



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

No.32, Besant Road, Chokkikulam, Madurai - 625 002, Tamil Nadu, India.  
P: +91-452-2531874 & 2539520 Fax: +91-452- 2531874 Mobile: 99943-68540  
E.mail: hrda.india@gmail.com Web: www.hrdaindia.org

Ref No:- HRDA/North/BR/1/9/2018  
**September 4, 2018**

To

**Mr. Khaleel Ahmed**

National Focal Point - Human Rights Defenders & Deputy Registrar  
National Human Rights Commission  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110023  
Email: [hrd-nhrc@nic.in](mailto:hrd-nhrc@nic.in)

***Sub: HRD Alert - India – Urgent Appeal for Action – Mr. Sanjay Kumar, Assistant Professor, Sociology at Mahatma Gandhi Central University Motihari, assaulted by a mob in East Champaran district of Bihar, violation of the right to freedom of speech & expression as guaranteed under the Constitution of India.***

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 now writing to express our grave concern about the brutal attack 'with the intention to murder' on Mr. Sanjay Kumar, Assistant Professor - Sociology, Mahatma Gandhi Central University, Motihari, on August 17, 2018. Mr Sanjay Kumar was attacked for his participation in the protest against corrupt practices of the Vice-Chancellor Prof. Arvind Kumar Agarwal by the close aides of the Vice-Chancellor.

Further, another reason for attacks on Mr. Sanjay Kumar is for exercising his right to protest and freedom of speech and expression, in this case for posting his opinion on social media (Facebook).

**Status of Human Rights Defender:**

Mr. Sanjay Kumar is an assistant professor with the sociology department of Mahatma Gandhi Central University (MGCU), Motihari East Champaran district of Bihar. He is an alumnus of the Jawaharlal Nehru University New Delhi.

He was a part of the university group which has been protesting against the Vice Chancellors Prof. Arvind Kumar Agarwal's high-handedness over the last few months and his corrupt and authoritarian conduct. The group had been sitting on a *dharna* at the

university since May 29, 2018, against a series of issues. According to a joint public statement issued by the academics, activists and others, *'The VC has been charged with a range of wrongdoings — from illegal termination of permanent faculty members, quid pro quo appointments, financial embezzlement and failure of the university to make regular payments to the New Pension Scheme, violation of reservation policy in recruitment of staff, implicating faculty and students in false cases, to partisan and authoritarian conduct that actively rouses public animus and hostility to the university teachers'*. Mr Sanjay Kumar along with his colleagues had led a peaceful protest against the forgery of the VC and his corrupt practices in the University.

Post protest, the University was closed sine die on 19th August, 2018, to suppress the teachers' protest.

**Source of Information on the Incident:**

- HRDA, Regional Coordinator for Eastern zone;
- Public Statement in support of Mr. Sanjay Kumar and the Mahatma Gandhi Central University Bihar Teachers' Association;
- Media publications.

**Perpetrators:**

1. Mr. Upendra Kumar Sharma, Superintendent of Police, East Champaran;
2. Mr. Murli Manohar Manjhi, Additional Superintendent of Police, Motihari;
3. Mr. Arvind Kumar Agarwal, Vice-Chancellor, Mahatma Gandhi Central University Motihari;
4. Accused persons named in the FIR.

**Place of Incident:** Azad Nagar, Motihari

**Date of Incident:** August 17, 2018

**Details of the Incident:**

As per the sources, on August 17, 2018, Mr. Sanjay Kumar, was assaulted by a mob of 20-25 unknow youths for sharing a critical post on August 16, 2018, on social media (Facebook) on the death of former Prime Minister Mr. Atal Bihari Vajpayee. It is alleged that a mob of about 20-25 youth came to his house situated at Azad Nagar, Motihari where he was busy giving tuitions to his students. The mob forcibly entered his house and dragged him from the third floor to the streets and assaulted him in broad daylight. It is also alleged that the accused group had tried to douse him with petrol with the intension of burning him.

According to Mahatma Gandhi Central University Bihar Teachers' Association, this attack on Mr. Sanjay Kumar shouldn't be confined to his Facebook post, dated August 16, 2018. They believe it is an act of reprisal on Mr. Sanjay Kumar for his active involvement in the protests against the Vice Chancellor. Mr. Sanjay was attacked for his dissenting voice against the Vice-Chancellor.

Mr. Sanjay Kumar had lodged a complaint on August 17, 2018, with the Town Police Station, Motihari at around 8 p.m. It is important to mention here that though the police registered an FIR (No. being 528/18) u/s 323, 325, 341, 147 & 148, 149, 365,448, 506 and 120 B of the Indian Penal Code (IPC), it is alleged that the police has not been proactive in arresting the accused persons. The Vice-Chancellor of MGCU Prof Arvind Agrawal, faculty members Dr. Pavnesh Kumar, Dr Dinesh Vyas, Local media persons Mr. Gyaneswar Gautam and Mr. Sanjay Kumar Singh, industrialist Mr. Rakesh Pandey, students Mr. Purushottam Mishra and Mr. Ravikesh Mishra were named in the FIR as conspirators of this attack.

It is brought to your notice that Mr. Rahul R Pandey, Mr. Sunny Bajpayee, Mr. Aman Kumar Vajpayee, Mr. Diwakar Singh and Mr. Jitendra Giri were directly involved in the attack. The name of Mr. Manjit Kumar, orderly in Zila School was missing in the FIR who was one of the prime accused in the attack on Mr. Sanjay Kumar. It is further brought to your notice that the Police delayed the filing of FIR for 6 hours under pressure from top and finally filed the FIR with negligible charges. Further only two accused were arrested in the case who were later enlarged on bail. This entire incident reflects that this particular case is a clear cut example of conspiracy to suppress the teachers' protest in MGCU.

Further to add to the torturous targeting of Mr. Sanjay Kumar, on August 19, 2018, itself, Dr Dinesh Vyas, lodged a false case under SC-ST Act against Mr. Sanjay Kumar and Dr Shashikant Ray (FIR no 91/18, 19/8/2018, at 7.30 PM). Mr Ranjit Yadav too filed a case on 19<sup>th</sup> August 2018 against Mr. Sanjay Kumar under charges of sedition (FIR No 586/18, 19/8/2018, at 10.30 PM).

**Present Status:** Initially Mr. Sanjay Kumar was admitted to Sadar Hospital, Motihari but because of grievous hurt both internal and external injuries that he sustained, was later referred to Patna Medical College and from there further referred and admitted in All India Institute of Medical Science (AIIMS), New Delhi on August 20, 2018, and was there till the

evening of August 29, 2018. He has been recommended rest and follow up by the doctor for complete recovery.

**Appeal:**

We, therefore urge you to immediately take necessary steps and:

- Order an immediate, independent & impartial enquiry into the above-mentioned incident;
- Direct the Bihar Government for free medical treatment of Mr. Sanjay Kumar and take urgent steps to ensure the safety of Mr. Kumar and his family members;
- Mr. Ranjit Kumar, an orderly in Zila School, be named in the FIR as one of the prime accused who had earlier also threatened the teachers of dire consequences;
- The Deputy Chief Minister of Bihar Mr Sushil Modi and Mr Pramod Kumar, Minister of Tourism should be also booked for giving unconstitutional comments on the mob-attack on Sanjay Kumar;
- Order that the false FIR against Mr. Sanjay Kumar by Mr Ranjit Yadav and Dr. Dinesh Vyas be quashed;
- Order that the attackers of Mr. Sanjay Kumar be booked under appropriate charges such as 307 and 455;
- Order that Mr Sanjay Kumar's case be heard in fast track court;
- Order that Mr Sanjay Kumar be granted police security;
- Guarantee in all circumstances the physical and psychological integrity of Mr. Sanjay Kumar who is still under risk of further reprisals from the perpetrators; and,
- Ensure provision of reparation, compensation, apology to the defender for the psychological sufferings he is undergoing because of the threats and intimidation to his life and give this assurance to the NHRC of India in writing immediately and urgently.

Looking forward to your immediate action in this regard,

Yours sincerely,



**(Henri Tiphagne)**

Honorary National Working Secretary