



Human Rights Defenders Alert- India

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February 11, 2016

Shri A. K. Parashar,
National Focal Point - Human Rights Defenders & Joint 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 - India - Urgent Appeal for Action – Delhi: Unlawful blanket ban imposed on the entry of RTI activist and human rights defender Mr. Raj Narayan into the premises of All India Institute of Medical Sciences (AIIMS) by the authorities on 5th February, 2016 in New Delhi – Regarding

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 over the unlawful blanket ban imposed on the entry of RTI activist and human rights defender Mr. Raj Narayan into the premises of All India Institute of Medical Sciences (AIIMS) by the authorities on 5th February, 2016 in New Delhi. Mr. Raj Narayan who is also the convener of Janhit Abhiyan, a voluntary social group, is being targeted for his sustained campaign against irregularities and corruption in the administration and flouting of the rules in the selection and appointment of the faculty members in the All India Institute of Medical Sciences, New Delhi for the last 15 years.

Status of the Human Rights Defender

Mr. Raj Narayan is a social activist fighting against irregularities and corruption in the administration of premier institutions of the country for the last 15 years. He is based in Delhi and has been using Right to Information Act to expose corruption ever since it came into existence in 2005. He has been raising voice against issues of social concern such as patient care, official accountability, irregularities in selection and appointment matters in the administration of premier Indian medical institute “All India Institute of Medical Sciences”, New Delhi since the year 2000. On the basis of information received through

RTI queries he filed a complaint against senior IAS officer Mr. B Chaudhary, Deputy Director, AIIMS in the office of Central Vigilance Commission and Chief Vigilance Officer of the Institute. On his complaint an enquiry was set up against the said officer and he was found guilty of corruption in 2012. As a result, his further empanelment was blocked. Mr. Raj Narayan is also the convener of "Janhit Abhiyan", a voluntary group launched in 2006 by likeminded people such as social workers, students, teaching faculties and social thinkers. Janhit Abhiyan's prime objective is to promote and defend the social and economic rights of the most marginalised and poor sections of the society. "Janhit Abhiyan" raised the issue of caste census (caste and socio-economic census) in the country which was later adopted by the Parliament of India in its May 2010 session. The group also fought a legal battle against a July 18, 2013 Supreme Court order denying the reservation in appointment for faculty posts in speciality and super speciality courses in medical colleges, including the prestigious All India Institute of Medical Sciences (AIIMS), New Delhi. The group is also documenting the incidents of human rights violations and organises seminar and conferences to generate awareness about the rights of people countrywide.

Source of Information on the Incident:

- Media Reports

The Perpetrators:

1. Dr. M C Mishra, Director of All India Institute of Medical Sciences, New Delhi
2. Shri V. Shrinivas, Deputy Director Administration, All India Institute of Medical Sciences, New Delhi

Date of Incident

Order was issued on 5 February, 2016 around 12.30 PM

Details of the Incident

According to sources, the All India Institute of Medical Sciences (AIIMS), New Delhi issued an order on 5th February, 2016 for blocking the entry of social activist and RTI user Mr. Raj Narayan (human rights defender in question) into the hospital premises. The order was issued by the Chief Security Officer of the premier medical institute with the prior approval of the competent authorities of the institute. Sources also revealed that copies of the order have been pasted in various corners of the buildings in the institute premises. Mr. Raj Narayan had gone to the AIIMS on 4th February, 2016 to express his solidarity and support against the illegal and unjustified termination of one of faculty members of AIIMS Dr. Kuldeep Kumar, Assistant Professor, Department of Medicine on the ground of bad behaviour. Senior faculty members of the AIIMS were staging a dharna (a non-violent sit-in

protest) under the Faculty Association of AIIMS (FAIIMS) at the AIIMS Foyer (Hall just outside the Office of Director, AIIMS). Mr. Raj Narayan was manhandled and ill treated at the behest of the deputy director (administration) who was sitting on a plastic chair at the AIIMS Foyer, just before the protesting faculty members and, continuously provoking them by laughing and making other physical gestures. The very next day on 5th February the order banning his entry was issued.

Mr. Raj Narayan, convener of Janhit Abhiyan has been raising issues of corruption and flouting of reservation rules in appointment of the faculty members for 15-18 years. Mr. Raj Narayan has been accused of disturbing public tranquillity. The order issued by AIIMS chief security officer states, "Raj Narayan, against whom the institute has written to Delhi Police for initiation of criminal proceedings under Section 107 and 109 code of criminal procedure, is hereby restricted from entering the institute premises in view of the violent incidents that took place on Wednesday 4th February, 2016." The blanket ban on the entry of RTI activist and human rights defender has come as a result of his multiple complaints filed against AIIMS authorities to the health ministry in particular against the institute director.

Appeal:

We, therefore urge you to immediately take necessary steps and ensure that this Hon'ble Commission to urgently:

- Orders an immediate, thorough, transparent, effective and impartial investigation into the above-mentioned incident of targeting of social activist and the human rights defender Mr. Raj Narayan;
- Takes immediate legal action on the perpetrators in this case the authorities in All India Institute of Medical Sciences, New Delhi for issuing orders to ban the entry of human rights defender and using all provisions of law to ensure that the defender Mr. Raj Narayan is not harassed, ill treated or implicated in false cases in future;
- Guarantees in all circumstances the physical and psychological integrity of Mr. Raj Narayan as he continues to be under risk of further harassment by the perpetrators and give this assurance to the NHRC of India in writing immediately and urgently;
- Ensures provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the harassment and provide a re-assurance of not engaging in such acts against HRDs such as Mr. Raj Narayan;
- Put an end to all acts of harassment against all RTI activists and human rights defenders in Delhi to ensure that in all circumstances they carry out their activities

as defenders of rights without any hindrances;

- Ensure the right to seek information guaranteed by the RTI Act and the Article 21 of the Constitution of India which guarantees personal liberty;
- Conform with the provisions of 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”;
 - Recommend urgently and speedily during the pendency of this complaint, the SHRC Delhi to also take necessary steps to establish a focal point for HRDs in Delhi in order to ensure that HRDs have a new protection mechanism for them;
 - Recommend 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 Delhi for the protection of the rights of human rights defenders;
 - Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi in collaboration with the NHRC Focal Point on HRDs to provide sensitization 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;
 - Recommend urgently and speedily during the pendency of this complaint, the Government of Delhi 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, ensure 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 Delhi.

Looking forward to your immediate action in this regard,

Yours sincerely,

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

(Henri Tiphagne)

Honorary National Working Secretary