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## Editorial:

# GLORIFICATION OF IGNORANCE

"So stand the Storm Battalions/Ready for racial fight. ronly when Jews lie bleeding/Can we be realJy free". (Sung in Nazi Germany)

The philosophy of Fascism does not accept the validity of man-made laws. This cult prospers when faith places premium on ignorance. Hitler wanted "the spiritual regeneration of the Germanic race through the revival of Aryan culture"; and in this task "we have been hard; we have been ruthless; but we have good Germans", said Hitler. And his Deputy added, "the State must have the courage to break its own laws".

The philosophy of nationalism which is being preached by Hindu chauvinists today-listen to their leaders' speeches, cassettes, leaflets and slogans-in the name of revivalism of Hinduism, is nearer to Fascism. What they are preaching and practising is an insult to the genius of India which need to be revived, and not the glorification of ignorance they are embarked upon reviving. In recent years they have tasted power; and power is driving them to adopt Fascist practices. We must be good Hindus. we must be proud of being Hindus--thus run their *mantra*. The Rarnjanmabhumi issue cannot be solved through the laws of the country; it is a matter of faith --so they have declared. Reminiscent of what Hitler and his Deputy said and did ?

The leaders of the current philosophy of nationalism are defenders of their religion, therefore faith must place premium on ignorance; and this is what has made innocent Hindus easy of exploitation in carrying out communal violence on behalf of the defenders of Hinduism. Again, this too is what happened in Nazi Germany and Fascist Italy. And, in the process, freedom, democratic rights and civil liberties bacame the first casualties.

Can the genius of India be proud of what is being practised in the name of Hinduism? A pertinent question which should engage all lovers of freedom in our country.

## DETENTION WITHOUT FAIR TRIAL

Rajindar Sachar

(Paper read at World Congress on Human Rights held at New Delhi-December 10-15, 1990)

(Continued from last Issue)

### Emergency situation

A number of countries resort to emergency measures in the event of threats to public order or to the security of the state. Some 40 States introduced States of Emergency between August 1987 and November 1988. One country introduced the State of Emergency only last month. State of emergency provisions usually allow the executive power to order the arrest and administrative detention of any person suspected of being a threat to security or public order. In the case of administrative detention, the Courts generally have no power of prior authorization of an arrest, the ground for which are too often formulated in vague and broad terms. It is therefore particularly important that the lawfulness of the administrative detention and treatment of detainees should be determined by a Court within a few days of the arrest.

### Relating to the status of Foreigners

Some of the instances are as under: (a) Confinement pending execution of an expulsion or refoulement order, in the event of irregular entry into or sojourn in national territory. In some countries-whose example should be applauded-such a measure can be ordered only by or under the direct supervision of a judge, and thus does not constitute administrative internment; (b) Foreigners either subjected to administrative detention are simply placed under house arrest. This is presented as a step intended to 'neutralize' the individuals concerned politically, as part of a temporary high-security plan (during

the visit of a head of State, an international conference, etc.). This measure is normally applied to political opponents in exile; (c) People subject to extradition proceedings, although in many countries such proceedings are entirely judicial; (d) The most disturbing case by far is that of foreigners seeking asylum or political refugees. The situation of people seeking asylum in foreign countries including those claiming political refugee status is alarming in some of the countries like Central America, the Middle East and South-East Asia.

In order to prevent adverse effects from such types of administrative detention, the Executive Committee of UNHCR at its 1986 Session laid down minimum rules governing the detention of refugees and asylum seekers. According to these rules administrative detention should be (i) provided for by law, and (ii) used only for purposes of status-determination procedure; (iii) detention should be humane, equitable and brief; (iv) appeals should be possible; and (v) detainees should be guaranteed the opportunity to contact UNHCR.

### For Purposes of "Re-education"

According to information obtained, the most frequent characteristics of such detention are placement in closed camps, forced manual labour, compulsory re-education based on self-criticism, and detention without any prospect of trial or even a release date, since the length of detention depends entirely on the 'progress' made. This practice of 'criminalising' opponents in order to be able to dismiss them is offensive enough; in this case the affront to human dignity is more twisted

still, since opponents are branded as "maladjusted". The very principle of administrative detention for political re-education purposes must be condemned on the grounds of its objective. It constitutes a gross violation of two stipulations in the international Covenant on Civil and Political Rights: (a) Article 18, which provides that everyone shall have the right to freedom of thought or, in other words, the belief of his choice and that no one shall be subject to coercion which would impair his freedom to have or to adopt such a belief; and (b) Article 14, paragraph 3(g), which states that no one may be compelled to testify against himself or to confess guilt.

According to the provisions of forced Labour Convention 19-0 (No. 29), prepared by I.L.O., compulsory prison labour may not be imposed, even as a result of a decision by a Court of law. Mere reason to hold that compulsory labour imposed by Administrative or other nonjudicial bodies or authorities is not compatible with Convention No. 29.

Some persons who are extremely poor or socially maladjusted are also subjected to administrative detention. These are either preventive measures in respect of minors at risk or measures taken in pursuance of laws on vagrancy designed for the "protection of society". This category is important, since economic crisis (and hence unemployment) is likely to cause impoverishment, with the result that some unemployed persons may gradually be reduced to a state of vagrancy. The European Court of Human Rights ruled on this question in its judgements of 19 June 1971 (para. 68) and 6 November 1980 (paras 96-98). In one country, the law on the prevention of prostitution provides for administrative detention or placement in a guidance centre.

Article 10, paragraph 1, of the Covenant provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The Committee on Human Rights has stressed that paragraph 1 of this Article applies not only to accused persons (para-2) and prisoners (para-5) but also to all persons deprived of their liberty

as indicated by its wording, its context (in particular the proximity of Art. 9, Para-1 which deals with all types of deprivation of liberty) and the purpose for which it is intended. Furthermore, this article supplements article 7 of the Covenant on the prohibition of torture and cruel, inhuman or degrading treatment or punishment. Treatment with humanity and with respect for the dignity of all persons deprived of their liberty is a fundamental rule of a universal character which cannot depend on the available material resources.

In the ideal case, the law specifically provides for remedies. In jurisdictional terms, this generally takes the form of an application of Habeas Corpus or a *recurso de amparo* (sanctuary or *mandamus*). The other situations encountered fall within the category of control enforced by the competent authorities themselves (domestic remedies, periodic reviews, certification of registers, communication of lists of detainees, etc). The non-existence of a remedy, particularly the right to appeal to the courts, results from exclusion by a specific legislative provision, implicit exclusion (no remedy provided for) or suspension or delay, sometimes for several years, following the promulgation of a state of emergency.

International law recognises that every administrative detainee has the right to take proceedings before a court. Inter-American Court of Human Rights has called it the intangible rights which are essential as a minimum guarantee for the rights guaranteed by the Covenant.

Even if provision is made for administrative review of detention by a monitoring body, this body, which is usually appointed by the Government, is not really generally independent; it has only an advisory role and many make only non-binding recommendations, but it cannot order the detainee's release. If there is a closed court hearing, witnesses often cannot be called. In some countries where the law does not provide for administrative detention or where legal provisions exist but are not respected, persons are arrested and detained outside any legal framework without any possibility of a remedy. (Continued on page 12)

## THE HINDI PRESS ON AYODHYA

(Statement by Prashant Kumar PUCL National Organising Secretary for UP.)

The local Hindi press has, by and large, behaved like a 'Hindu' press in the coverage of the recent Ayodhya incidents and their fallout. This reporting on communal lines has whipped up hatred for the minorities and resulted in one-sided attacks on Muslims in Uttar Pradesh. The highly exaggerated reporting of the Ayodhya firing toll is making people believe that thousands of "innocent karsevaks" have been "massacred" on October 30 and November 2. Ms Urvashi Sahani, Secretary, "Suraksha" (a voluntary organisation) told a PUCL seminar on November 18 that in some villages of Lucknow district, people asserted that "at least 50,000 people had been

Perhaps the editors sitting here would not like to answer the question Mr. Vidyasagar (senior journalist) raised: "What is the impact of your writing?" Being an activist of the PUCL, which has launched a campaign against communalism in Lucknow, I can tell you what damage this kind of reporting has done to our society. Hindu fanatics have attacked mosques in Ayodhya, Deoria and elsewhere, burnt and stoned houses and shops owned or occupied by Muslims and painted vulgar and provocative slogans at public places all over the state.

In Lucknow, the house of Mr. N. M. Alvi, deputy director, Census, was burnt in the posh Kendrachal colony in Aliganj area (House No. 1, Type IV) on the night of November 5 while the family was away. The household goods were so burnt that the fire would not reach the homes of the neighbouring Hindus. The refrigerator, television set, two sofa sets, dining table, all woollen, synthetic and cotton clothes and other goods were destroyed in an operation that must have lasted over three hours. Even the books, notes and certificates of Mr. Alvi's two children were burnt to ashes. Yet no newspaper person visited Mr. Alvi's home. No question of reporting a word on the incident. Had a Hindu citizen met similar fate, the city's Hindi Press would have published 50-ODD stories on the issue.

Similarly no word has been written on the attacks on Muslims' shops in the various localities of the state capital. The provocative wall writing (like, 'मस्जिद बनाना है उनका सपना, दोबारा कर देंगे उनका खतना'; 'तेल लगाओ डाबर का, नाम मिटाओ बाबर का' 'तुम सांप हो हम बाज हैं, जाग उठे हम आज हैं', etc) and the growing sense of insecurity among the minorities in the state.

The communal press has put out absurd and ludicrous stories as news on the front page. On October 30, the 'Swatantra Bharat' (Lucknow) front-paged a news item headlined 'नृत्य गोपाल दसि अंतर्धान' which claimed that Maniram Chhavani mahant Nriyagopal Das had dematerialised after he was arrested by the police. It further claimed that it was the very first Case of such (supernatural) disappearance: On November 13, the same paper boxed yet another 'news' on front page under the headline 'शाप' (Curse). The story claimed that the pupil of a senior police officer's right eye had melted away (!) because the officer had ordered firing on the karsevaks in Ayodhya! Such 'news stories' are not merely ridiculous. These are intended to instil in the minds of gullible citizens that anyone who opposes, or does not side with, the Ram-bhoomi leaders shall meet a similar fate.

I challenge the editor of this newspaper, who is sitting here, to substantiate these front-paged stories. Let him bring mahant Nriyagopal Das here to demonstrate his supernatural powers. Also ask him to substantiate the claim that the police officer in question has actually lost his eye.

The communal press has also been trying its best to convince the readers that most Muslims support communal Hindu organisations on the Ayodhya issue. On October 23, 'The Pioneer' (Lucknow) front-paged a Gaya-dated PTI story which claimed that a Muslim driver of Mr. L. K. Advani's Rath was "encouraging Muslims at several places to offer karseva for the construction of the temple at Ayedhya." How

((Continued on page 15))

Andhra Pradesh:

## MEMORANDUM TO GOVERNOR ON COMMUNAL VIOLENCE

*(The Hyderabad Ekta submitted a memorandum on 14-12-90 to the State Governor on the Communal Riots in Hyderabad which are said to be the worst ever. The memorandum was presented by- Kcshav Rao Jadhav (Convener) Kodandaram Reddy, Vanasth Kannabiran, Tippa Reddy, Sudorshan Reddy, KG. Kannabiran, Ramo Melkote, Mehdi Alam, Sajaya, Sirajuddin, K. Illiah, Harinath, Prabhakar Rao, KiLalita, D. Vasanta, Chudamani Raghavan, Veena Shatrughana, Lakshmi, Ali Zaidi, Wadir Zaman R. Srivastan, M. Shatrughna, Shashi, Susie /haru. Sudhakar, Sandhya, N. V. Krishnaya, Ram Krishna, Madhushodhan Raj, Tejrswini Niranjana, Vivek Dhareshwar, Ambika, Inderjit Singh, Kamaljit Singh, Deepa Dhanraj, Deepta, Murlu Pritma, and representatives of the Bastis near the Governor's residence and Habshiguda. Since the Memorandum was submitted Mr. Chenna Reddy has been dislodged, but the issues raised are still relevant.-Editor)*

Hyderabad Ekta is an organisation which has been established to fight against communalism and the violence that it engenders in civil society. It is committed to promotion of secular values.

The people of the twin cities have during the last three months been witnesses to communal violence on an unprecedented scale in the history of Hyderabad. These communal killings started in July of this year, continued through October and in recent weeks, the killings have reached alarming proportions. The whole governmental machinery has been exposed to be totally ineffective and incompetent, and the calling in of the army served only to illustrate this.

We are of the view that using the army for communal riot situations cannot be effective at all, for they are not trained to control or contain riot situations. Further, during the recent Ayodhya episode, high ranking army officials criticized calling in of the army to control communal riot situations. The political government, whichever be the ruling party have by their constant interference, completely destroyed the capacity of the police force to function as an effective law enforcing agency. By constant interference in their day to day functioning in matters of not only law and order,

but in matters of career of police personnel whether they be officers or men, over a period of time, the entire police force has been subjugated to the whims and fancies of every legislator of the ruling party. It is therefore necessary that *the police force be given the independence to deal with the riot situation without any political interference to deal whether in the matter of prosecution or preventive arrests, and the implied major premise of this demand is the mandatory obligation on the part of the police to scrupulously adhere to law and the limitation placed on their exercise of power by law.* To expect the army to control the situation in the old city is to practise deceit not only on oneself, but also on the people at large. While we are of the view that the army presence may act as a deterrent, we do feel that it is primarily the task and responsibility of the police administration to enforce law and order and control crime in the current situation.

Over two hundred have been killed, double or treble the number have been maimed and thousands have migrated from the old city. It now transpires that the internecine fight within the Congress, between Channa Reddy and his rivals over the Chief Ministership has led to this violence. The communal parties

have also had a major role to play in this carnage. While we hold no brief for Channa Reddy, engineering violence is increasingly becoming a method to bring down governments, which is reprehensible. Chief Ministers after such blood bath should not be allowed to get away with a mere resignation. They must be made accountable to the public. *Channa Reddy must be called upon to explain to the public through a session of the assembly how this violence occurred. what steps were taken by the government to contain the escalation of violence: and what is the magnitude of the administrative failure and incompetence which resulted in this holocaust.* This can be done only if the Governor plays his constitutional role and calls for an emergent session of the assembly where Channa Reddy will be compelled to offer an explanation and if he is to be thrown out, he should be thrown out after a full debate. This is one way of ensuring that he and the men who are responsible for this enormous loss of lives stand discredited in public view. So we call upon the Governor to take steps to convene an emergent session of the assembly where Channa Reddy will be compelled to disclose the facts leading to the violence and the reasons for his failure to contain it. Internal party strife leading to large scale violence and loss of lives cannot be treated as a mere issue of internal dispute in a political party. This has become a public issue as RIGHT TO LIFE is involved.

The communal riot and land grabbing activity are interlinked. The land occupied by the poor have become prime lands which are the target of land grabbers and real estate sharks. The only way to evict these poor people from these lands is by violence, communal or otherwise. It is also a fact that many land grabbers have entered parliamentary politics in a big way. The poor people who migrated from the old city should be rehabilitated in the lands which they left, and it is therefore necessary to bring about an ordinance immediately to invalidate all transfers of land as also to declare that possession subsequent to the onset of communal riots of all these lands is illegal, with power in the civil administration for summary eviction. It is

also necessary to declare the attempt to induct new persons into these lands by land grabbers as a punishable offence with periods of imprisonment ranging from five to ten years. The Land Grabbing Tribunal which has been rendered ineffective by Mr. Channa Reddy for political reasons has to be activated by filling up all the posts.

While we are votaries to freedom of speech and expression. and we feel that a free press is a *sine qua non* to an effective democracy, we are of the view that the press has acted without any self restraint, whether in the matter of reservation or in the communal issue. On the communal issue we found that the photographs and the statements made by the press are very communal and have been responsible for generating communal hatred in the twin cities. It is the responsibility of the press in such situations to take to sober reporting. The Governor may call for a meeting of the press persons and request them to formulate guidelines for themselves in the matter of reporting sensitive issues like these. In the present situation this is absolutely necessary in view of the definite communal stand taken by some political parties in the country.

We demand that all persons responsible for this violence whether overtly or covertly, irrespective of their political affiliations, including members of the ruling party should be arrested either preventively or as a step towards prosecuting them for offences under Section 153 A IPC and other offences under the code.

We also demand that the relief be of Rs, one lakh and not Rs, ten thousand to dependents of the persons killed in communal riots. It should be seen that a definite fund is created for purposes of grant of compensation to the dependents of the riot victims. Proper steps by means of an ordinance (and later by law), or by detailed executive instructions should be taken to see that the dependents receive the full compensation granted to them. It should be seen that no lawyer is allowed to intervene in matters of claim to the compensation, and thus make it less litigious.

*(Continued on page 12)*

Andhra Pradesh:

## AFFIDAVIT ON 'ENCOUNTER'

(Mr. K. G. Kannibiran, Vice-President of the PUCL, and President of the Andhra Pradesh Civil Liberties Committee has filed a Reply Affidavit in the Supreme Court of India in the Case Mandadi Narasimha Reddy & another vs the State of Andhra Pradesh and another. The text of the Affidavit is published below-editor)

I have perused the additional counter-affidavit filed by R. Prabhakar Rao, the Director General and Inspector General of police, Andhra Pradesh.

The writ petition and the representation dated 1-7-1989 made by me to the Chief Minister of Andhra Pradesh pursuant to the direction given by this Hon'ble Court are with reference to extra-judicial killings called 'encounters' in Andhra Pradesh.

This representation was presented by me to the Chief Minister in my capacity as the President of Andhra Pradesh Civil Liberties Committee. Almost all these encounters are fake encounters. I have been fighting against the brutalities of the police, the systematic subversion of legal processes by them, and in particular against encounters for over two decades. In my individual capacity as a lawyer committed to human rights and as a representative of Civil Liberties Organisations at the State and National level, I have been fighting against the physical liquidation of political dissent without reference to law, in the company of well known human rights activists like Sarvasri V. M. Tarkunde, Gobinda Mukhoty, Ashar Ali Engineer, Rajni Kothari, B. G. Verghese, Surendra Mohan, George Fernandes and others During the period of the Janata Party Government. Lok Nayak Jaya Prakash, founder of the People's Union for Civil Liberties and Democratic Rights appointed a Committee chaired by V M. Tarkunde and with Sri Nabokrishna Chaudhary, B.G.Varghese and Arun Shourie as Members. I was asked to be Secretary of this Committee. The direction to this Committee from the late Jayaprakash Narayan was to enquire into the encounter killings of nearly 75

persons during the period of the Emergency. The Committee submitted two reports on the basis of which a Commission of Enquiry headed by Mr. Justice Bharaava, a retired Judge of this Hon'ble Court was constituted to go into the question of encounters and other related matters. Mr. Justice Bhargava completed the enquiry into the encounter at Giraipally and proceeded to enquire into the killing of Neelam Ramachand-raiah, a former Member of the Legislative Council, and one student by name Jampala Chandrasekhara Prasad. This is where Sri R. Prabhakar Rao the present Director General of Police of Andhra Pradesh, enters the picture. The 3rd witness in that case, Ms. K. Lalitha Devi, states as follows:

"On the evening of 27th November 1975 I was arrested and taken to the police station and on the next day i. e. on 28-11-1975 two circle Inspectors and three Sub-Inspectors of police came to the police Station to question me. The same day in the evening many Special Branch people, from Hyderabad and other districts also came to the Police Station and their interrogation continued for 2 or 3 days, 24 hours each day. On the night of the 3rd day, the Superintendent of Police, Guntur, Me. Prabhakara Rao along with the D. S. P. (Rural) (I do not remember his name), the Addl. S. P. and three Sub - Inspectors, namely, Ranga Rao, Satyanarayana and Prabhakar Sharma, and Circle Inspector Venkateswara Rao, came to the Police Station in the night at around 11 P. M. I was dragged out of the police lockup room by the Rural D.S.P., who held my hair and dragged me out of the room to the S.I.'s office. They started interrogating me, asking me various questions about my organisation and kept on suggesting

that this organisation was links with underground politics) parties and insisted that I should reveal all the information about these political parties. They started threatening me that unless I give the information I will be tortured and they will torture all my family members in front of me and that they will shoot me dead as they did to Snehalatha, who was also an M.A. student. Then they started beating me with lathis. They tied up my feet, made me sit on the ground and went on beating on the soles of my feet. This would continue for ten minutes when they would stop again and bully me to give information and they they would again start beating me on the soles. This went on till 3 O'Clock in the morning. The S. P. Mr. Prabhakar Rao was one of the officers, who abused me and kicked me in the face with his shoes. Prabhakar Rao is now the General Manager of A.P.S.R.T.C., i.e. the Andhra Pradesh Road Transport Corporation. S.P. Prabhakar Rao abused them (the policemen) saying that they are being idiotic, inefficient and useless. They should be trained in torturing people using scientific methods. And most of the time it was not Police Constables who were torturing me but police officers ranging from S.I.'s rank to the Superintendent of Police.'

The Superintendent of Police referred to by the witness is now the Director General of Police, who has sworn the additional counter affidavit. The cross-examination of all the witnesses was deferred, and Sri Prabhakar Rao and others prevailed upon Mr. Channa Reddy, who was then Chief Minister, to somehow scuttle the enquiry. Mr. Channa Reddy as Chief Minister of the State, issued a notification that the Commission's sittings would be held in camera. According to him the principal reason was to ensure that the police department and the administration are not discredited'. This could hardly be a ground for such a direction. The proper course would have been to purge the Department of officials, who were responsible for bringing the police department and the administration into disrepute. While walking out of the enquiry we pointed out that 'none of the members of the Committee subscribe to views which imply revolutionary violence. It may be true, as is alleged, that naxalites have indulged in acts

of violence, but that is no reason to take life and liberty without following the procedure established by law. If the encounters are staged, as is alleged by the Committee, the officers knew that they lacked any mandate or authority to take human life without following the procedure prescribed by law. They were aware that their excessive and arbitrary abuse of authority would only subvert authority. The significant question, rather, is whether the law enforcement officers and those with authority shall be allowed to violate with impunity the clear Constitutional limitations imposed on the organs of the State. The question here is not whether the naxalites subscribe to the views implied in the Constitution and in the democratic processes. But rather the question is, in dealing with this problem, whether we are going to abandon totally our belief in democratic values, and sacrifice fundamental human rights'. This was the stand taken by us on 12 June, 1978. This continues to be the stand even today. And it is in the background of human rights violations that the whole issue needs to be examined. These cannot be treated as individual aberrations of some police officers. In a fast deteriorating situation where all the institutions of democracy have collapsed, efforts to check human rights violations may be the starting point for re-building and revitalising these institutions. The issue raised in this writ petition need not be mixed up with the violence and unlawful activities of this or that political group.

'It seems clear that the working of a legal order depends upon a general acceptance by the great majority of the officials of the system that they are under the duty to respect the valid rules of Law and to direct their actions towards securing the regular and uniform application of those rules, whether the rules in question be themselves substantive or procedural, vis-a-vis citizens. These obligations are obligations upon officials only, but they are recognised by citizens too, and form the basis of citizens' expectations as to the conduct of officials. The law, because it is the accepted law of the Community, must be applied by the officials. That is the duty of their station. So long as that duty is generally

honoured by them, the legal system will remain a working order. If they cease to honour that duty, the system will break down into a wilderness of arbitrary power'. (D. N. McCormick, Oxford Essays in Jurisprudence, Oxford, 1973). This is precisely what has happened in this country. There is a total breakdown of authority because of constant disrespect shown by officials and Constitutional appointees to the Law and to the Constitutional value system. This situation can be remedied when Courts respond as human rights institutions, and not otherwise.

In my career as a human rights activist and a lawyer my protest against violation of human rights has earned me the name of an extremist. All protests against human rights violations have been branded similarly. I do not find it strange that Sri R. Prabhakar Rao, the DGP has followed the time-honoured device of branding human rights activists as extremists or terrorists in answer to and in justification of human rights violations. When Justice Frankfurter of the U.S. Supreme Court, jurists Roscoe Pound and Chaffee Jr protested against the iniquitous trial and sentence of Sacco and Vanzetti in the early twenties, they were all branded as Communists. V.M. Tarkunde was similarly branded when he protested against excesses in Punjab. By such hysterical accusation one cannot wish away the facts of human rights violations. But since some irresponsible accusations have been made, those will have to be set out and answered.

In page 12 of his affidavit Sri Prabhakar Rao slates as follows: 'During 1987 when I.A.S. officers were abducted by this group (the People's War Group) and held for ransom, Sri K.G. Kannabiran who presented the present representation, contacted those underground extremists to whom he was providing legal cover and had them released in return for the release of extremists arrested earlier! This statement is made by Mr. R. Prabhakar Rao without any respect for the truth. And he did not even care to verify the facts that led to my intervention. I have set out in first person an account of the episode immediately after securing the release of the kidnapped I.A.S. officers, which was

published by the Indian Express. On 27th December, 1987, some where around midnight Mr. B.N. Yugandhar, T.A.S., Director of Mussourie Institute, (Lal Bahadur Shastri National Academy of Administration), who was at that time Secretary, Industries and Commerce, Government of Andhra Pradesh contacted me on telephone and requested me to intervene in the matter. After some hesitation I agreed to intervene, principally because I thought I could persuade the naxalite groups on account of my persistent civil liberties record. When I agreed to intervene, I was aware of the possibility of irresponsible accusations by the Police Establishment, like the one made in this affidavit by Mr. Prabhakar Rao. I told Mr. Yugandhar that I needed some thing in writing from the government requesting me to intervene. Governmental prestige prevented them from requesting a private citizen to intervene. But after some discussion I was given the following letter by Mr. Yugandhar,

'In connection with the abduction of Sri S.R. Sankaran, former Principal Secretary, Social Welfare Dept. and other senior officers, the Chief Secretary has desired that I may go to Rajahmundry with a view to assist in the negotiations. He also approved that I take Sri K.G. Kannabiran, President, A.P.C.L.C. with me for conducting these negotiations. Accordingly, I have requested Sri Kannabiran to accompany me to East Godavari District. [I have been promised the safe conduct of Sri Kannabiran,

Sd/- B. N Yugandhar,

28/12/1987

Secretary, Industries & Commerce

We left Hyderabad in the evening by the Godavari Express and Mr. Yugandhar accompanied me. Mr. Yugandhar was with me during the day time that day discussing the problem of the release. The Vice-President of A.P.C.L.C. Mr. B. Tharakam, a High Court lawyer, was with me and in the evening he came to the railway station. As soon as we reached Rajahmundry in the early hours of the morning Mr. H. J. Dora, then Inspector General of Police, Intelligence, met me at the guest house where we halted for about an hour. I was

in the company of Mr. Dora when we reached Rampachodavaram. In response to the demand made by the naxalites, the police authorities secured the release of the undertrials on bail and took them to Rampachodavaram. This arrangement was made by the Government without reference to me. It was entirely the decision of the Government and I had no role whatsoever in it. I went and talked to the prisoners and from there in the company of the police officers, I went to a place a few Kms. from the village of Gurtedu where the abduction of the I.A.S. officers had taken place: I do not now remember the name of the place where we stopped. From there Mr. Yugandhar and I proceeded to Gurtedu where exchange took place. After securing the release of the I.A.S. officers I proceeded my way. As stated earlier, because of my intervention in human rights issues I have earned some respect and credibility and I was able to save the L.A.S. officers and others who were subsequently kidnapped. To submit this act of mine to such an inane interpretation as the Director General of police has done is not really surprising since the police are not capable of any other reaction. *(Continued in the next issue)*

*(Continued from page 8)*

The Chief Minister has already promised a judicial enquiry into the communal violence and the Governor should impress upon the Chief Minister the necessity of the immediate appointment of the commission with appropriate State amendments to the Commission of Enquiry Act, enabling the commission to punish the guilty in the same process. The Commission of Enquiry Act as it stands, does not serve any useful purpose excepting to inform the public of the failings of the Government through the press. We wish to point out to the Governor, that the same Channa Reddy scuttled the Bhargava Commission by ordering that the Commission's proceeding should be *in camera*. This should not be permitted; it should be open to public and the finding of the Commission of Enquiry should be enforceable. The Governor should impress upon the Chief Minister the necessity of the steps suggested by us above.

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*(Continued from page 5)*

The experience of what occurs in various parts of the world shows that the risk of ill-treatment is greater when the courts are not allowed to review detention orders issued by the executive. In this connection, one non-governmental organization has expressed concern about the adoption in one country of a decree under which a person may be held in prison for a period of two years in order to prevent him from acting in a way which will endanger security or the maintenance of order, without any possibility of being able to appeal that decision. Another organization also drew attention to the recent amendment of the national security Act of one country which in no way, in a court of law can challenge the lawfulness of a detention order against him.

A distinction has to be made according to whether or not the competent authority is a representative of the judicial authority. (a) Institutions with jurisdictional power: in 10 countries, an appeal is lodged directly with the Supreme Court. In the other cases, the appeal is heard either by the ordinary courts or, particularly when a state of emergency is in force, by special courts—for the most part, military courts. In two cases, jurisdiction is conferred upon the Attorney-General of the nation; (b) Institutions without jurisdictional powers: these may be either prominent persons (an ombudsman, mediator, etc.] or collegiate bodies (consultative commissions and commissions of enquiry or supervisory commissions, with or without permanent status) In one country, the complaint must be examined by the Council of Ministers.

In a few countries, legislation provides for a system of compensation. Compensation is paid under an amicable settlement of the administration or is fixed by judicial decision. In one country the complainant must petition the President of the Republic. In some systems, where the State is not required to make reparations, the complainant must take action against the person or persons responsible for the allegations which led to the detention; hence it is often impossible to adduce proof. In other cases, the victim may be able to have compensation set in principle, without being able to obtain guarantees that it will actually be paid. *(To be continued)*

## A Report On Riot In Delhi Sadar In Nov. 90

Investigated by the Indian People's Front, Delhi

*We give below a very brief summary of the above report. We regret that on account of shortage of space we are not able to reproduce this extensive report which has covered all aspects of the riot in details-editor).*

Nine persons were killed, several injured and many cases of arson and looting occurred during the riot in Sadar Bazar that followed a Rally on 14th Nov. 90. The rally was organised under the banner of Muslim-Sikh Dalit unity (leaders-M.P Khan former M.P. and Tajender Pal Singh). People however generally believe that it was organised by Master Nooruddin and Hamid Sagar of Sadar Bara-i-they are considered socially controversial characters. Administration was informed by various people (belonging to political parties and organisations) that the rally could lead to an outburst of violence. Permission for the rally was not granted: During the rally police arrangement was negligible. Sikh participants less than 50... An orchestrated attack on the Slaughter House began at 3 P.M. on 14 Nov. The police reached 20 minutes later. Looting and arson continued for over 2 hours. Police rescued about 1500 Muslims. The rioters were identified as men from Gherawali Basti, Balmikis and Ranjan. One Arjun reported to be an RSS worker was leading the mob, Two others involved are Jethha reported to be a Congress I activist close to some ex-Minister-his son is a property dealer; and Swale Pahalwan, a Muslim Congress I activist who is alleged to be associated with smugglers... RSS centre in Dhobi

Katra and the Slaughter House was pre-planned." It was the handiwork of a group that did not participate in the rally .. It is a paradox that the unity of militant Dalits, Sikhs and Muslim organizations, ostensibly with an anti-Hindu appearance, inflicted a powerful blow to the Muslims..... The role of the Administration was sinister. The rally was not permitted by the government. Despite the warning given by many, and provocative gestures and slogans by the front liners in the procession of 10,000 strong, the police force was less than 50. Curfew was imposed only at 11 p m,

Findings: The riot was not a pure communal violence, nor was it a handiwork of the rally-based mob fury. It was a pre-meditated violence to terrorise traders operating in the Slaughter House and political activists in the locality. The motivation was to smash the prevailing economic interest. The targets of attack were neither Hindus nor Muslims, though both suffered. The motive was to prepare sufficient ground for shifting the location of the Slaughter House....The riot was also designed to disrupt the emerging Dalit Muslim unity as well as to administer-a blow to the RSS ranks in the locality...The available evidence clearly points towards the long hand of the Congress I. 0

*Amnesty International*

*Ai Index 17/67/90*

## DEATH SENTENCES IN CHINA

In early October 1990 YUE Shoucheng and GAO Shukun were sentenced to death by the Daqing Intermediate people's Court, in China's northern province of Heilongjiang, reportedly on charges of "destroying the state power equipment".

The death penalty is used extensively in China. So far this year, more than 800 death sentences have been recorded by Amnesty International on the basis of official Chinese reports. The increased use of the death penalty in China since the late 1980s occurs in the context of a continuing "anticrimQ" campaign. Amnesty International is concerned that death sentences in China are meted out following trials which fall far short of international standards for fairness. It is also concerned that in China as in other countries, the death penalty is a discriminatory punishment. In China, it tends to apply disproportionately to people of low social standing who have neither the political status of members of the ruling Chinese Communist Party or affiliate organizations nor the prestige accorded to members of certain professions.

### ARRESTS IN FIJI

Five University of the South Pacific (USP) lecturers, a medical doctor and a former school teacher were charged with sedition and unlawful assembly on 1 November 1990 for their involvement in a peaceful protest on 18 October, during which one or more copies of Fiji's new Constitution were burned. One of the seven, Dr. Anirudh Singh, was abducted on 24 October and questioned under torture about his role in the protest; the suspected perpetrators are five members of the Fijian army.

Three journalists were charged on 29 October 1990 under the country's Public Order Act (1976) for publishing a story on 26 October concerning reported plans by USP students and staff to protest against Dr Singh's abduction with the burning of further copies of the Constitution. The government claimed that the news-

paper story was a fabrication and the three were accused of "knowingly publishing a false report" which could create public anxiety".

The ten have been released on bail pending the outcome of their trials. Amnesty International believes that they have been charged for the non-violent exercise of their constitutionally-guaranteed rights to freedom of expression and freedom of assembly and association (Sections 4, 13 and 14 of Fiji's Constitution). If they were found guilty and imprisoned on these charges Amnesty International would consider them to be prisoners of conscience.

### The Arrest of Seven Civil Rights Activists

Dr Anirudh Singh-lecturer in physics at USP; Mr Ganeshwar Chand-lecturer in economics at USP; Dr Sudesh Raj Mishra-lecturer in education at USP; Dr Surendra Prasad-lecturer in physics at USP; Trilochna Reddy-lecturer at USP; Dr Ram Krishna Reddy-medical doctor; Mr Ram Sumeshwar Yadav-former school teacher.

On 1 November the seven people named above were charged with sedition and unlawful assembly for their involvement in an apparently peaceful protest on 18 October against the newly promulgated Constitution of Fiji. As part of the protest, which took place following a prayer meeting on the day of Hindu festival of Diwali, one or more copies of the Constitution were burned. Government authorities reportedly called the burning of the Constitution 'despicable and treasonous' and ordered the police to conduct an investigation.

### The Arrest of Three Journalists

Taniela Bolea-newspaper publisher; Robert Wendt- newspaper chief sub-editor; Subash Verma-newspaper reporter.

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Amnesty International

AI Index: ASA 34/05/90

## PAPUA NEW GUINEA

*(Summary of a 47 page Documents)*

The report documents human rights violations which occurred in 1989 and 1990 on the island of Bougainville, a part of North Solomons Province, Papua New Guinea, where the government faced armed opposition from the Bougainville Revolutionary Army (BRA). Between early 1989 and March 1990, when government security forces were withdrawn from Bougainville, Amnesty International obtained detailed reports of torture and ill-treatment and of apparent extra-judicial executions by government forces. Most of the violations occurred within the legal framework of a State of Emergency declared by the government in June 1989 and extended by Parliament every two months until March 1990.

Well-documented cases include those of nineteen people who died in apparent extrajudicial executions, or after being tortured in police or military custody. In addition, more than 50 cases have been documented of people who were ill treated or tortured by members of the security forces. The forms of ill-treatment included beatings at roadblocks, death threats, sexual harassment, and the deliberate torture of detainees. The victims were suspected members or sympathizers of the BRA and included political leaders, journalists, medical professionals, government workers and ordinary villagers. The cases described in this report are supported by evidence from medical records, autopsy reports, the testimony of eyewitnesses and victims press accounts and government documents.

The human rights violations described here occurred in the context of a counter insurgency operation against armed rebels who themselves resorted to acts of violence. In spite of difficulties with documentation, examples of abuses reportedly committed by the BRA, including torture and killing of detainees and non-combatants, are also described.

The report outlines constitutional and legal safeguards for human rights in Papua New Guinea. In this light, it looks critically at the initiatives

undertaken by various government bodies and by the judiciary in response to the evidence of grave human rights violations. In spite of very substantial legal and constitutional provisions for the protection of human rights in Papua New Guinea, the judiciary was unable to carry out its function of enforcing these provisions and government initiatives proved ineffective in preventing the occurrence of serious violations of human rights in the context of a political crisis. Few of the alleged perpetrators have been brought to justice and the vast majority of victims have been left without redress.

Amnesty International believes that all the allegations of torture, ill-treatment and unlawful killing detailed in this report are sufficiently grave to warrant immediate investigation by an impartial authority and it recommends that the results of such investigation be made public. The organization believes that durable mechanisms and guarantees that rights will be protected in times of political crisis, or under a State of Emergency, are urgently needed in order to ensure that similar violations do not occur in the future. It believes that, with relatively modest adjustments, the existing mechanisms and procedures for the protection and promotion of human rights in PNG could fill this need. The report makes a number of specific recommendations to this end.

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*(Continued from page 6)*

many Muslim did actually reach Aycdhya to offer Karseva? On October 25, the same paper again frontpaged a story headlined "5,000 Muslims to Demolish Masjid". The story quoted one Mukhtar Abbas Naqvi as saying that "the Babari Masjid at Ayodhya will be demolished by a batch of 5000 nationalist Muslims who will reach there on 29 October under their secret plan". This publicity crazy Naqvi is very well known to UP journalists. We all know that he cannot mobilise even 50 Muslims for masjid demolition. Can

*(Continued on page 20)*

*Letter*

## RATHAYATRA OF MATA YATRA?

It is now crystal clear that the Ram Janmabhoomi Ratha Yatra was organised by the H.J.P. more as a *Mata Yatra*, not so much out of love for Shri Ram but for playing the Hindu card and to ensure the Hindu votes in its favour in total disregard of the adverse effect on the delicate communal situation in the country. The Rathayatra has left a trail of violence and communal riots in different parts of the country. In these riots only innocent and poor people are killed and their houses are burnt along with public property. None of the leaders is killed or injured in such riots.

No Government worth its name can permit or tolerate demolition of a place of worship. Such an act is an offence under section 295 of the Indian Penal Code. Even if the B.J.P. was in power it could not have allowed such violation of law. In a multi-religious, multi-racial plural society like ours, no political party can be built on the support of a single community. Even if the Muslim consent to the demolition of the Babri Masjid and construction of Ram Mandir in its place either under duress or otherwise, there are several Hindus who would not agree to such a course, because it would be a thin end of the wedge and opposed to our laws. The plan of the B.J.P. to unite all Hindus under its umbrella by taking out the Rathayatra is a pipe dream. Thereby the B.J.P. has identified itself with the Vishwa Hindu Parishad and forfeited the support of a large section of Hindu primitive men resolve their disputes by breaking the heads of one another. Civilised societies resolve their disputes either amicably or by recourse to law.

Bombay,  
28th Oct. 1990.

-M.A. Rane

## BACK TO THE DARK AGES?

We are puzzled by your Editorial "Back to the Dark Ages", (Nov. 1990) After-correctly identifying Muslims as being at the receiving end of communal

violence it goes on to describe Mr LK. Advani and Mr. Atal Bihari Vajpayi to be "as much concerned about communal harmony as any other leader from other political parties". It is difficult to understand how the Editorialist came to this conclusion. Both BJP leaders, certainly Mr. Advani has not shown any meaningful response that would suggest a disinclination to inflame communal sentiment or a desire to defuse an explosive situation where hundreds have been killed. The figures run into thousands today. The BJP leadership cannot claim unawareness of the communal violence that surrounded the Rath Yatra of Oct. 90, the Ram-Shila campaign of 1989 or the horrific carnage that is engulfing India this month. The PUCL must resolutely oppose the systematic attempts by the BJP to gain political advantage by using religious rhetoric as their malevolent strategies result in the abridgement of that most fundamental of all human rights: of life itself for many of India's Muslims. To softpeddle this issue today is to invite certain disaster for all of us who care about Indian democracy which cannot survive except in a secular set-up.

Bindu T. Desai M.D. ; N.Balaji, Los Angeles;  
Bashir H. Mamdani, MD., Oah Park;  
Sekhar Ramakrishnan, New York;  
MeenalMamdani, Oah Park, (USA)

### VICTIMS as per Statement by Government

	Communal Incidents	Killed	Injured
Sept. 90	127	70	870
Oct, 90	253	822	1700
Nov. upto	283	166	430
Dec. 15th, 90		332	882

Source : Indian Express  
03.01.1991.

## NEWS:

*Andhra Pradesh*

### ENQUIRY INTO NARMETTA FIRING

*(Narmetta, a small village in Warangal, was the scene of police violence on Dec. 5 1990. About 1000 people had assembled in front of the police station to demand the release of Chandramouly, the District Secretary of the Radical Youth League, who was arrested the previous day by the police. It is said that his colleagues kidnaped some members of the police force and civil administration. It was feared that the notorious Wavangal police will kill Chandramouly,*

*The villagers were peaceful in their Dharna. Towards the evening there was a scuffle between the driver of the police vehicle and some members of the Dharna Group who were trying to deflate the tyres of the vehicle. This was followed by firing. The RYL claims that more than 15 people died. The police puts the figure at three. The Andhra Pradesh PUC sent an enquiry team which investigated and reached the following conclusions-editor)*

The Police first fired into the unarmed (demonstrators) to scare them away. In that process, the Police killed members of the crowd. Even if the Police version that the Militants fired first from the back side of the Police Station (where Yakkalipati trees are there about 150 yards away) is assumed to be true, the Police had no business to fire into the crowd, but should have attacked the militants who were at the back of Police Station. The Police contention lacks credibility and validity.

The death toll is evidently higher than the number given by the CM. Immediately after the firing all the people were driven away from the surrounding areas. Police ruthlessly lathicharged the whole village. The authorities did not allow visitors to go near the green fences around the Police Station. The Press people found an injured man near a KISOK next day. This supports the version of some villagers that the total is much higher than that claimed by Police. It has to be noted that Police cleared the place on 5th night itself.

The terrain does not support the version of the Police that militants fired at the front portion of the Police station first. The militants can't take position and fired without injuring the numbers of the crowd. The Police Station's front portion, though it had no compound wall has 3 big trees and to fire at the Police through the trees and bushes is not possible.

The Police should have taken measures to persuade and convince the agitator that Chandramouli was produced before a Magistrate and that he could be found in the jail as he was remanded to judicial custody. Scant regard to the sentiments and opinions of the people was shown by not involving the people's representatives like sarpanches, MPP chiefs etc.

The PUC demands that a judicial enquiry by a Judge not less than a Sessions Judge be conducted into the incident of firing and behaviour of Police before and after the incident.

The Government may not stand on false prestige but takes steps to punish the guilty.

(K. Srinivasa Murty)

9.12.1990

General Secretary, PUC

### PUC CONDEMNS USE OF NSA BY BJP GOVERNMENT IN MP.

THE PUC has expressed grave concern at the sudden and growing use of the National Security Act (NSA) by the Bhartiya Janata Party Government in Madhya Pradesh. Calling the situation as alarming, the PUC has made it clear that the Black Laws like the NSA are meant to suppress civil liberties and democratic rights of the people and, in no way, can serve as a substitute to the normal laws of the land which are sufficiently equipped to curb violence and crime in the country.

"Against the backdrop of the past experience the use of NSA by various governments was aimed at curbing the genuine political and social activities in Chattisgarh. The arrest under NSA of almost five citizens of Chattisgarh during the past one week by the

BJP Administration has to be viewed within the broader framework of growing authoritarianism reflected in a series of anti-democratic and anti-people measures of the Ruling Party. We believe that the present political system is bent upon subverting the principles of freedom and justice, and destruction of the fundamental rights of the individuals and groups", stated the PUCL in a press statement issued through its National Organizing Secretary, Rajendra K. Sail.

According to the PUCL Statement, the resort to NSA by the BJP Government reminds the public of the three year period of the Janata rule (the present leadership was part and parcel of that ministry) from 1977 to 1980 in Madhya Pradesh, when an attempt was made to bring in a "mini MISA".

The PUCL has Stated that during the last 9 months of BJP rule the people of Madhya Pradesh have been subjected to laws which violate all principles of natural justice. In some ways, the NSA is worse than the Rowalatt Act used during the colonial regime. Not only does it subvert the right to fair trial but has also been used against individuals and groups working for social and political justice. The PUCL has expressed doubts if the resent use of NSA against some citizens is to prepare a ground for its extensive use against social and political workers in Chattisgarh? The PUCL has said that there was an urgent need to build public opinion against the anti-democratic deeds of the BJP Government, and to bring popular pressure against the BLACK LAWS like the NSA.

Dec. 6, 90

Press Release issued by PUeL  
Raipur

## RESISTANCE TO COMMUNALISM

Some well organized groups have been fanning communal hatred in the country for quite some time. Three years ago they launched a massive communal offensive in the garb of Ayodhya Shrine movement. They propagated mythical and mischievous stories, glorifying the self and thrusting images of killers upon our innocent countrymen, communalised priests and sadhus, grouped criminals to raise a mighty brute force and created a wave of death and destruction. It is

*(Continued on page 19)*

## CITIZENS FOR DEMOCRACY

The Ninth All India Bi-ennial Conference (22-24Dec.90) of the CFD was inaugurated by Mr. B.G.Vergheese. S!Sri V.M.Tarkunde, Advisor: M.A. Rane, Bharat Wariawala Vice Presidents also addressed the meetings. Shri N. D. Pancholi, Gen. Secy. presented his report, Shri Kuldeep Nayar delivered the Presidential address. Delegates from Karnataka, Rajasthan. Maharastra, U.P. Bihar, West Bengal, Jammu & Kashmir, Haryana and Delhi attended the conference.

The Conference elected the following office bearers for the next two years : President-Shri Kuldeep Nayar; Vice President-Shri M A. Rane, Prof. Dalip Swami, Shri N.D Pancholi; Gen. Secretary-Shri Tejinder Singh Ahuja. Joint Secretary-Shri K.S. Durrani

The Conference passed the following Resolution:

### GROWING MENACE OF FASCISM

This All India Conference of the CFO is of the view that the growth of fascism by fomenting passions against minorities, particularly Muslims in the majority community and by giving birth to the concept of a theocratic state is at present the greatest menace to Indian Democracy.

While communalism is rooted in certain sociological factors there is little doubt that it is deliberately encouraged by some political forces for electoral gains. To oppose these political forces and to assure that they do not succeed in their evil design to come to power must be the immediate short term programme of all those who keenly desire that India should remain a democratic and secular country.

What is required for a long term solution of the communal problem is to disseminate among the people the democratic and humanist value of the dignity of the individual irrespective of his or her religious affiliations. Universal brotherhood and mutual tolerance for divergent opinions being the positive traits of Indian culture. it would not be difficult to combat and eliminate communalism in our country by spreading the values of democracy and secularism.

The Citizens For Democracy will heartily co-operate with all democratic and secular forces to ensure that the menace is completely eliminated from the country. 0

(Continued from page 18)

essential to evolve a three-pronged strategy to resist communalism.

A. Handle Communal Riots with Firmness  
B. Counter Ran JanamBhumi Offensive; and C. Launch an Economic Programme. The victims of communal violence are largely labourers and artisans in the unorganized and private sector. Focus on their economic activities will help evolve leadership from among themselves. Specific measures be taken to improve their skills and the level of education of their children. They be provided help to establish themselves independently. Consciousness about real economic problems shall generate resistance to communalism.

SADHBHAV MISSION  
V. K. Tripathi, 24 North. Avenue,  
I. I. T. New Delhi-110016

*Uttar Pradesh :*

## PUCL CIVIL WRIT AGAINST POLLUTION

The PUCL, Padrauna (Deoria), V.P. has filed a Public Interest Litigation Case on pollution against the local plant of the Kawnpore Sujan Works Ltd. The Supreme Court, ordered on December 3, 1990, the matter to be listed in the second week of January on the submission of Mr. P. Chidambaram, Senior Advocate, that the pollution equipment had been installed but the boiler had failed. As soon as it was rectified it would be ready for inspection;

The representatives of the PUCL, Padrauna, visited the factory on January 11, 1991 and made the following report to the Supreme Court.

"1. We were shown two closed devices which had been attached to the smaller chimney and were given to understand that these devices were for catching the flyash (chhai). Our visual observations in the town as well as that of about fifteen people residing in various parts of Padrauna was that though the quantity of flyash emitted by the stack (the larger one is hardly used, by

the factory) is less and the particle size is somewhat smaller, the quantity is still considerable. Thick, dark black smoke continues to be emitted by the small chimney for prolonged lengths of time everyday. The smaller particle size of the flyash enables more of it to reach the lungs rather than get arrested in the nostrils whilst breathing.

"2. We were shown a water treatment plant which we were told works on the principle of bio-degradation. No laboratory facilities were as yet available near the plant (situated some distance away from the factory) to monitor the quantity and quality of the pollutants still remaining after treatment. We were also informed that the same is to be set up, and that the total water will be recycled after it is treated.

"3. We were told on discussion that noise pollution caused by emptying of the vacuum pans can be controlled easily but is not being done at present. Noise caused by letting off steam may require consultations with the relevant experts which they promised to do in the near future.

"4. We were also informed that the pollution control devices installed by the factory are not yet fully operational and "are under performance trial". They said it should become fully effective in about one month. However they added that it still only reduces the pollution to about twenty percent of the current levels and that to reduce it further would be very expensive. We failed to understand the rationale behind this argument more so in view of the orders of the Hon'ble Supreme Court, apart from the Pollution Control Act, 1986.

"5. We were assured that when the teams for inspection from the Central and State Pollution Control Boards arrive they will let us know so that we could meet with them and discuss with them and inspect the progress till that date (as requested vide our letter No: 2317-22/2047 dated 6.1.91.)

"May we further reiterate that we have requested the Chairman of the company to meet with us on his  
(Continued on page 20)

**South Asian Forum For Human Rights**  
**HUMAN RIGHTS IN BANGLADESH**

*(As announced in the January, 91 Issue of the BULLETIN, Fr. R.W. Timm was appointed Convenor of the FORUM (Address: Box 5, DHAKA-ROOD, Bangladesh). The PUCL agreed to publish human rights news and views from the SAARC countries, as supplement to the PUCL BULLETIN. Human Right NGOs are requested to send their material to us by the middle of the month so as to enable us to publish it in the next month's BULLETIN. In this Issue we publish the following item received from Bangladesh. -editor)*

The Coordinating Council for Human Rights in Bangladesh (CCHRB), non-political and non-partisan in its stand, came into existence as a union of different human rights groups and developmental Non-Governmental Organisations (NGOs). The preparatory work started in 1983 and CCHRB was formally set up on 24 August, 1986. The Commission for Justice and Peace of Bangladesh and Hotline Bangladesh are the parent organisations of CCHRB and were made life members. Father R.W. Timm, a pioneering spokesman for development agencies and human rights in Bangladesh, masterminded the formation of CCHRB and was elected its first president.

The CCHRB, which grew out of the motion that development and human rights go hand-in-hand, aims at establishing collaboration among various human rights groups and NGOs, collecting and documenting information on human rights issues, setting up of machinery for legal aid, promoting regional cooperation, etc.

The CCHRB now extends membership to 31 human rights and non-governmental organisations. The collaboration and coordination among the member organisations have enabled CCHRB to address issues having national implications. With its regular activities, i.e., holding bi-monthly forum meetings, discussion over major human rights issues holding seminars, workshops, CCHRB has taken up issues of public interest, e.g. monitoring elections in order to contribute to the democratisation process in Bangladesh. It observed the Upazila elections in 1990 and recommended some important steps which have been taken into consideration by the present interim government which came in after the fall of the Elshad regime. Following the footsteps of CCHRB, many other groups and individuals have found monitoring the elections to be a significant task in the democratisation process in Bangladesh. CCHRB is resolved to monitor the parliamentary election 1991 and is training other groups and individuals interested in the parliamentary election,

Among other activities, investigating some major human rights abuses has proved to be significant. Deaths in police custody, women workers in the garment industry and the role of foreign funds in afforestation and environmental degradation are areas of CCHRB investigation which raise public concern not only in the country but draw attention at the international level.

13.1.91

Philip Gain  
 Director

Commission for Justice and Peace

*(Continued from page 15)*

any responsible journalist make frontpage 'news' out of such false and nasty claims? Ask the Principal correspondent of the pioneer, who authored this report, to submit a list of the 'nationalist' Muslims who went to Ayodhya for karseva. It is shameful that the Pioneer desk did not even care to put the headline within quotes.

In yet another absolutely unethical move on November 15, the same newspaper frontpaged a story headlined "Muslims Condemn Govt, order on Parikrama". Curiously, this story does not quote any Muslims individual or organisation which supposedly condemned the government order on parikrama. If you read the story, you will find that a former Congress I MLA, who happens to be a Hindu, has issued this statement on behalf of the Muslims community! If Some Muslim MLA tomorrow issues a statement saying that the Hindus have condemned the karsevaks: attempt to demolish the masjid, will the Pioneer carry it? Significantly, again, the headline of this story too is NOT within quotes  
 Nov. 23, 1990

*(Continued from page 19)*

next visit to Padrauna to enable us to discuss the pollution at this unit and at their sister units at the towns of KATHKUYIAN and GAURI BAZAR in this district. We have not yet received a reply to our letter No: 2118-22/2047 dated 18.12.90 in this connection.

"We would like to monitor the progress of the pollution control being done by the factory if permitted by yourselves and allowed by the factory."

In the meanwhile the management of the factory has started threatening to lock-out the factory and inciting workers and cane-growers to gherao the members of the PUCL. The Padrauna PUCL as well as the National PUCL have taken up the matter with the concerned Union Minister, Ms. Maneka Gandhi.