



Human Rights Defenders Alert – India

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January 15, 2016

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National Focal Point - Human Rights Defenders & Joint Registrar

National Human Rights Commission

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Sub: HRD Alert - India - Urgent Appeal for Action – Uttar Pradesh – Dr. Sandeep Pandey, a Ramon Magsaysay Awardee: Harassment and intimidation of a social activist and human rights defender Dr. Sandeep Pandey by arbitrarily and prematurely terminating his teaching contract on frivolous grounds such as being a “Naxalite”, engaging in “anti-national” activities by the authorities of IIT-Banaras Hindu University, Varanasi, Uttar Pradesh - Regarding

Dear Sir,

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 writing to express our grave concern regarding the move by the authorities of IIT-Banaras Hindu University, Varanasi, Uttar Pradesh to arbitrarily and prematurely terminate the teaching contract of social activist and human rights defender Dr. Sandeep Pandey on frivolous charges. A recipient of Ramon Magsaysay award considered the ‘Asian Nobel’, Dr. Sandeep Pandey is being harassed and intimidated by the university authorities for his human rights work for defending the civil and political rights of marginalised people. Dr. Sandeep Pandey is the victim of ongoing right wing anti-rational political campaign dubbing institutions and individuals as anti nationals. Dr. Sandeep Pandey was sacked by university on charges of being a “Naxalite”, engaging in “anti-national” activities and for screening a banned documentary in the campus.

Status of Human Rights Defender:

Dr. Sandeep Pandey is a well know social activist, a Gandhian and an educationist who is currently a visiting faculty at Banaras Hindu University's Indian Institute of Technology, Varanasi, Uttar Pradesh.

After his doctorate in mechanical engineering from the University of California Berkeley, USA he decided to come back to India and work for the poor. In 1991, Dr. Sandeep Pandey co-founded Asha for Education, one of the most respected NGOs of Asia to provide education to underprivileged children which now has its presence in almost all states of the country. Dr. Sandeep Pandey decided to delve into other pro-poor activities at the grassroots level, mostly in Uttar Pradesh. He worked for community ownership in Ballia and helped facilitate protests against water depletion by Coco-Cola bottling plant in Mehandiganj, a rural and agrarian area located near Varanasi in Uttar Pradesh. Dr. Sandeep Pandey also works on right to information and other forms of citizen participation in removing corruption and improving the efficiency of governance. He also co-founded the well-known grassroots organisation National Alliance of People's Movements (NAPM). Dr. Sandeep Pandey is the winner of the prestigious Ramon Magsaysay award – considered the 'Asian Nobel' – in the 'emergent leadership' category in 2002.

Dr. Sandeep Pandey has served as an adviser to the Indian Government's Central Advisory Board for Education (CABE). In 2002, he marched from Chitrakoot to Ayodhya in Uttar Pradesh in the aftermath of the Gujarat carnage to spread the message that the common citizen is religious and not communal. He also led an India-Pakistan peace march to Multan in 2005.

Date of incident:

06 January 2016

Place of incident:

Banaras Hindu University, Varanasi, Uttar Pradesh

Source of Information on the Incident: Regional Coordinator of HRDA for North of India Media Reports

The Perpetrators:

Mr. G.C. Tripathi, Vice-Chancellor, IIT – BHU, Varanasi, Uttar Pradesh Professor, Dhananjay Pandey, Dean of Faculty Affairs, IIT – BHU, Varanasi, Uttar Pradesh

Details of the Incident:

According to the sources, Dr. Sandeep Pandey's teaching contract has been

arbitrarily and prematurely terminated by Indian Institute of Technology-Banaras Hindu University (BHU) alleging him of being a 'Naxalite' and screening the banned BBC documentary 'India's Daughter' on the Delhi rape case in 2013 inside the campus.

Dr. Sandeep Pandey has been a visiting faculty of Development Studies at Banaras Hindu University's Indian Institute of Technology (IIT - BHU), Varanasi, Uttar Pradesh for the last two and a half years. His contract was going to get over by July 2016 but has now been terminated over allegations of being involved in anti-national activities.

Dr. Sandeep Pandey has not yet received a formal notification about the same. On 01 January 2016, he was verbally informed by Mr. Rajeev Sangal, Director of IIT-BHU after the decision was taken in a Board of Governors (BoG) meeting.

According to the sources, Dr. Sandeep Pandey's termination has been a result of ideological differences in the premier educational institute. He had also earlier led an agitation fighting against the human rights violations on the campus demanding that 40 employees whose contracts were terminated be made permanent.

Dr. Sandeep Pandey has expressed his concern over Mr. G. C. Tripathi and Mr. Dhananjay Pandey being involved with the Rashtriya Swayamsevak Sangh (RSS), which is a nationalist and right-wing political outfit. He alleges that the decision to terminate him prematurely is being primarily forced by the RSS. Also, reportedly, the decision of Mr. G. C. Tripathi and Mr. Dhananjay Pandey is based on an unverified Hindi newspaper story that accused Mr. Sandeep Pandey of being an anti-national.

The charges on Dr. Sandeep Pandey being an anti-national and a Naxalite are nothing new though, in 2002, he was dragged into controversies for attending an inaugural function of a leftist outfit where the kin of some Naxalites killed in a police action in Bihar were honoured. Yet again in 2010, he was accused of supporting Naxalites in Dantewada district of Indian state of Chattisgarh, an area where Naxal population is quite active. Dr. Sandeep Pandey along with Ms. Medha Patkar, a renowned anti-dam activist was attending a public hearing organised by National Alliance of People's Movements (NAPM) against the local administration.

Appeal:

We, therefore urge you to immediately take necessary steps to ensure that the Hon'ble Commission orders:

- an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of harassment of Dr. Sandeep Pandey by sacking

him on frivolous charges led by the investigation wing of the NHRC;

- immediate action on the perpetrators, in this case IIT – BHU authorities in Varanasi, Uttar Pradesh for the harassment of a human rights defender Dr. Sandeep Pandey and using all provisions of law to ensure that the defender is not harassed and ill treated in future;
- guaranteeing in all circumstances the physical and psychological integrity of Dr. Sandeep Pandey from further reprisals from the perpetrators;
- the provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and ill treatment and provide a re-assurance of not engaging in such acts against HRDs such as Dr. Sandeep Pandey;
- that the Vice Chancellor of BHU 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 administrative harassment in all circumstances;
- that the Vice Chancellor of BHU and all institutional functionaries are 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 as defined in the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially:
 - Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
 - Article 12.2, which provides that ""the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- urgently and speedily during the pendency of this complaint, the SHRC in Uttar Pradesh to also take necessary steps to establish a state focal point for

HRDs in order to ensure that HRDs have a new protection mechanism in their own state;

- urgently and speedily during the pendency of this complaint, the NHRC to convene a meeting of all state human rights institutions in the state [the SHRC, the SCW, the SCPCR, the SCM, the SIC, State Commissioner for PWDs...etc] to ensure that a coordinated strategy is developed within the State of Tamilnadu for the protection of the rights of human rights defenders;
- urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the NHRC Focal Point on HRDs and the SHRC Uttar Pradesh to provide sensitisation training to law enforcement and security forces on the role and activities of human rights defenders as a matter of priority, with technical advice and assistance from relevant United Nations entities, NGOs and other partners;
- urgently and speedily during the pendency of this complaint, the State Government of Uttar Pradesh in collaboration with the SHRC, Uttar Pradesh to publicly acknowledge the importance and legitimacy of the work of human rights defenders, i.e. anyone who, "individually and in association with others, ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels" (Art.1 of the Declaration on Human Rights Defenders);
- More generally, ensures in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international human rights instruments ratified by India is strictly adhered to in the state of Uttar Pradesh.

Looking forward to your immediate action in this regard,

Yours sincerely,



(Henri Tiphagne)

Honorary National Working Secretary