



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/North/DEL/42/07/2024

5th July 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 the case of detention and brutal lathi charge on peaceful protestors by Delhi Police.

We are writing to you to bring to your attention that the results of the National Eligibility cum Entrance Test (NEET) examination were declared on June 4, 2024. After the results came out, there were allegations of paper leak, cheating, errors in the question paper and erroneously awarding grace marks (compensation marks). Students and parents have demanded re-examination and dozens of petitions have been filed in the courts in this regard. Protests are going on across the country against irregularities in the examinations.

These protests are also holding in the country's capital Delhi continuously. They are protesting in peaceful manner but the Delhi Police lathi charged and detained them for hours to harass them.

Following are some of the protests in which Delhi Police lathi-charged and detained people involved in the protests

- On June 27, 2024 Activists, Students groups and members of the Indian Youth Congress (IYC) were detained and lathi-charged by Delhi Police when they were protesting near the Parliament over the irregularities of country's top examinations including NEET-UG and UGC-NET.

- On June 27, 2024, over a dozen students were detained at Jantar Mantar, Delhi after the Jawaharlal Nehru University's Students' Union, along with other groups, staged a protest against the NEET-UG examination issues.
- On June 24, 2024 more than two dozen students, some of them National Students' Union of India (NSUI) members, were detained while protesting against irregularities in NEET-UG and cancellation of UGC-NET exams at Jantar Mantar, Delhi. The police detained around 80 students from the Jantar Mantar ahead of their proposed march to Parliament
- On June 20, 2024 several members of the All-India Students Association (AISA), Students' Federation of India (SFI) and JNU Students' Union (JNUSU) held a demonstration at the Ministry of Education's office. They were detained by the Delhi police.

These incidents have been widely reported in the media links are shared here for your reference- <https://www.newindianexpress.com/nation/2024/Jun/26/jnusu-protests-at-jantar-mantar-against-neet-ug-irregularities-demands-re-test-2>

<https://www.deccanherald.com/india/delhi/neet-row-over-2-dozen-students-detained-during-march-to-parliament-3078453>

<https://www.thehindu.com/news/cities/Delhi/police-stop-students-from-marching-to-parliament-amid-neet-ugc-net-row/article68329082.ece>

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We believe this brutal lathicharge by police is an act of reprisal against the protestors. These protestors have been staging a peaceful protest at Delhi.

This amounts to a violation of a host of rights, which includes the right to life, 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 it.

(Henri Tiphagne)

National Working Secretary