



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/NHRC-SM/NORTH/DL/08/01/2024

January 13, 2024

To

Justice (retd.) Mr. AK Mishra, Chairperson,
National Human Rights Commission,
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
New Delhi –110 023
Email: chairnhrc@nic.in

Respected Justice Mishra,

Subject: Requesting to initiate Suo Moto Proceedings in case of fine on JNU students for protesting at Jawaharlal Nehru University in Delhi

We are writing to you to bring to your attention a new (manual) rule in Jawaharlal Nehru University in Delhi which seeks to suppress the Constitutional Right to Protest. According to this rule, JNU students will now be fined Rs 20,000 if they participate in a hunger strike, dharna or any other type of protest within 100 meters of any academic and administrative campus. These rules apply to all students of the University, including part-time students, whether admitted before or after the commencement of these rules

The rule came into effect on November 24, 2023 after the JNU Executive Council approved the Chief Proctor's Office Manual containing "Discipline and Conduct Rules".

This incident has been widely reported in the media and a link is shared here for your reference-<https://indianexpress.com/article/cities/delhi/rs-20000-fine-protesting-jnu-academic-administrative-buildings-9063448/>

We believe this rule for students is an attempt to suppress dissent on the campus by the university. This amounts to a violation of a host of Constitutional 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)

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 matter and initiate an independent inquiry through NHRC’s investigation wing.

We hope and expect that the NHRC will intervene in this matter impartially and in a time-bound manner.

Yours Sincerely,

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

(Henri Tiphagne)
National Working Secretary