



HUMAN RIGHTS DEFENDERS' ALERT - INDIA

NATIONAL SECRETARIAT

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June 4, 2019

To

Mr. Khaleel Ahmed,
National Focal Point – Human Rights Defenders and Deputy Registrar,
National Human Rights Commission,
Manav Adhikar Bhavan,
Block-C, GPO Complex, INA,
New Delhi – 110023
E-mail: hrd-nhrc@nic.in

Dear Sir,

Sub: HRD Alert – India – Urgent Appeal for Action – Arbitrary Suspension of Lateef Mohammed Khan, Gazetted Head Master at Govt. High School, Nampally, Telangana for raising people's concerns as a civil rights activist and human rights defender.

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 draw the attention to the arbitrary suspension order issued to Mr. Lateef Mohammed Khan, Gazetted Head Master at Government High School on May 17, 2019 for raising questions through a video social media post on the functioning of the Telangana Government and non-fulfilment of electoral promises in his capacity as a long-standing human rights defender and Secretary of the Civil Liberties Monitoring Committee (CLMC), Hyderabad.

Source of Information on the Incident:

- A communication from the defenders in the region
- Reports from Social Media and regional print media
- The Regional Coordinator of HRDA for South of India

Status of the Human Rights Defenders:

Mr. Lateef Mohammad Khan is a well-known civil liberties activist with a committed track record of about two decades of human rights work in Telangana. As Secretary of the Civil Liberties Monitoring Committee (CLMC), Hyderabad, he has worked

extensively on numerous issues concerning the legal rights of marginalized communities, especially with impoverished Muslim families. He was also active in the Telangana statehood movement. He works as Gazetted Headmaster at Government High School, Nampally, Telangana.

The Perpetrators:

Office of the Regional Joint Director of School Education, Government of Telangana.

Date of Incident:

May 17, 2019

Incident detail:

Mr. Lateef Mohammad Khan, in his individual capacity as a public spirited citizen and human rights defender, released a 15-minute video on social media, 'KCR Exposed', in November 2018, during the Telangana Assembly election, wherein, referring to some of the electoral promises of Mr. K. Chandra Shekhar Rao, Chief Minister of Telangana, in 2014, before coming to power, he questioned the non-fulfilment of the same even up to 2018. Some of the aspects that he raised in the video included the Chief Minister's promise of ensuring that a Scheduled Caste person would be the Chief Minister, that 12% reservation would be given to Muslims in employment and education, double bedroom houses to the poor, clean drinking water for each household, construction of dams for irrigation, free education from KG-PG and employment opportunities for 50,000 youth, as well as bringing about a 'Golden Telangana. He exhorted the general public to remind the Chief Minister and his party of the unkept promises, the next time they come to seek votes.

Almost seven months later, on May 17, 2019, the Office of the Regional Joint Director of School Education, Government of Telangana issued an arbitrary *ex-parte* order suspending Mr. Lateef Mohammad Khan from his official duties as Gazetted Head Master, Govt. High School, Nampally, for posting the aforesaid video content on social media, allegedly, in violation of the Model Code of Conduct. [Encl. Suspension Order]

The process of suspension reeks of multiple procedural lapses. One that the suspension order itself is vague and ambiguous. The department has not revealed to Mr. Khan as to who filed the complaint against him. He has not even been given the complaint copy. Two, the disciplinary proceeding were initiated unilaterally, without even providing him an opportunity of being heard and explaining himself. Thus the

proceedings are clearly violative of the principles of natural justice and fairness.

It is common knowledge that many government employees are also member of civil society and civil liberties groups in their individual capacity and routinely question elected authorities and bureaucrats, where violations occur or promises are unfulfilled and make them accountable to the law of the land. Not just Lateef Mohammed Khan, but many teaching faculty in colleges and universities have time and again questioned and criticised the policies of the Government through their writings, talks etc. both in Telangana and across India. Article 19 of the Constitution provides for right to freedom of speech and expression, and this includes the right to criticize elected representatives as well.

Clearly, Mr. Khan has been suspended for doing his civic duty as a citizen i.e. questioning and holding the elected representatives accountable, a right that cannot be taken away merely because one is a government servant. Rather, as a government servant, one must be even more conscious and conscientious towards the human and constitutional rights of fellow citizens. By joining Government service, one does not lose sight of one's constitutional duties towards the nation nor one's constitutional rights. Questioning the government is every citizen's and voter's right.

HRDA contests the arbitrary nature of such 'suspension orders' and calls upon the Government of Telangana to drop the whimsical proceedings initiated against Lateef Mohammed Khan". His right to articulate and organize for legitimate concerns within a constitutional framework needs to be fully protected by the Telangana Government.

The Commission is upraised that illegal suspension of Dr. Lateef amounts to him being victimised for this past work as an activist and human rights defender and for voicing out his opinion on the promises made by the chief minister on the issues of minorities. This is yet again an example of repressive attitude of the State towards dissenting voices.

The right to free speech and expression is guaranteed by Article 19 (1) (a) of the Constitution of India. Curtailing of individual's right to free speech and expression through such arbitrary and illegal suspension orders only for criticising the government contradicts the theory of promotion of right to free speech and expression.

Appeal:

We, therefore urge you to immediately take necessary steps to direct the Government

of Telangana to:

- Withdraw the Order of Suspension dated 17/5/2019 issued by the Office of Regional Joint Director of School Education, Govt of Telangana and immediately reinstate Mr. Lateef Mohammad Khan in his regular duties.
- Order an immediate, independent, thorough, transparent, effective and impartial investigation into the above-mentioned incident of arbitrary suspension and harassment of human rights defender Lateef Mohammad Khan, with an opportunity to be heard and represented by counsel, if so required by him.
- Take immediate action on the authorities responsible in this case i.e. the Regional Joint Director of School Education, Government of Telangana.
- Guarantee in all circumstances the physical and psychological integrity of human rights defender Lateef Mohammad Khan, who is legitimately raising issues pertaining to the rights of people within a constitutional framework.
- Ensure provision of reparation, compensation, apology to the human rights defender and the families of the defender for the psychological sufferings they are undergoing;
- Put an end to all acts of harassment of government employees who are human rights defenders like Lateef Mohammad Khan and ensure they are able to participate in human rights defenders work in personal capacity.
- Ensure that law-abiding educationists and activists like Lateef Mohammad Khan. have the liberty to carry out their activities as defenders of human rights without any hindrances or threats.

Looking forward to your immediate action in this regard,

Yours sincerely,



Henri Tiphagne
National Working Secretary

Copy to:

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