



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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HRDA/UA/South/TLG/08/11/2023

November 30, 2023

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

Dear Sir,

Sub: HRD Alert – Urgent Appeal for Action - Telangana - Hyderabad – Students protesting against inaction regarding sexual harassment arrested by Hyderabad 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 registration of FIR and detention of 31 student protestors protesting against the EFLU college administration's inaction on sexual harassment complaints, by the Telangana police.

About the Human Rights Defenders:

- Students of University of Hyderabad
- Students of English and Foreign Languages University (EFLU)

Source of Information:

- Communication with the HRDA South Co-ordinator
- Communication with the HRDs
- Communication with other HRDs in the Region

Perpetrators:

Police officials of Osmania University police station.

Date of Incident:

November 6, 2023

Place of Incident:

English and Foreign Languages University (EFLU), Hyderabad.

Background:

On October 16, 2023, the students of English and Foreign Languages University (EFLU) began a protest against administration's inactivity in constituting an internal sexual harassment committee. The protest intensified on October 18, 2023, when a women student who was protesting was sexually assaulted on campus.

On October 19, 2023, university officials filed a police complaint against 11 students, stating that they unlawfully gathered outside proctor T. Samson's quarters on the campus. The Osmania University police registered an FIR against 11 students based on the complaint of university officials under section 153-A of IPC against 11 EFLU students. The police sent a show-cause notice to the students on the same day.

On October 22, 2023, Rajya Sabha MP from Kerala, Dr V Sivadasan, wrote a letter to the National Women's Commission (NWC), citing concern over women's safety at the English and Foreign Languages University (EFLU) campus in Hyderabad. Dr Sivadasan appealed to NWC to ensure a proper and through investigation into the sexual harassment case and address the concerns raised by the students.

On October 23, 2023, NCW called for a fair and timely investigation into a sexual assault against a female student. The NCW also sought a report from the Telangana DGP by October 30, 2023. The NCW asked the DGP to ensure a prompt investigation, medical support, and a detailed report.

On October 31, 2023, Osmania University police registered another case against 4 EFLU students based on the complaint of Assistant Professor of English Literature EFLU Y. Suresh Babu. The complainant stated that students prevented him from leaving the university administrative block after work on October 31, 2023. The police registered the FIR under

section 342 (wrongful confinement) and 506 (criminal intimidation) of the IPC and Section 92(a) (atrocities against persons with disability) of the Rights of Persons with Disabilities Act.

Details of the Incident:

On November 6, 2023, from 13.00 hrs, EFLU students began a peaceful hunger strike and boycotted classes to press the university management to reconstruct of the Sensitisation, Prevention and Redressal of Sexual Harassment committee and elections to the student body. The protestors gathered in front of the EFLU's administrative building.

The students from the University of Hyderabad expressed solidarity with the protesting EFLU students and held a rally.

On November 6, 2023, The Osmania University police registered an FIR, under section 188 of IPC (Disobeying orders promulgated by a public servant) against 31 students of the University of Hyderabad and detained 14 students from EFLU and the National Students Union of India (NSUI). They were detained at the Osmania university police station till the evening of November 06, 2023. According to the DK Basu guidelines of detention and arrest as ordered by the honourable Supreme Court, detainees should be given an detention memo before detention as well as their families informed.

Every person has a right to life and liberty enshrined under **Article 21** of the Indian Constitution 1950, Article 3 of the Universal Declaration of Human Rights 1948, and Article 6 of the International Covenant on Civil and Political Rights 1966. The Right to life includes the right against arbitrary arrest or detention. These instances violate entirely the fundamental right to life and personal liberty granted by **Article 21** of the Indian Constitution.

Article 5 of the Universal Declaration of Human Rights and **Article 7** of the International Covenant on Civil and Political Rights both provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. A woman protestor has been sexually assaulted on the university campus, and there was no action taken by university authorities and Police officials.

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.

The Right to protest is recognised 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”.

Women defenders often face more risks when participating in collective public action because of perceptions of the traditional role of women in some societies, and they become targets of non-state actors (A/61/312, para. 72)

HRDA strongly believes that the use of brutal force on student activists, detention of students and registration of FIRs is an act of reprisal for their activism.

Appeal:

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

- Intervene in the relevant trial and high court to quash the FIRs registered against student activists in accordance with the Article 12(b) of the Protection of Human Rights Act 1993 .
- Direct the Director General of Investigation of the NHRC to initiate a transparent, independent inquiry into the illegal detention of students and submit the report to NHRC within two weeks.
- Direct the Director General of the Police of Telangana to ensure the safety of students and their families to protect them from further harassment by the police.

We hope to hear from you soon,

Yours Sincerely,



(Henri Tiphagne)

National Working Secretary