

Human Rights Defenders Alert - India

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The Chairperson,
National Human Rights Commission
Manav Adhikar Bhawan,
Block-C, GPO Complex, INA,
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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – New Delhi – Police Raid on
Residence of Delhi University Teacher - Reg***

Greetings from Human Rights Defenders Alert - India!

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 now writing to express our grave concern regarding police raid on the residence of Dr. G. N. Sai Baba, an Assistant Professor in English at Ram Lal Anand College and Delhi University who has been at the forefront of the democratic movement in the country accusing him of Maoist links.

Source of Information on the Incident:

A mail from the President of the Delhi University Teachers Association forwarded to the undersigned by the human rights defender under attack.

About the Human Rights Defender under attack:

Dr. G. N. Saibaba, is an Assistant Professor of English at Ram Lal Anand College, Delhi University. He is a well-known intellectual who has been at the forefront of the democratic movement in the country, is a productive member of the English department and the University teaching community, and is known for his sincerity and devotion to public causes. He suffers from 90% disability and is wheelchair-bound.

The Perpetrators:

1. A Police contingent consisting of 50 personnel drawn from the Maharashtra Police Force, the Delhi Police Special Cell and the Maurice Nagar Police Station
2. Gadchiroli Police
3. The Vice Chancellor and the Administration of Delhi University

Date and time of Incident:

12th September 2013, for 4 hours from 3.00 PM (IST) onwards

Place of Incident:

At the residence of the Human Rights Defender in the North Campus, New Delhi

Incident

According to the information received, on Thursday, 12 September 2013, a 50 strong police contingent drawn from the Maharashtra Police Force, the Delhi Police Special Cell and the Maurice Nagar Police Station, raided the residence of Dr. Saibaba, an Assistant Professor in English at Ram Lal Anand College. Dr. Saibaba, his wife and their 15-year old daughter were detained for almost four hours from 3.00 PM onward for an investigation into the use of his residence "as a place for the deposit of stolen property", as stated in the search warrant. Dr. Saibaba was not allowed to contact his lawyer, or his colleagues to ensure that the "investigation" would be a fair and transparent one. During the course of this wholly baseless investigation, the entire family was kept captive – sometimes individually – prevented from making or receiving calls, or meeting anyone who sought to meet them. The police locked themselves into various rooms of the

house for long periods of time. Two terrified local barbers were picked up by the police and brought in as "neutral observers" for some part of the raid. They were also coerced into signing on the seizure sheet as witnesses. The police left sometime after some Delhi University teachers arrived, began questioning the police and informing the media about the incident. After much persistence, the teachers managed to get the terrified daughter of the Professor produced. The police confiscated a large number of college documents, pen-drives, a laptop, a tablet microchip, the minor daughter's mobile phone, debit and credit cards, and bank passbooks, none of which items were "stolen property".

A day later, the Gadchiroli police claimed the following "incriminating evidence" against Dr. Saibaba to some press persons: (1) that they have extracted a confession from the JNU (Jawaharlal Nehru University) student Hem Mishra stating that a microchip found in his possession was given to him by Dr. Saibaba; (2) that they have records of internet "chat sessions" between Dr. Saibaba and several top Maoist leaders; (3) that Dr. Saibaba was named in Mr. Kobad Ghandy's "confession" as being a Maoist leader; (4) that Dr. Saibaba stands incriminated by virtue of being General Secretary of the Revolutionary Democratic Front (RDF), which they alleged is a front for the CPI (Maoist). It appears that the police will use these, among other grounds, to frame charges against Dr. Saibaba, and arrest him. It may be noted here that: (a) Mr. Kobad Ghandy's alleged "confession" was set aside by the courts as being fabricated by the police and inadmissible; (b) it may be noted that, by the police's own account, the "internet chat sessions" were between persons named "Prakash" and "Chetan", and the alleged "Maoist top leadership"; (c) there is no mention of Dr. Saibaba by name; (d) Dr. Saibaba has also categorically denied any knowledge of any microchip, or indeed of any contact on this matter with Hem Mishra; (e) The charge of harbouring "stolen property" is particularly outrageous, baseless and despicable.

HRDA is deeply concerned that a pattern of police targeting, thrashing, molesting and otherwise intimidating and bullying university students and teachers, including persons with disabilities has developed. It is a matter of grave concern that an employee of the university and a wheelchair-bound person with 90% disability has been subject to this manner of intimidation, invasion of privacy, and violation of civil

and human rights. Given his condition, such unnecessary and excessive police action is especially traumatic not only for him but for his entire family.

In this connection, we condemn the attempts by the police to fabricate a specious case against Dr. Saibaba in the strongest terms. We condemn the complicity of the University authorities in this outrage. This brazen fabrication of charges and harassment is evidently also to intimidate others who engage in similar political activism. Any attempt to frame a teacher of the University and to stifle democratic voices is extremely alarming and dangerous for academic life in the University.

Background:

The Delhi University administration's complicity in the increasing police presence on Campus per se, and in the frequent incidents of police brutality against students and teachers on campus, is now clear, as the police may enter the campus only with the knowledge and explicit permission of the University administration. This administration's complicity stems from a gross and inexcusable failure on the part of the Vice Chancellor and his team to understand either the university as a space, or the task that they have taken upon themselves. According to the source, rather than fostering the spirit and culture of critical inquiry and free speech, both of which fundamentally characterize the University as a space, the Vice Chancellor and his team have turned the University into a shameful, rankly sycophantic, anti-intellectual hub for police brutality, impunity, and the unapologetic violation of all human rights and norms of decency.

The source also points out that there is a growing sense of fear, insecurity and oppressiveness that the current university administration is cultivating among teachers and students. HRDA is shocked by the unprecedented and increasing use of police forces against students and teachers by this administration, often on completely unwarranted grounds.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

- Enquiry is conducted into the incident and due action is taken against the Police Personnel involved for the trauma they subjected a person with 90% disability and his family, violating their civil and human rights blatantly

- All necessary measures are taken to guarantee the physical and psychological integrity and security of Dr. G. N. Saibaba and members of his family and ensure that the harassment endured by his family and him does not recur
- Measures are taken to ensure that the Delhi University Administration does not compromise the University Space and ceases to deploy coercion in the form of the police on the slightest of pretexts.
- That care is taken to ensure that there are no false criminal cases registered against Dr. G.N.Saibaba and members of his family and if there are any registered based on the 'seizures' alleged to have been made, that he is not arrested and that the investigations is any, are carried out in the presence of his counsel.
- That the Vice Chancellor and the Administration of Delhi University is properly advised by the Hon'ble Commission about the provisions of the UN Declaration on Human Rights Defenders as well as the development of the ambit of this UN Declaration by the regular annual reports of the UN Special Rapporteur on Human Rights Defenders.
- That the Vice Chancellor is also advised to undertake awareness programs within the university campus on not only the definition of 'human rights' as per the Protection of Human Rights Act 1993 but specifically also on the rights of human rights defenders and how academicians can also efficiently work for the protection and promotion of human rights and fundamental freedoms as human rights defenders through their academic and research work.
- That the Delhi State Government, its Legislators, its Bureaucrats and all institutional functionaries are duly and urgently advised by the Hon'ble Commission to ensure that proper protection to all human rights defenders are provided and are able to carry out their legitimate human rights activities even as academicians without fear of reprisals and free of all restrictions, including judicial harassment in all circumstances.
- Respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by India is guaranteed for all HRDS.

Looking forward to your immediate action in this regard,

Yours sincerely,

A handwritten signature in black ink, appearing to be 'H. N. Saibaba', written over a horizontal line.

Henri Tiphagne

Honorary Working Secretary

HRDA - India