



# HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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February 19, 2019

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 – 110 023  
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Dear Sir,

***Sub: HRD Alert - India - Urgent Appeal for Action – Imminent threat of arrest faced by Dr. Anand Teltumbde by Maharashtra Police in Bhima Koregaon case – 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 imminent threat of arrest being faced by Dr. Anand Teltumbde in the Bhima Koregaon case over false and fabricated charges under the draconian Unlawful Activities Prevention Act (UAPA) and other offences under law.

**Status of Human Rights Defender:**

Dr. Anand Teltumbde is a renowned writer, civil rights activist, and public intellectual. He is an IIM-A alumnus, IIT Professor, Executive Director of Bharat Petroleum Corporation Limited, Ex-Managing Director & Chief Executive Officer of Petronet India and Senior Professor and Chair, Big Data Analytics in Goa Institute of Management. He has authored as many as 26 books on various subjects, innumerable articles and is a columnist with the Economic and Political Weekly. He is a noted academic and scholar of caste-class and public policy issues.

**Background of the incident:**

On December 31, 2017, Élgar Parishad was organised in Pune by Justice P. B.

Sawant, a retired judge of the Supreme Court, and Justice B. G. Kolse Patil, former judge of the Bombay High Court, a day preceding the 200<sup>th</sup> year anniversary of the battle of Bhima-Koregaon which was expected to have a gathering of lakhs of dalits. The Peshwahi rule in Maharashtra was defeated by the British with the help of Dalit soldiers in the historical Bhima Koregaon battle, which is celebrated by the dalits as victory against the oppressive Peshwai regime known for its casteist policies<sup>1</sup>. On January 1, 2018, dalit families visiting the commemorative event at Bhima-Koregaon were attacked by a mob carrying saffron flags, instigated by Sambhaji Bhide (founder of the Shiv Pratishtan Hindustan) and Milind Ekbote (founder of the Hindu Ekta Manch and organisations in Pune such as Samasta Hindu Agadi, the Pratapgarh Utsav Samity and the Gau Raksha Abhiyan<sup>2</sup>). Both Bhide and Ekbote have strong associations with right-wing groups such as Rashtriya Swayamsevak Sangh (RSS) and also wield considerable clout with the ruling dispensation<sup>3</sup>.

While Bhide and Ekbote and the goons behind the violence are at large, the incident has been used to target human rights defenders, lawyers and activists by producing a false and prejudicial narrative to project these human rights defenders as 'urban naxals' and maoist operatives and arrest them under UAPA. On April 17, 2018, the Pune police personnel conducted simultaneous searches at homes of prominent Dalit activists across Maharashtra. Raids were conducted in the houses of Sudhir Dhavale, Harshali Potdar, Ramesh Gaychor, Jyoti Jagtap, Sagar Gorkhe, Rupali Jadhav and Dhawala Dhengle and also at the residence of Advocate Surendra Gadling and Rona Wilson by a team of Pune police relating to the above-mentioned case.

Pursuant to this, on June 6, 2018, at 6 AM, the Pune and Maharashtra police raided the premises of human rights defenders Surendra Gadling, Sudhir Dhawale, Prof. Shoma Sen, Rona Wilson and Mahesh Raut and followed it with their arrests.

On the morning of August 28, 2018, the Pune Police launched simultaneous raids at the homes of several human rights defenders who are activists, priests, writers and lawyers in Mumbai, New Delhi, Ranchi, Goa and Hyderabad, including Dr. Anand

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<sup>1</sup> <https://www.thehindu.com/opinion/op-ed/understanding-bhima-koregaon/article22361017.ece>

<sup>2</sup> <https://scroll.in/article/892601/bhima-koregaon-case-pune-police-is-not-pressing-charges-against-hindutva-leader-sambhaji-bhide>

<sup>3</sup> <https://mumbaimirror.indiatimes.com/mumbai/cover-story/the-two-who-brought-your-city-to-a-halt/articleshow/62344275.cms>

Teltumbde. Raid was conducted on Dr. Anand Teltumbde's house in Goa on the premises of the Goa Institute of Management, on August 28, 2018, while he was not in town. According to the newspaper reports, Dr. Anand Teltumbde got to know that police had arrived at the campus to raid his house only when he was informed by an official at the institute. Following the raids, the police arrested activists Sudha Bharadwaj, Vernon Gonsalves, Arun Ferreira and Varavara Rao and also attempted to arrest Gautam Navalakha. The human rights defenders have been falsely implicated in the case under offences ranging from allegedly plotting to assassinate Prime Minister Narendra Modi, allegedly inciting the violence during Elgar Parishad, an annual event to commemorate Bhima Koregaon battle on January 1, 2018 and as Maoists and members of the banned Communist Party of India (Maoist). The police in this case have largely relied upon the alleged letters and emails allegedly exchanged between the arrested accused and some underground Naxalite operatives.

**HRDA has written to the Hon'ble Commission on all the above incidents:**

- Urgent Appeal for Action on April 20, 2018 over arbitrary searches conducted at houses of Dalit activists in April 2018 registered as **Case No: 379/90/0/2018**
- Further communication on June 6, 2018 for action on arrests of Surendra Gadling, Sudhir Dhawale, Shoma Sena, Rona Wilson and Mahesh Raut on charges under UAPA
- Urgent Appeal for Action on false accusations made Sudha Bharadwaj, Gautam Navalakha and other human rights defenders and lawyers on July 6, 2018 registered as **Case No: 810/90/0/2018**
- Urgent Appeal for Action on the arrests of Sudha Bharadwaj, Gautam Navalakha, Vernon Gonsalves, Arun Ferreira and Varavara Rao and raids in the premises of other human rights defenders, including Anand Teltumbde, on August 28, 2018 registered as **Case No: 1024/34/24/2018**

We address this further appeal for action with respect to the targeting of eminent rights activist Dr. Anand Teltumbde in connection with the Bhima Koregaon violence case and to follow up on the demands made in the appeals / communications addressed by us in the matter to date.

**Details of the Incident**

Dr. Anand Teltumbde's name was added in the FIR falsely in connection with the Bhima Koregaon violence filed against human rights defenders under UAPA. Though Teltumbde was invited along with other activists and intellectuals, for the planning of

Elgar Parishad, he did not participate in the event on January 1, 2018, and had in fact written a provocative article on January 2, 2018, criticising and holding counterproductive the emphasis on Bhima Koregaon battle by Dalits in their struggle for social justice<sup>4</sup>.

The Pune Police had claimed in a press conference in August 2018 about the alleged involvement of Anand Teltumbde and referred to a letter written by an alleged Maoist to someone addressed as 'Comrade Anand' regarding an academic conference at Paris. Meanwhile, the police filed a charge-sheet of over 5000-pages against the first five arrested persons – Surendra Gadling, Sudhir Dhawale, Rona Wilson, Mahesh Raut and Soma Sen, which contained fabricated letters against activists, including Anand Teletumbde.

Dr. Anand had approached the Bombay High Court seeking to quash the false and fabricated charges against him and the court asked the Pune Police to submit an affidavit mentioning the charges and evidence against him. Five such letters were submitted as evidence by the police, allegedly linking Teltumbde to the Bhima Koregaon violence and to the CPI (Maoist) and some other evidence which was produced before the court in sealed envelope and not revealed to Anand citing the pendency of the investigation. Teltumbde has strongly refuted the very existence of the fabricated letters, purportedly procured by the police at the time of the raids.

Some letters allege that one 'Anand' took responsibility to form Amedkar Periyar Study Circle (APSC) at Indian Institute of Technology - Madras (IIT-M), one 'Anand' made good suggestions at Anuradha Ghandy Memorial Committee, one 'Anand' taking responsibility for organising a fact-finding on an encounter incident at Gadchiroli by Committee for Protection of Democratic Rights. APSC in a statement issued on January 18, 2019 has categorically denied that Teltumbde was not involved in its formation and it was formed by the students of IIT-M in 2014 and also called these charges a 'blatant lie'. In his rejoinder filed before the Bombay High Court, Dr. Anand refuted all the allegations in these letters which try to implicate him by suggesting that the 'Anand' mentioned in these letters pertain to him. The Bombay High Court rejected the quashing plea filed by Anand Teltumbde on December 18, 2019, which order was challenged by him in the Supreme Court. On January 14, 2019, the Supreme Court of India refused to quash the First Information Report filed by Anand Teltumbde in the

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<sup>4</sup> <https://thewire.in/caste/myth-bhima-koregaon-reinforces-identities-seeks-transcend>

case related to Bhima Koregaon violence in which he has been falsely implicated, and granted Anand Teltumbde four-weeks interim protection from arrest and seek pre-arrest bail from the competent court in the meantime. Dr. Anand Teltumbde accordingly approached the trial court in Pune for pre-arrest bail, which application was rejected on February 1, 2019. In spite of the interim protection granted to him by the Supreme Court continuing till February 11, 2019, in a completely highhanded move and in violation of the Supreme Court order, the police took Dr. Anand Teltumbde into custody in the wee hours of February 2, 2019. He was released only several hours later, upon his production before the trial court, when the trial court rejected the application for remand and declared the arrest “illegal”. Dr. Anand Teltumbde then filed an application for pre-arrest bail before the Bombay High Court, which is now kept on February 22, 2019 and he has been granted anticipatory bail until then.

Accordingly, he continues to face an imminent threat of arrest in this concocted case filed with the sole purpose of targeting and criminalising outspoken and courageous public intellectuals and activists like him.

Dr. Anand and all of the other human rights defenders being targeted under the guise of the Bhima Koregaon violence case, have been long associated with several social movements and have worked on a range of issues concerning human rights, civil liberties, Dalits rights and rights of other vulnerable groups and marginalised communities etc. Dr. Anand is a strong voice on dalit rights, who has taken strong positions against anti-people policies of the government and criticised unjust actions. It is on account of his vociferous voice of dissent against state oppression and repression that he is being targeted by the government and criminalised under draconian UAPA. UAPA has been used as a tool by the state to silence voices of dissent and opposition and to incarcerate innocent people under false charges for years and thereby kill any democratic intervention or effective opposition.

In spite of statements issued by student organisations, public intellectuals and civil society organisations and activists all over the country and world condemning the false case being filed against the human rights defenders in the Bhima Koregaon violence case, the government is relentlessly pursuing an active crackdown against all such activists that they consider inconvenient and thereby thwarting democracy and right to dissent in the country. Nine European Parliament members wrote to the European Union's high representative for foreign affairs and security policy to cancel all agreements with India till the activists arrested in connection with the January violence

in Bhima-Koregaon are free<sup>5</sup>. In October 2018, 15 special rapporteurs from the United Nations' Office of the High Commissioner for Human Rights expressed concern over the arrests of human rights defenders in the Bhima Koregaon violence case and have stated that UAPA charges are a pretext to silence them<sup>6</sup>. The alarming incidents of attacks on human rights defenders in the country is acknowledged by United Nations, who put India in the list of 38 "shameful" countries owing to reprisals on rights activists<sup>7</sup>.

On the other hand, the real culprits responsible for the Bhima Koregaon violence, Hindutva leaders Ekbote and Bhide and the goons belonging to their groups, are roaming scott free and are not facing the threat of UAPA. The entire investigation in the Bhima Koregaon violence case has been diverted to ensure that the real culprits are protected from prosecution for their crimes and to instead incriminate human rights defenders who pose uncomfortable questions and effective voices of dissent and opposition against the government's unjust policies.

HRDA strongly condemns the continuing acts of reprisals against human rights defenders under the guise of the Bhima Koregaon violence case. HRDA has filed multiple urgent appeals from April to date seeking urgent action from the Hon'ble Commission in the matter, however no action has been taken by the Hon'ble Commission to date inspite repeated requests. HRDA strongly urges the Hon'ble Commission to take immediate note of all the above listed urgent appeals filed by HRDA in this matter and of this letter, and take immediate steps in respect of the demands set out in the communications. As the apex human rights institution in the country, it is the onus of the Hon'ble Commission to intervene in the cases when human rights defenders are subjected to orchestrated attacks like these.

**Appeal:**

We, therefore urge you to immediately take necessary steps and

- Order an immediate, independent, thorough, transparent, effective and impartial investigation, through NHRC's independent investigation team, into

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<sup>5</sup> <https://www.telegraphindia.com/india/europe-push-on-activists/cid/1668856>

<sup>6</sup>

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23686&LangID=E>

<sup>7</sup> <https://thewire.in/rights/un-decries-shameful-reprisals-on-rights-activists-in-38-countries-including-india>

the false and fabricated charges on all the above mentioned human rights defenders in the Bhima Koregaon case;

- The independent investigation team must record statements of all the above mentioned human rights defenders and meet the State Home Department for an assessment of the grave situation arising out of the searches and targeted intimidation of human rights defenders;
- Demand that charge sheet containing the name of Anand Teltumbde not be filed until NHRC files its report pursuant to independent investigation on the charges against Anand Teltumbde.
- Order that UAPA charges against all the above mentioned human rights defenders, including Anand Teltumbde be dropped and Anand Teltumbde be protected from threat of arrest, intimidation and harassment in the case;
- Guarantee in all circumstances the physical and psychological integrity of all the above mentioned human rights defenders including Anand Teltumbde and their family members from any further reprisals from the perpetrators and using all provisions of law to ensure that they not harassed or intimidated in future;
- Provide legal assistance, if required, for Anand Teltumbde who is facing imminent threat of arrest;
- Take immediate action in respect of the urgent appeals / communications addressed to the Hon'ble Commission on April 20, 2018, June 6, 2018, July 6, 2018 and August 28, 2018 on this matter.

Looking forward to your immediate action in this regard,

Yours sincerely,



*Henri Tiphagne*  
National Working Secretary