/HRC/11/4 report on 30 April 2009 notes that “many of the cases concerning attacks of journalists, students, human rights defenders and unionists in retaliation for the exercise of their right to freedom of opinion and expression —are linked to the repression of peaceful protests conducted to express disagreement with a particular governmental policy, at the national or local level, or with the actions of large corporations”

The Right to protest is recognized under several international instruments, including: the International Covenant on Economic, Social and Cultural Rights (Article 8), and 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)**.

The protection of the right to protest lies in the recognition and protection of a set of rights that includes freedom of expression and opinion, freedom of association, freedom of peaceful assembly (A/62/225, para. 12).

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<sup>1</sup> Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/14/23, para. 24, 20 April 2010.

<sup>2</sup> Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression A/HRC/14/23, para. 25, report 20 April 2010.

Academic freedom should be understood to include the freedom of individuals, as members of academic communities (e.g., faculty, students, staff, scholars, administrators and community participants) or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law. (A/75/261, Para 8)

General Comment No. 13 1999, para 38 *staff and students in higher education are especially vulnerable to political and other pressures which undermine academic freedom*<sup>3</sup> The special rapporteur issued recommendation for academic institutions: *Respect the rights of all members of their communities, including faculty, students, researchers, staff, administrators and outsiders who participate in academic pursuits. That respect must include the right of all members to freedom of opinion and expression, including peaceful protest on academic premises;*

**Appeal:**

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

- Direct the TISS administration to immediately revoke the ban on the PSF.
- Direct the TISS administration not to take any disciplinary action on any student for associating/engaging with PSF.
- Make a public statement calling to attention the suspension of a association an implicating its activism as repetitive misconducts following the SCA recommendation to the National Human Rights Commission in its recommendation of March 2023 and upholding the regional action plan on protection of Human rights defenders of Asian Pacific Forum of National human Rights Institutions of March 2022 or 2023.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary

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<sup>3</sup> General Comment No. 13 1999, para 38 *E/C.12/1999/10*