

The Chairman and Members
National Human Rights Commission
New Delhi

03/02/07

Subject: Petition against repeated Human Rights violations of (1) a Whistle Blower, (2) SC/ST employees and (3) all AIDS Patients of the Country by the Top most Public Servants of Hindustan Petroleum Corporation Limited.

The Name of the Petitioner: **Pankaj Khanna**

Names of the Public Servants of HPCL who have violated the Human Rights:

- 1. Shri M.B.Lal** Chairman and Managing Director- HPCL. – **Respondent No. 1**
- 2. Shri Arun Balakrishnan** – Director (HR)- HPCL - **Respondent No. 2**
- 3. Shri S. Roy Choudhury** – Director (Marketing)- HPCL- **Respondent No. 3**
- 4. Shri V.Vizia Saradhi**- Executive Director (IR) – HPCL- **Respondent No. 4**
- 5. Shri K.R.Shankaran** – ED (Direct Sales)- HPCL- **Respondent No. 5**
- 6. Smt. Nishi Vasudeva** – ED (IT and Planning)-HPCL- **Respondent No. 6**
- 7. Shri L.M.Motwani**- DGM (PRCC)- HPCL- **Respondent No. 7**
- 8. Shri R.K.Agarwal**- HPCL- Designation unknown. - **Respondent No. 8**

Respected Sirs,

1. This is in continuation to the Complaint being lodged with the NHRC in the desired format as per the guidelines of NHRC Portal. Sirs, the [Synopsis](#) of the case is already given in the format. The details about the Human rights violations are being submitted for the kind consideration of the Commission as below:
2. The Petitioner, Pankaj Khanna, has been working as an Officer with Hindustan Petroleum Corporation Limited for the past 22 years and has received 19 appreciation letters during his career. The Petitioner, being a Whistle Blower, has been fighting since 2001 against Corruption prevalent in HPCL. (Complaints

against Corruption are pending with [Central Vigilance Commission](#) since Aug 2004.) A CD named PMO-2 is enclosed for the reference of the Commission. The Main document of the CD named '[A cry for help from a Whistle Blower](#)' may kindly be referred from the point of view of human rights violations of a Whistle Blower. A Print out of the same document is enclosed for the reference of the Commission as [Annexure A](#). The **Respondent nos. 1 to 8**, did not like Whistle Blowing and began to victimize and harass the Petitioner by violating Petitioner's human rights as can be verified from the **Annexure A**.

3. A Hate mail dated 5/5/05 (enclosed as [Annexure B](#)) was sent by the Management of HPCL through the then Chief Manager- Public Relations and Corporate Communications (now promoted as DGM-PRCC) Shri L.M.Motwani – **Respondent no. 7** - to 11000 employees of the Corporation in which all the employees of the Corporation were asked to ostracize the Petitioner for his sending complaints against the rampant wrongdoings prevalent in HPCL. The hate email also mentioned baselessly and satanically that the Petitioner is suffering from AIDS and that the Petitioner is sucking blood of HPCL like Dracula. Further a lot more unmentionable and unprintable abuses were used against the Petitioner in the said hate mail which may please be referred from the hate email itself ([Annexure B](#)).
4. The hate mail also expressed the joy of the Public Authority HPCL in informing all employees of the Corp. about a Charge Sheet issued to the Petitioner against a charge of 'unauthorized absenteeism'. The hate mail also threatened the employees not to be Petitioner's Defense Counsel. (As the facts about Charge Sheet, and the Enquiry proceedings conducted ex parte without appointing a Defense Counsel and without allowing the Petitioner to cross examine the Witnesses are about Service Matters and are pending with [CVC](#) and [Ministry of Petroleum](#); the hard copies of the details are not being submitted here. However,

the same may please be accessed form the CD by clicking on link '[Kafkaesque trial](#)' in the document named '[A cry for Help from a Whistle Blower](#)' from the point of view of human right violations of a Whistle Blower.)

5. The above hate email was a predetermined and savage attack on the dignity of the Petitioner. The matter of hate mail issued by the **Respondent no.7** was reported to the **Respondent nos. 1 to 5** through the email dated 6/5/05 (enclosed as [Annexure C](#)) with the request to take suitable action against the sender of the hate email i.e. **Respondent No. 7**. While no disciplinary or criminal proceedings were initiated against the **Respondent no. 7**, a circular dated 8/5/05 (enclosed as [Annexure D](#)) was issued by the **Respondent no. 6** in which all the employees of the Corporation were informed that in future issuance of such hate emails will attract Criminal proceedings under [IT Act](#). However no apology or regret was offered by the **Respondent nos. 1 to 7** or any one else for sending the abusive, defamatory and threatening email against the Petitioner to 11000 employees of HPCL. Thus no efforts were made to restore the human rights of the Petitioner.
6. Consequently, the Petitioner was ostracized conspiratorially and most inhumanly to such an extent that no Officer of the Corporation agreed to be his Defense Counsel. As a result of the Hate Email, the Petitioner is not able to move freely and mixing / commingling with colleagues of HPCL for the past two years. (The Petitioner requested so many Officers of the Corporation to be his Defense Counsel but none of them agreed to be Petitioner's Defense Counsel fearing the wrath of the **Respondent nos. 1 to 7** of HPCL. The Enquiry Officer refused to appoint any Defense Counsel on his own and completed the enquiry proceedings ex parte. For details please see the link '[Kafkaesque Trial](#)' in the Main page named '[A cry for help from a Whistle Blower](#)' of the CD Named PMO-2 to see how human rights of a whistle blower have been violated before, during and after the enquiry to look into the only charge of 'unauthorized absenteeism'.)

7. The hate email dated 5/5/05([Annexure B](#)) was a ferocious attack on the honor and reputation of the Petitioner who had already completed 20 years of service with HPCL by that time. The hate email dated 5/5/05 was an attack on the Petitioner's right to be let alone as guaranteed in Article 21 of the Constitution. Most importantly, the statements in the hate mail about AIDS are made with reckless disregard of the truth. **The blatant lie regarding the dreaded AIDS, insinuating the Petitioner to be lacking in moral values, has damaged the family and social life of the Petitioner most adversely & irreparably for which no compensation can ever be enough.** The blatant lie spread on the email system of HPCL regarding the AIDS is an act of human rights violations and defamation by the **Respondents** for which all of them are equally guilty.
8. The hate mail dated 5/5/05 has referred to the [Charge Sheet dated 22/3/05](#) which has been issued to the Petitioner against the only charge of '[unauthorized absenteeism](#)'. The Charge of unauthorized absenteeism has been leveled with effect from 28/2/05 though in reality the petitioner has not been allowed to work with effect from Aug 04. All the details about the case can be accessed from home page named '[A cry for help from a Whistle Blower](#)' of the enclosed CD named PMO-2. (The petitioner does not expect intervention of the NHRC in the 'service matter' part of the case. The Petitioner requests only for the independent analysis of the human rights violations of a Whistle Blower and others by the mighty and highly influential **Respondents nos. 1 to 8.**)
9. The question of legal and moral importance which arises here is that can an upright and performing Officer (**who has received [19 appreciation letters during his career so far](#)**) for the past twenty years be subjected to such an inhuman treatment on the fabricated but still the only Charge of '[unauthorized absenteeism](#)'? Even if the Charge of unauthorized absenteeism is considered as

true or established; can a Public Authority indulge so gleefully and cruelly in violating human rights of an 'absentee' by repeatedly sending such devastating emails through its email system? Moreover, can the **Respondent Nos. 1 to 8** launch sadistic attack on the dignity of a Whistle Blower, SC/ST employees and the AIDS Patients of the Country just to teach a lesson to an 'absentee'?

10. A lot of many more hate emails have been sent by the several Managers of the Corporation in the months of Oct 06 to Jan 07. A copy of the similar hate email sent in Oct/Nov 06 from the address of Shri M.F.Sait/ Sunil Malik/ Shri Vinod Nehete-all Chief Managers-is enclosed as [Annexure E](#).
11. The first email sent by Shri R.K.Agarwal-**Respondent No. 8**- on 6/12/06 is enclosed as [Annexure F](#). In this hate email also the Petitioner has been targeted and defamed by the **Respondent No. 8** in the similar way as the hate email dated 5/5/05 ([Annexure B](#)) originated by the **Respondent no. 7**. Apart from the above hate emails, many more hate emails were originated by **Respondent No. 8 in December 06 all of which can be traced from the email system of the HPCL**. The HPCL Authorities did not take any action against **Respondent no.8** in violation of the Circular dated 8/5/05 ([Annexure D](#)).
12. Finally, a request dated 18/12/06 ([Annexure G](#)) was sent to the sender of the hate email dated 5/5/05 Shri L.M.Motwani- **Respondent no. 7** – who is also a designated Central Public Information Officer under RTI ACT; to know the actions taken by the Corporation vis-à-vis the circular dated 8/5/05([Annexure D](#)) against the senders of the above mentioned hate emails. The **Respondent no. 7** refused vide his letter dated 3/1/07([Annexure H](#)) to provide any information on the subject branding the information as 'Personal Information'. It is quite clear that the Public Authority HPCL is not willing to take any action against the senders of the hate emails (**Respondents nos. 7 and 8**) despite issuing the

circular dated 8/5/05([Annexure D](#)).By not taking any action against the **Respondent nos. 7 and 8**, the **Respondent nos. 1 to 6** are guilty of abetting in the crime & of negligence in the prevention of violation of the human rights.

13. Now on 29/1/07 one more threatening hate email([Annexure I](#)) has been circulated widely on the email system of HPCL by the **Respondent no. 8** in violation of the human rights of not only the Petitioner but also of the SC/ST employees of the Corporation and the AIDS patients of the Country. **It is this email which has finally compelled the Petitioner to approach the NHRC for relief.** As the language of the email is extremely filthy, the contents and the abuses are not reproduced here. The hate email is self explanatory and reveals the deep rooted conspiracy to insult and ostracize a Whistle Blower and the SC/ST Employees for none of their faults.
14. The **Respondent no.8** has intentionally insulted and intimidated the members of Scheduled Caste / Scheduled Tribe of HPCL in his [email dated 29/1/07](#) to humiliate them and to ostracize them from the mainstream of the Corporation. The **Respondent nos. 1 to 6** are overtly supporting such cause of the **Respondent Nos. 7 and 8** by allowing malicious spread of hatred and contempt against fellow SC/ST colleagues through the email system of the Corporation.
15. The **Respondent no. 8** has termed the Petitioner as AIDS Patient with the only possible motive to attack on the honor and reputation of the Petitioner with a view to ostracize him from a society of which the Petitioner has been part for the past 22 years. The blatant lies about the dreaded disease AIDS is not only attack on the dignity and reputation of the Petitioner but it is also a cruel, inhuman and mindless attack on the dignity and rehabilitation of the AIDS patients. Widespread distribution of such hate emails by the **Respondent nos. 7 and 8** and the silence on the issues from the **Respondent nos. 1 to 6** shows their lack of

respect and concern towards the human rights and social issues of the rehabilitation of AIDS patients.

16. The **Respondent no. 8** has even equated the whistle blowing action of the Petitioner with the attack on the Parliament by Afzal Guru. The HPCL Authorities, **Respondent nos. 1 to 6**, have yet again not taken any action against the sender of the offensive hate email-**Respondent no. 8**- despite their own circular dated 8/5/05 ([Annexure D](#)). Thus the **Respondents nos. 1 to 6** are abetting in the crime of human rights violations knowingly, repeatedly and purposely with a view to cover up their own acts of Omissions and Commissions with total impunity of any penal action from [Ministry of Petroleum](#) and [CVC](#).
17. The Petitioner, a conscientious citizen and a Whistle Blower, requests the Commission, in view of the above facts; to kindly order for an independent enquiry into the matter of the human rights violations of the Petitioner, SC/ST employees of HPCL and the AIDS Patients of the Country and provide the following relief to the above mentioned victims:

Prayer:

- a. The Petitioner and the above victims may please be protected from such violent attacks by the [HPCL Authorities](#) on their honor, reputation and human dignity.
- b. The Commission may please recommend to the [Ministry of Petroleum/CVC](#) for the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the above mentioned Public Servants nos. 1 to 8 of [HPCL](#) in view of the Human Rights violated by them.
- c. The Commission may please approach the Supreme/High Court praying for such directions, orders or writs as the Commission may deem necessary to protect the human rights of the Whistle Blowers who want to work with a conscience in the

larger Public Interest but are not being protected from harm and victimization even after the [GOI Resolution passed at the instance of hon'ble Supreme Court.](#)

- d. The Public Authority Hindustan Petroleum may please be directed to pay a compensation of Rs.1.5 Crores to Petitioner against violation of his human rights.
- e. Hindustan Petroleum may please be directed to pay a suitable and exemplary compensation, in proportion to the human rights violated collectively of the SC/ST employees of HPCL and AIDS patients of the Country; to any suitable welfare Association of SC/ST employees and any suitable NGO working for the welfare of AIDS Patients as deemed fit by the Commission.

Thanking You,

Yours truly

(Pankaj Khanna)

Address: 21, Rajan Kunj, Roorkee Road, Meerut 250001.