

**Policing Morality at AMU: An Independent Fact Finding
Report**

March, 2010

Introduction

On 09.02.2010, newspapers widely reported the story of Dr. Mr. Shrinivas Ramchandra Siras a 64 year old Reader & Chairman, Department of Modern Indian Languages, Aligarh Muslim University (AMU) being filmed having consensual sex with another adult male and subsequently suspended by AMU, a Central University. The implications of the suspension both in terms of the perception of homosexuality as immoral despite the judgment of the Delhi High Court as well as the disturbing nature of the occurrence of the filming of Dr. Siras in the privacy of his home prompted a nationwide outrage.

It was this seemingly blatant violation of the fundamental rights of privacy and dignity granted to all citizens of the country which prompted a Fact Finding Team (referred to as Team in this report) consisting of the following individuals to visit Aligarh on 3th and 4th March 2010 to probe this incident. The Team consisted of:

- 1) Arvind Narrain, Alternative Law Forum (ALF), Bangalore
- 2) Avantika Srivastava, Association for Advocacy and Legal Initiatives (AALI), Lucknow
- 3) Deepti Sharma, Saheli Women's Resource Centre, New Delhi
- 4) Ghazala Rizvi, Association for Advocacy and Legal Initiatives (AALI), Lucknow
- 5) Sunil Gupta, Activist, New Delhi

The Team visited Aligarh to meet Dr. Siras to know his side of the story, to meet Aligarh Muslim University (referred to as AMU in this Report) authorities to try and make sense of what prompted this very harsh and extreme response and lastly to meet some AMU professors, students and local activists to get an insight into these troubling developments in AMU.

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1. Meeting with Dr. Siras

Dr. Siras immediately agreed to meet the Team at the AMU campus. He apologised for not being able to invite us to his home, his second home in one week, after he was unceremoniously thrown out of his university accommodation. Dr. Siras informed us that he has been working in AMU since March 1988 (22 years) and is due to retire in September 2010.

Narrating the events of that day (08.02.10), Dr. Siras informed the Team that a friend (a legal adult) with whom he was having an intimate relationship and who is a rickshaw driver, came to his residence at 6.30 pm. After the arrival of the friend, Dr. Siras sat in the drawing room and chatted for some time and then they went into the bedroom.

Unknown to Dr. Siras, three people had already entered his flat (at some point during the evening) and then proceeded to pounce on both of them with cameras in their hands and threatened to take pictures of both of them in that 'condition'. According to Dr. Siras, while the intruders permitted his friend to get dressed and leave, they refused to allow him to even wear his clothes. These intruders further threatened him, forcing him to remain undressed and coerced him into standing in various positions and took pictures. They said, "*Ruko, hum press se hain aur hum tumhe shoot karne wale hai*" meaning "*Stop, we are from the press and we are going to film you*". After some time when they allowed Dr. Siras to wear his clothes, he asked them why were they doing this? One of the persons said, "*We have complaints from the people/residents about your homosexual attitude and that you are indulging in homosexual activities in University colony/premises. We are now going to print this*". One of the persons told him that they were all from the press and they had heard from the residents of that area that Dr. Siras was gay and hence they were going to publish all the pictures.

Just as Dr. Siras was pleading with the three persons not to publish the pictures some of the professors from AMU including Dr. Zubair Khan (Proctor), Dr. Fareed Ahmad Khan (Dy. Proctor), Dr. Rahat Abrar (PRO), Prof. N.A.K. Durrani (Media Advisor), Dr. Afzal Anees (Reader) entered his flat. Out of these only Dr. Afzal Anees had come over on the request of Dr. Siras as he was not feeling well. Dr. Siras was shocked to see his colleagues in his flat as he had never called for any help or invited any of the professors to his house that day.

The person claiming to be from the media told Dr. Siras that if he admits in front of the Proctor that he was having homosexual sex, then they will delete the recording. Dr. Siras immediately apologised and the Proctor told him to not to worry and that nothing will happen on this matter. Thereafter the professors of the University and intruders surreptitiously talked for some time in another room and then they all left the house giving Dr. Siras the impression that the matter was over.

Dr. Siras was under the impression that the matter would end there, but was mistaken. The next day, 09.02.10, he was shocked to see the 'incident' reported in many newspapers. He was also shocked when that very day he was served with a suspension notice under Section 40 (3) (c) of the Aligarh Muslim University Act, 1920 and also ordered not to leave Aligarh without

obtaining the permission of Prof. PK Abdul Azis, the Vice Chancellor of AMU. On the same day, he was also issued a memo ordering him to vacate the University Quarters occupied by him within a week. The following day (10.02.10) Prof. Shaik Mastan was appointed as Chairman, Department of Modern Indian Languages for the duration of suspension of Dr. Siras. Though Dr. Siras requested on humanitarian grounds a month's relaxation of the time period to allow him to search for a new house, the University was unrelenting. On 13.02.10, the University forced Dr. Siras out of his University accommodation by instructing its Electrical Engineer to depute staff to remove the meter and fans and to check the electrical fittings of the house.

Following this notice, Dr Siras was left with no option but to move out. When he moved out to another place, he was asked to vacate the same as the owners were uncomfortable with the 'reputation' Dr Siras had attained. It was only when he shifted to another place that Dr Siras was able to solve his travails with respect to accommodation.

On 24.02.10, the University served Dr. Siras with a chargesheet with the formal charge against him being that Dr. Siras *"has committed act of misconduct in as much as he indulged himself into immoral sexual activity and in contravention of basic moral ethics while residing in Quarter No. 21-C, Medical College, AMU, Aligarh thereby undermined pious image of the teacher community and as a whole tarnishing the image of the University"*.

It was only when the University served Dr. Siras with a chargesheet (24.02.10) that he came to know the names of the journalists who were part of the sting operation: Mr. Syed Adil Murtaza of TV 100 and Mr. Ashu Misam of Voice of Nation T.V. Channel. Both these journalists are listed as witnesses in the chargesheet but there is no mention of the third person.

The chargesheet version of the narrative is that, when the Public Relations Officer and the Proctor were having dinner in the University Guest House No. 1, the Deputy Proctor informed them that *"some media persons are making some kind of film"* in the quarters occupied by Dr. Siras. On receiving this 'complaint', they rushed to Dr. Siras's premises (also joined by some others from AMU) where they found him *"wearing pajama and shirt and begging for forgiveness from the media persons. Since they were not aware of the business which was going on in that house, the Media persons were taken in another room and they were informed by them of the incident which took place there"*. The University authorities then saw the video clipping of Dr. Siras *"who was shown in bare clothes and was indulged in an act of homosexuality with a rickshaw puller"*.

2. Meeting with AMU Authorities

When the Team met with Dr. Rahat Abrar, Public Relations Officer (PRO), he reiterated the position of the University. In the opinion of the PRO, homosexuality even in the privacy of the home is immoral. He said that this 133 year old institution has its moral values and they must uphold them. He was very proud to inform us that one cannot go in kurta pyjama to classes or wear chappals and that women dress in a decent manner and that there are several kilometres separating the boys and the girls hostel. This according to the PRO was the 'culture and

tradition' that they are proud to uphold.

The PRO also did not seem to feel that public opinion would adversely affect the AMU as there were AMU students in 92 countries around the world and everybody knew that they were standing up for 'moral values'. The Team informed the PRO that there is a statement of academics from all over the country that condemned the action of AMU but he stated that if there were petitions to reinstate Dr. Siras, there were also a petition with over 800 signatures asking for Dr. Siras to be punished. However he could not provide us with more details about the said petition.

He informed us that this is the first time someone has been suspended on grounds of homosexuality - a moral issue for the university. The PRO also said that after Dr. Siras responds to the chargesheet and if the University is satisfied with his response, the matter would be closed. And if not an inquiry would be set up as per the University procedures. However the PRO was not able to provide the Team with the procedures under which the inquiry would be set up despite being requested for the same.

All efforts to meet the Vice Chancellor, PK Abdul Azis failed as he was out of Aligarh.

The Team also contacted other officials of the University including the Proctor Dr. Zubair Khan and the Dy. Proctor Dr. Fareed Ahmad Khan. The Team finally managed to talk to the Dy. Proctor over the phone. He reiterated the position of the University and said that the 'principles of natural justice of AMU' will prevail!

Opinion of AMU Faculty

While the AMU administration was unrelenting in its desire to take all forms of action against Dr. Siras, there were voices in the faculty who were supportive of Dr. Siras. It was clear that a majority of the Faculty did not wish to take a stand or get involved in the Dr. Siras 'incident'. However, according to media reports, the Secretary of the AMU Teachers Association, Jamshed Siddiqui has been quoted as saying that, "We are sending a letter to the vice chancellor highlighting the fact that the entire issue involves a gross infringement into the private life of a senior university teacher." There were however a few faculty members who did come out in his support.

Summary of meeting with Dr. Tariq Islam, Professor of Philosophy and Dr. Mohammed Naved Khan, Department of Business Administration, AMU.

Dr. Islam and Dr. Khan are also Right to Information (RTI) activists.

In their opinion, the silent majority on campus is hostile towards the action of the VC as it is clearly a violation of Dr. Siras's right to privacy. Dr. Islam and Dr. Khan were also of the opinion that there is a strong probability of truth in the media reports about the TV crew being in cahoots with the University administration; as no TV crew would dare enter the premises of a faculty member if they didn't have a go ahead from the University Authorities. They also felt

that the University may be trying to divert attention from the negative publicity it has received following the recent inquiry that has been ordered by President of India, Pratibha Patil, after instances of financial bungling and mismanagement came to light. The list of charges against the VC include spending close to two crore in refurbishing the VC's residence, improper claims of travelling allowances and adoption of improper tendering practices.

Dr. Islam also noted that the core issue with respect to the incident involving Dr. Siras was one of privacy. As Dr. Islam put it, if one takes the argument of privacy seriously, there is no space within Islamic traditions for intrusion into the private sphere. By way of illustration, he quoted the example of the Second Caliph Omar who when informed of certain strange sexual activities decided to intervene and caught the persons red handed. Once the person said that you have intruded on my privacy, Caliph Omar apologised and left. The episode demonstrates how key the issue of privacy is to Islam and that it is wrong to see the Dr. Siras episode as a debate between homosexuality and Islam.

Dr. Islam was also of the opinion that a University should be a place of learning, free thought and dissent. The idea of tolerance that any place of learning must inculcate means that you tolerate what is not acceptable to you. He said that it is very problematic that the University has made this chargesheet on the basis of 'morality' and that they are using (and have been using) the phrase 'morality' to stifle free speech on campus.

Dr. Islam and Dr. Khan informed us that on a specific RTI application asking the University to state what exactly is covered under 'misconduct', the University refused to lay down anything specific thereby having the latitude of using the term 'misconduct' as and when it pleases them and against whoever/whatever they find threatening.

Summary of meeting with Prof. Jaya Menon, Associate Professor in the Department of History, AMU

Prof. Menon informed the Team she was against the actions of the University that have lead to victimisation of Dr. Siras. She said that whatever has happened is a violation of his privacy and an attack on his democratic rights.

She said that many faculty members and students are not in favour of the decision taken by the University but are afraid to speak up for fear of consequences. Prof. Menon told the Team that she may also face some consequences for talking to this Team but felt strongly that its important to speak up and not let someone's democratic rights be trampled upon in this manner.

The Team also met with two other senior professors of AMU who spoke to us on condition of anonymity. They were appalled by what Dr. Siras is being put through. They said that over the last few years there has been a systematic quelling of voices of dissent and an attempt to curb debate on campus. This has created a situation where faculty and students have stopped protesting fearing the reaction of the authorities. They also felt that the University found an 'easy victim' in Dr. Siras and this was a conspiracy of the University to divert attention from the

negative publicity it has been receiving because of the recent inquiry ordered by President of India.

4. AMU Students' Opinion

The Team visited the university campus and had discussions with students of various departments including political science, history, commerce and statistics. The general mood of the campus seemed to be that the students were not in support of homosexuality but they were of the opinion that privacy of any person was a Constitutional right. Hence they came down quite heavily on the role that the media played in the case of Dr. Siras.

The Team noticed that when they spoke to students individually, they came out very vocally against the actions of the VC and felt that Dr. Siras's privacy had been violated. But when in a group, they defended the decision of the VC and criticized the conduct of Dr. Siras as they felt that teachers are role models and should not be involved in such activities and also correlated the issue of homosexuality with Islam in which according to the students it is strictly prohibited.

The Team felt that the students, when in a group setting, were supporting the decision of the VC for (possibly) fear of being singled out by their peers.

However there were isolated and courageous dissenters from the status quo. According to one final year law student, who the Team spoke to individually, AMU is a Central University and is not mandated to be an Islamic university; and that we did not live in a theocratic but rather in a democratic state. Hence what Dr. Siras did in the privacy of his home was his business. He also felt that the given the homophobic atmosphere in the University, it is no surprise that he has never met anybody who was openly gay on campus.

He said that there are many steps that the authorities have taken that make this a campus devoid of political expression. He informed the Team that the students had received a notification from the University authorities prohibiting distribution of pamphlets and formation of any groups. He felt that the challenge was on how to talk about various issues without necessarily linking them to religion but rather discuss them in the framework of democratic rights. He expressed that the university has been 'using' Islam cynically to clamp down on anything which the authorities find difficult to tolerate.

5. Interaction with the Journalist

The Team made several attempts to talk to Mr. Syed Adil Murtaza, the journalist from TV 100, who was a part of the sting operation. Mr. Murtaza was very reluctant to meet the Team but finally did talk to us over the phone. To the pointed question on how he knew that something was happening in Dr. Siras's house on that particular night, he replied that he was informed by a source and that he was not at liberty to disclose. To the question as to how come, he without authorisation filmed Dr. Siras in his house, he replied that he did it because he knew that the University would approve of this action. The phone conversation with Mr. Murtaza had to be cut short because he certainly didn't like the nature of the questions and became very aggressive

towards the Team.

6. The FIR Saga

On 3rd and 4th March, 2009, Dr. Siras went repeatedly to the Civil Lines police station to try to file an FIR to report about the various offences which were committed against him including criminal intimidation, assault, trespass and wrongful confinement. The Sections of the Indian Penal Code (IPC) under which Dr. Siras made out an offence against him were Secs 347, 352, 355, 452, 454, 455, 457, 458, 506, of the IPC read with 34 (common intention) and 120B (conspiracy) of the IPC. Dr. Siras names three unknown persons with a physical description and mentions that he would be able to identify them, if he saw them. He also names the following from AMU as having perpetrated the offences against him:

- 1) Prof. Zubair Khan, Proctor, AMU, Aligarh
- 2) Dr. Fareed Ahmad Khan, the Dy. Proctor
- 3) Dr. Rahat Abrar, the PRO
- 4) Prof. N.A.K. Durrani, Media Advisor

On 3rd March, 2009, he was sent back because the said FIR was in English language and the police would only register an FIR in Hindi. The next day when he returned with a Hindi translation of the same, he was sent back again saying he should personally give it to Mr. Vijay Prakash, Senior Superintendent of Police (SSP), Aligarh, in the evening. That evening (04.03.10) he went to meet the SSP and was accompanied by Team members to provide him with support to file the FIR. Upon reaching the residence/office of the SSP, the Team noticed that the SSP's staff was busy gearing up for a Holi function that same evening. The presence of this Team on such an occasion did seem to dampen their mood.

We requested the very hostile Personal Assistant (PA) of the SSP for a meeting and waited for a while. The PA finally informed us that the SSP is very busy and we should come the next day. When we insisted, he told us that we can meet Mr. M.S. Chauhan, SP City, Aligarh, who was going to arrive soon. We did meet the SP City, who looked at the FIR application and told us that it cannot be registered at this point because Dr. Siras has named some very prominent figures in AMU. He offered to accept the application but said that only after this matter has been further investigated will Dr. Siras be able to register an FIR. We informed the SP City that every citizen has a right to register an FIR and to this his response was "*kal tum log District Magistrate ke khilaf FIR karoge; aisa thodi na hota hai*" meaning "*tomorrow you people will go do an FIR against the District Magistrate and that will not be acceptable*".

As the Team refused to leave, the SSP had no option but to show up. He began by shouting at us saying "*ahbi isi waqt yeh FIR kyun karni hai, kya aasman sirr pe gir pada hai?*" meaning "*has the sky fallen on your head that you have to do this FIR right now?*". The SSP too refused to file an FIR and asked us to come to his office the next day. As soon as he left, we were surrounded by media people who started hounding us while the staff of the SSP just looked on.

The Team cannot help but think that someone from the SSP's staff informed the media about our presence, to harass and to chase us out.

Finally the SP City intervened and assured the Team that the FIR would be registered immediately. We demanded that someone from the SSP office should accompany us with clear instructions to ensure that the FIR is registered immediately, we were assured that this will be the case.

The Team and Dr. Siras soon reached the Civil Lines police station and the process of registering the FIR started immediately. Mr. Singh, the police person in charge on duty told us that it will take several hours for this long FIR (in Hindi) to get typed and we can come next day early in the morning to collect a copy. He repeatedly assured us that it will be certainly ready by morning.

That night (04.03.10), the team left Aligarh. Next day (05.03.10), Dr. Siras informed the Team that the police have refused to file his FIR. A Team member called Mr. Singh at the Civil Lines police station and was informed that there is pressure from 'the top' to not register this FIR. Attempts were made to contact both the SSP and the SP City - SSP refused to talk about this and SP City was apparently too busy to talk.

The update from Dr. Siras as on 09.03.2010 is that the FIR has still not been registered.

It is shocking that the police have refused to perform their basic constitutional duty of filing an FIR upon the receipt of a complaint which discloses the commission of a cognizable offence. This dereliction of duty has serious implications not just for Dr. Siras but for the notion that the law applies equally to all. The AMU authorities, cannot be exempt from the law merely because they occupy a position of power in Aligarh.

7. Conclusion and Findings

After speaking to Dr. Siras, University authorities, students and faculty as well as other concerned persons, the Team came to the following conclusions:

How did it happen?

The way Dr. Siras's case has unfolded in the media and the subsequent harassment that he has faced at the hands of the AMU authorities, points an unerring finger at the complicity of the University authorities in the various illegal actions taken against Dr. Siras. It is clear from the conversation with the journalist that he would never have dared to do a sting operation in the university premises without a go ahead from the AMU authorities.

A suspension order has been served on Dr. Siras not on the basis of any complaint by any party, but rather seems to be a case of *suo motu* action taken by the University authorities because it "*is unbecoming on the part of a teacher of the University, thereby, he undermined pious image of the teacher community and as a whole tarnished the image of the University.*" However the university authorities have shown a complete disregard for the reputation of the

university going by their reckless action in being the first ones to issue a press statement outlining the 'offence' of Dr. Siras as well as stating the 'moral action' taken by the University. This action of converting what should have been an internal affair into a public issue points to the role of the University authorities in trying to drum up support for its actions and to silence and shame Dr. Siras.

While the University authorities themselves might have had little skill in doing the investigative work necessary to actually carry out the operation, the *modus operandi* points to the role of the Local Intelligence Unit (LIU) of the AMU: the logistical details would not have been possible without 'intelligence' as well as 'monitoring' of Dr. Siras. And this is possibly where the Local Intelligence Unit (LIU) of the AMU came into the picture. A Right to Information application filed by RTI activists had disclosed that there was a LIU on campus under the direct control of the Proctor. According to the response to the RTI filed "*LIU is a unit of the proctor office, AMU. Its aim and objectives are to collect information which helps take preventive measures in maintaining Law and Order in the University campus. The reports provided by the LIU Unit are accepted by the AMU authority. No record or document is available in the Proctor office showing that the reports of this LIU Unit are accepted or not by the Court of Law*". The response further states that neither the University Grants Commission (UGC) nor the Ministry of Human Resource Development (HRD) have been informed by the Proctor Office about the existence of these plainclothes sleuths on AMU campus. It is very clear that that the LIU functions as an extra constitutional body which monitors all forms of dissent on campus and also acts as the moral policing wing of the University.

In the opinion of many activists the logistical details of 'Operation Siras' clearly means that the LIU was definitely involved. AMU is possibly the first University which has so openly taken over the functions of the State through the constitution of a body to ensure law and order on campus and gather intelligence. If it does come out that the operation was indeed carried out by the LIU, then there is a lot that the university will have to answer for; because this puts a serious question mark over the right to privacy and dignity of other students and professors residing in the AMU campus.

AMU authorities should explain how come they 'landed up' at Dr. Siras's house that night? Why didn't they report the journalists to the police? Lastly, why did they make an internal university matter known publicly by being the first ones to inform the press?

One should also note the patently illegal action of the AMU authorities in forcing Dr. Siras out of his official accommodation. This amounts to a punishment before inquiry and is thereby violative of the principles of natural justice as well as Dr. Siras's fundamental right to shelter.

Why did it happen?

What is apparent from the actions of the university authorities is that for the first time in the history of AMU the issue of homosexuality has been widely publicised as a 'misconduct' by the authorities. The Authorities by being the first ones to issue a press statement have deliberately

called attention to an internal university matter thereby fanning a public outcry and debate. There are two ways in which one can explain the seemingly inexplicable and vindictive actions of the University authorities.

The immediate provocation might have been the fact that the Vice Chancellor was coming under enormous pressure due to the inquiry set up by the President of India after instances of financial bungling and mismanagement came to light. The Principal Auditor General of UP in a dispatch noted that "*There is a complete collapse of financial management and the VC and Registrar. Instead of stopping this frequent financial irregularity, they themselves became part of it*". The reason for this operation might be linked to taking the spotlight away from the VC following negative press publicity; and Dr. Siras served as a convenient scapegoat to divert attention.

When one asks the question as to why did this happen, one cannot ignore the context and history of the AMU. From the Teams interactions it was quite clear that moral policing at the AMU was not something completely new.

In another shocking incident in January 2010 a research scholar, Irfan Khan who was in a consensual relationship with Asma Firdous was suspended from the University on the grounds of 'moral turpitude, intimidation and assault'. The crime of Irfan Khan and Asma Firdous, both legal adults, was to fall in love and get married without the consent of their parents. Asma Firdous's parents had filed an FIR of kidnapping against Irfan Khan. Though Irfan Khan and Asma Firdous had got married a day before the filing of the FIR, the university authorities choose to go ahead and suspend him. Mr. Khan and his wife went to the Allahabad High Court who subsequently ruled that both Irfan Khan and his wife had married out of free will. Despite ample legal evidence of a valid and consensual relationship, the AMU authorities have refused to withdraw the suspension of Irfan Khan. The only reason for his suspension discernible is that as per the AMU authorities marrying someone out of one's own free will against parental consent amounts to moral turpitude and violates the moral code set up by the AMU authorities.

Therefore there is nothing surprising in the actions of the AMU authorities as they have converted the University campus into an unwholesome place which is not conducive to issues of personal freedom, intellectual thought and development of student personalities. There is a feeling of terror and intimidation on the campus which inhibits normal campus life. Institutions vital to campus life such as student unions as well as any democratic bodies for the expression of opinion have been prohibited. The constitutional freedoms of right to expression and association under Article 19 as well as the right to live with dignity under Article 21 have been given the go by.

By taking action against Dr. Siras, the university authorities seek to bolster their own conservative credentials as upholders of a certain morality. By deliberating raking up and fanning the issue of homosexuality, the AMU authorities refurbish their credentials as 'pious teachers' even if it be at the cost of the basic human rights of its faculty. If there is a side benefit in diverting attention away from serious allegations of corruption and mismanagement

of funds, its an added bonus, which the AMU authorities seem happy to reap.

Is the notion of privacy so hard to get ?

The debate on the Dr. Siras affair has been sought to be polarized into those who are in favour of homosexuality and those who are not. However the underlying issue is really one of various illegal actions perpetrated by the University Authorities whereby they deprived their own faculty of the basic right to be free of intrusion in the sphere of his home and nurture his beliefs, thoughts, emotions and sensations without interference. The Supreme Court has held in a series of decisions that the right to privacy is integrally linked to the notion of autonomy and the right to live with dignity. It is this most fundamental of Constitutional safeguards that the AMU authorities have colluded in negating by being complicit in the sting operation and subsequently suspending Dr. Siras. In a press release by the PRO, the AMU authorities show that they still do not understand the nature of the constitutional safeguard of privacy. The Press release states that *"the University respects the privacy of a teacher living in its premises but it also expects everyone to behave in a respectful manner giving due regard to its valued cultural ethos and the campus sensitivity including their neighbours concerns and to the great moral credentials that AMU has been nurturing since its inception"*.

In July 2009, the Delhi High Court (in Naz Foundation vs. Union of India judgment) read down Sec 377 of the IPC stating *"We declare that Section 377 IPC, insofar it criminalises consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution"*. The judgment also emphasised this question of moral indignation which the Delhi High Court has held cannot become an altar at which an individual is expected to sacrifice his right to privacy and dignity. The Court observed, *"Moral indignation however strong, is not a valid basis for overriding an individual's fundamental right to dignity and privacy. In our scheme of things, constitutional morality must outweigh the argument of public morality even if it be the majority view"*.

The constitutional guarantees of privacy, autonomy and dignity form part of what the Delhi High Court described as 'constitutional morality' and these guarantees are so basic to the very meaning of what it means to be human that they cannot be violated on grounds of what the AMU calls 'moral credentials'. The AMU by its actions against Dr. Siras shreds the very fabric of the Indian constitutional order's promise of equality, dignity and privacy.

However, contrary to what the AMU authorities had hoped for, Dr. Siras refuses to fade into the background. He feels strengthened by the support and solidarity as well as the positive media coverage he has received in these last few weeks and is ready to fight for justice.

8. Our Demands

- To Justice A.M. Ahmadi, Chancellor, and PK Abdul Azis, Vice Chancellor, Aligarh Muslim University, Aligarh:

1. Dr. Siras's suspension order should be unconditionally withdrawn and he should be reinstated with full benefits.
2. Dr. Siras should be permitted to reoccupy the University premises he was occupying prior to his illegal eviction.
3. AMU should compensate Dr. Siras for mental distress and damage to his reputation.
4. AMU should take measures to ensure that Dr. Siras is not further harassed.
5. AMU should ensure that in future 'morality' is not used as a ground for restricting the fundamental right to dignity, privacy and autonomy of any individual.

- To Karamvir Singh, Director General of Police, Uttar Pradesh

1. Ensure that Mr. Singh, Inspector, Civil Lines Police Station, Aligarh, does register an FIR on the basis of the complaint by Dr. Siras.
2. Take action against Mr. Vijay Prakash, SSP Aligarh and M.S Chauhan, SP City Aligarh for not performing their duty of registering the FIR upon receiving a complaint about the commission of a cognizable offence by Dr. Siras.
3. Take action against journalists Mr. Syed Adil Murtaza (TV 100) and Mr. Ashu Misam (Voice of Nation T.V. Channel) for trespassing, violating privacy and intimidation of Dr. Siras at his home. The police should also determine whether they were acting independently or on behalf of their employers or acting on behalf of AMU authorities.

Report dated 10.03.10

Annex 1: Links to various press articles

- These Walls Have Ears: <http://www.outlookindia.com/article.aspx?264462> (Outlook)
- Class Monitors: <http://www.outlookindia.com/article.aspx?264463> (Outlook)
- Prof says never hid he was gay: <http://www.indianexpress.com/news/Prof-says-never-hid-he-was-gay/584241> (IE)
- What is more embarrassing for AMU— gay love or violation of human rights?:
http://www.tehelka.com/story_main44.asp?filename=Ne060310proscons.asp (Tehelka)
- New panel formed to probe allegations against AMU VC:
<http://timesofindia.indiatimes.com/india/New-panel-formed-to-probe-allegations-against-AMU-VC/articleshow/5540361.cms> (TOI)

Annex 2: EPW Editorial, February 27, 2010 vol xlv no 9 EPW

'Gross Misconduct' by Aligarh Muslim University

The cynical use of homophobia to protect university maladministration is condemnable.

The suspension of a teacher of the Aligarh Muslim University (AMU) for having consensual sex with a person of the same gender is wrong both on constitutional and moral grounds. Further, it is an indication of the regressive petty mindsets, which have come to dominate those very institutions that are meant to incubate radical and critical ideas in society.

On 8 February 2010, Shrinivas Ramchandra Siras, head of the department of modern Indian languages at AMU, was filmed having consensual sex with another man. Media reports say that a TV crew barged into his house at night and filmed him while other reports claim that some of his "students" had entered his house earlier and set up secret video cameras. The video clip was then given to the university authorities who promptly suspended the professor. There are two immediate problems with the manner in which the AMU authorities have reacted. One, there is no criminal or civil wrongdoing by Siras, even assuming what the university authorities claim about the video is correct. How can consensual sexual relations between adults be termed "gross misconduct"? It is obvious that the AMU authorities are innocent of the laws of the land. Even if the government of India is yet to make up its mind on the Delhi High Court's ruling on Section 377 of the criminal procedure code, this odious provision was unambiguously redefined by the high court to legalise sexual relations between two adults, irrespective of gender. Two, there is prima facie evidence of criminal trespass of the residence of a person (who is also a senior faculty member of the university) and a wilful invasion of his privacy. It is incumbent on the university's part to file criminal cases against those who perpetrated this act.

Unfortunately, from other reports it does appear that the university authorities were complicit in this act. The reports suggest that some members of the AMU's executive committee, with the full knowledge of its vice chancellor, commissioned TV journalists to shoot the video. It would then appear that the charges of "gross misconduct" would better apply to the very people who have tried to frame Siras in such an illegal and immoral manner.

The vice chancellor and other authorities of AMU have been accused of serious charges of financial embezzlement. A report of the principal accountant general of Uttar Pradesh states, "There is a complete collapse of financial management in the university and the VC and the Registrar instead of stopping this frequent financial irregularity themselves became a part of this". It lists evidence of financial embezzlement of more than Rs 60 lakh. The government formed a committee in 2009 to investigate these charges but its members said they could not submit their report due to "non-cooperation" from the AMU authorities. On 5 February 2010, President Pratibha Patil, as Visitor of AMU, reconstituted the inquiry panel with two retired high court judges. This "sting" on Siras was conducted three days later, on 8 February 2010. According to some faculty members of AMU, the sting is meant to warn and silence those who have been opposing the university authorities, just as the new inquiry committee starts its work. The manner in which the AMU authorities have acted in this matter only goes to support such allegations.

Even if the connection between these two charges is untrue, it is clear that the AMU administration has a lot to answer for, both on the charges of financial embezzlement as well

as of initiating a criminal act against a member of its own faculty.

These are merely symptoms of how badly managed some of the leading universities of India have become. Further, it is not merely a matter of maladministration, but the disappearance of the culture of radicalism and the spirit of enquiry from our centres of higher education. Instead of being incubators and promoters of radical ideas and the critical spirit, universities have increasingly become cesspools of regressive ideas. The Aligarh Muslim University, which had the potential to become the premier provider of higher education to the Muslim middle classes as well as to help generate knowledge about India's largest minority, has reduced itself to being a small-time distributor of patronage and corruption. While government policies and interference must bear a large part of the blame for this trend, the culpability of the "university community" cannot be denied either.

The ease with which homosexuality was equated with "gross misconduct" by the AMU underlines the continued existence of a large "homophobic" common sense, which can be put to political use for a variety of unrelated issues, regardless of the well-publicised judgment on Section 377. Despite Siras' reluctance to challenge his suspension, there have been many voices raised against the gross illegality and misconduct of the entire affair. Hopefully, this will lead to the initiation of legal measures and eventual redressal for the victim. It is not just enough to quash the AMU suspension order, it is equally necessary to pursue criminal cases against those "journalists", "students" and the AMU officials who planned and executed this despicable act. This is not only necessary to protect our civil liberties and constitutional rights, it should also be a first step to reclaim our universities from time-seekers and self-servers.

Annex 3: Statement of Academics

Whose Morality is This?

We, as teachers and academics from Universities across India, read with outrage and dismay that Dr Shrinivas Ramchandra Siras, reader and chairman of Modern Indian Languages at AMU was suspended for having consensual sex with someone of the same sex within the privacy of his home. What made the press report particularly shocking was that there were either cameras placed by students within his house or TV Reporters got into the house and made a video film of the alleged incident which was then passed on to the University authorities. The University authorities instead of going by the constitutionally recognized right to privacy within the four corners of one's house have instead chosen to act against Dr Siras.

The outrage of the university authorities is deeply misdirected. Instead of suspending Dr Siras, they should have taken stern and serious action against those who so blatantly took on the role of playing moral police with no regard whatsoever for Dr. Siras' constitutionally recognized right to privacy and dignity within his home and the University.

What is the "gross misconduct" for which Dr Siras has been suspended? It is not a crime for an adult to have consenting intimate sexual relations with another adult. It is not an offence for a adult to have consensual sex with another adult in the privacy of his home. Dr. Siras, in line

with the judgment of the Delhi High Court in Naz Foundation, has also committed no legal offence. On the other hand, Dr. Siras is the victim of multiple offences - his house has been entered into without his consent and his intimate life has been filmed without his consent.

The press reports repeatedly allege that Dr Siras was having consensual sex with a “rickshaw puller.” Is the occupation or implied class status of the individual involved the reason behind the accusation of “scandal” and “outrageous” behaviour? If so, then the AMU administration is violating the tenets both of India’s constitution and of the ethics and values of an institution of higher learning with a history as long and distinguished as AMU which was built precisely to end discrimination on religion, caste or class.

One has to remember that it was only last year that Chief Justice Shah and Justice Muralidhar in holding Section 377 inapplicable to consenting sex between adults in private came up with the important distinction between public morality and constitutional morality. As they noted, “Moral indignation, howsoever strong, is not a valid basis for overriding individual's fundamental rights of dignity and privacy. In our scheme of things, constitutional morality must outweigh the argument of public morality, even if it be the majoritarian view.”

If the Naz judgment with its stress on constitutional morality is taken seriously, the immoral actions will be not be Dr Siras’ conduct but rather the actions of the University authorities in suspending him for the expression of his constitutional right, the actions of the media to blatantly invade his life as well as the possible involvement of students of the University.

This incident follows a series of events that mark the shrinking of spaces of freedom and dignity within India’s institutions of higher learning. It is imperative that we protect institutions that should be bastions of building inclusive and democratic cultures for generations to come from narrow-minded moral policing of this kind.

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