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Editorial:

THE HUMAN TRAGEDY

There can be, and are, differing opinions on whether or not the SA led armed forces were justified in waging war against Iraq; or if justified in terms of Security Council resolution 660, whether or not US led forces have gone beyond the definition laid down by the Security Council; and, whether USA was motivated because of Iraqi invasion of Kuwait or whether USA wanted to regulate oil-flow and its price as it desired.

We may however refer to some other aspects of this war on which there is no dispute. USA has declared that it will not remain content with only liberating Kuwait; its main aim is to destroy Iraq's military power, and also Saddam Hussein. The irony of the situation is that USA and other western powers including USSR built up Saddam Hussein and gave him all the arms and ammunitions that they now want to destroy. Even a layman would know that arms and weapons are not acquired to be rusted; they are to be put to use. Which means in this context that USA and other countries gave the weapons to be used by Saddam Hussein according to their dictates! Now that he has acted against their dictates, the arms and ammunitions once given by them, must be destroyed; and he himself must be eliminated. Liberation of Kuwait seems to have paled into insignificance.

Another fact on which too there is no dispute is human rights violation in that a large number of innocent civilians in Iraq have been killed by bombing in civilian areas; and baby food manufacturing units destroyed so that children are facing death. This human tragedy caused by US and other allied forces cannot be condoned; human rights organizations must raise their voice against such wanton killing.

And, lastly, a greater tragedy awaits (if the war is not brought to an end) in that the US Vice-President has announced that USA would have no hesitation in using the nuclear bomb if it found it necessary. On all these the civilized world must not remain silent. The USA must be restrained.

India and other non-aligned countries seem to count for nothing; they wield hardly any influence; they have failed to make their presence felt. Let us hope Soviet Russia succeeds in bringing about an end to this war. -

19/2/91

DETENTION WITHOUT FAIR TRIAL

Rajindar Sachar

(Paper read at World Congress on Human Rights held at New Delhi-December 10-/5, /990)

(Continued/rom last issue)

INDIA

In this connection reference may be made to the text of Body of Principles for th, Protection' of all persons under any from of detention or imprisonment adopted without vote by General Assembly of United Nations by Resolution No. 43/173 dated December 9, 1988. These principles would apply to the cases of Administrative Detentions as well. India has not passed any legislation based on these Principles. But over a course of years Indian courts have interpreted the rights of detainees as spell out by reference to the fundamental rights guaranteed under Indian Constitution That Judge-made law has laid down a number of basic rights which are possessed by the detainees and of which they cannot be deprived. It is a matter of satisfaction that most of these principles laid down by Indian Courts approximate broadly to these General Principles adopted by General Assembly.

That is the reason why I am dealing separately with the provision in India with regard to the subject under discussion beuause in my view many of the safeguards suggested to the peculiar problems arising out of Administrative detention have been applied in various circumstances in India, and could form a useful basis for further refinement so as to serve a tool in the advancement of Human Rights.

A provision' for preventive detention is provided in the Indian Constitution in Part III dealing with the Fundamantal Rights, under Article 22. Whereas Clauses (1) and (2) give fundamental rights to every person who is arrested and detained to be produced before the nearest magistrate Within 24 hours or right to consult and to defend by a legal practitioner of his

choice, this wholesome provision is not to any person who is arrested or detained under any law providing fo preventive detention. However, there is a small mercy in the sense that this article itself provides for some (If the Procedural Safeguards in case of detention with the result thai no law providing for detention can cut down the safeguards mentioned in the fundamental. rights chapter itself. Thus the constitution provides that no law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless an Advisory Board consisting of persons who are or have been qualified to be appointed as Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention. Further change was made by which 44th Constitution Amend- ment Act 1971, the penod during which a person ma be kept under .detention with confirmation by an Adv wry Board was reduced to 2 months from 3 month Further. instead of retired High Court Judges or person qualified to be appointed as High Court Judges th advisory board would now consist of 3 High Couu judges, appointed on the recommendations of the Chief Justice of the High Court of whom Chairman shall be sitting Judge whill the other two shall be either sittin or retired High Court Judges. Unfortunately this 44e Amendment Act' has not yet been brought into forc, notwithstanding the unfavourable comments by India Supreme Court as far as five years back (though in fairness it may be notedrhat most of the-State Govern- ments have sitting High Court Judges on the Advisory Board).

Sub-clause (5) of Article 22 provides a further safeguard by providing that when any person is detained in pursuance of an order made under any law providing

for preventive detention, the authority making the order shall as soon as may be communicated to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

A report on the practice of Administrative Detention discussed at last Session of V.N Sub-Commission on Prevention of Discrimination and Protection of Minorities, had identified various cases in which Administrative Detentions are usually found. In India, there are no Administrative Detentions for the more objectionable aspects as mentioned in clause (b) to (e) mentioned earlier. There is however quite fairly large resort to the detentions on the ground of alleged threat to public order and State Security, notably during crises. It is, therefore, this aspect and the development of law which will be dealt in this Part.

Is the area of Protection to a detinue to be tested only by the protection afforded by the Article 22 only or can it be tested by Protection given by other fundamental rights of Article 14 (Equality) Article 19 (Freedom of Speech)? In the earliest case of Gopalan in 1950 (Indian Supreme Court) had taken the view that "certain articles in the Constitution exclusively deal with specific matters and indeterminating whether there is infringement of the individual's guaranteed rights, the objects and the form of the State action alone need be considered. and effect of the Jaws on fundamental rights of the individuals in general will be ignored", This view is no longer good law in view of "Cooper" case decided in 1970 by Indian Supreme Court,

The position has been reiterated in A K Roy (1980) as follows: Articles 21 and 22 are no water-tight compartment, hence a law of Preventive Detention must also satisfy the requirement of Article 14 (Right to Equality), Article 19 (Right to Speech and Association) and Article 21 (Right to Life and Liberty).

Now amongst the various safeguards postulated in accordance with the International Covenant, let us examine as to what extent they are satisfied in India.

Preventive Detention in India is only authorised under the provision of various statutes. No executive authority, however high, can order detention unless any statute so permits. In terms of para 2 of Article 9, Article 22(5) of Indian Constitution already mandates that the authority concerned has to communicate to the detinue the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order. It is obvious that in a country like India where we have an independent judiciary with powers of judicial review vested in Courts, these safeguards, though no doubt not ideal, nevertheless do give a fair deal of protection against arbitrary detentions.

Indian Supreme Court has held that the court may examine the grounds specified in the order of detention to see whether they are relevant to the circumstances under which preventive detention could be supported i.e. security of India or of a State, maintenance of public order and set the detinue free if there is no rational connection between the alleged activity of the detinue and the grounds relied upon, say, public order. The court however cannot undertake an investigation as to the sufficiency of the materials on which the satisfaction of the detaining authority was grounded. The court may examine the grounds communicated to detinue to see if they are sufficient to enable him to make all effective representation. While the sufficiency of the ground, in the sense whether it would give satisfaction to the Government is not a matter for examination by the courts, the sufficiency of the grounds in the sense of enabling the detinue to make an effective representation can be examined by the courts. The "Communication" of the grounds which is required by the Indian Constitution is to enable the detinue to make a representation, the right which is also guaranteed by the Constitution, Communication in this context, therefore, means imparting to the detinue sufficient and effective knowledge of the facts and circumstances on which the order of detention is based and which are in the nature of the charge against him of the prejudicial acts which the authorities attribute to him. The sufficiency of the

particulars conveyed to the detenu is justiciable issue. The Indian courts have thus been holding that this right to make an effective representation has been held to have been denied in the following cases: (a) where one of the grounds upon which the order of detention was founded, was never communicated to the detenu, (b) where adequate "particulars" of the "grounds" of detention are not communicated to the detenu, (c) where the detenu was not conversant with English language, the *grounds of detention* should be supplied to him in the language which he understands and if there is a failure in this regard detention has to be held to be bad. This right of representation is to be treated not as a formality but as a real effective remedy. Thus the detenu has been held to have the right to receive copies of the statement and documents which are referred to in the grounds supplied. Failure to supply the necessary information and materials renders the order void and entitles the detenu to be released forthwith. Thus a person detained is entitled, in addition to the right to have the ground of his detention communicated to him, to a further right to have particulars, as full and adequate as the circumstances permit, furnished to him so as to enable him to make a representation against the order of detention and the sufficiency of particulars conveyed in the second communication is a justiciable issue, the test being whether they are sufficient to enable the detained person to make a representation which on being considered may give him relief. The basic facts in material particulars which are found will also be covered by the grounds within the constitutional safeguards of Article 22(5).

The Government is also required to communicate the grounds of detention to the detenu without avoidable delay. Its failure to do so would be considered by the court of law as an invasion of the fundamental rights of the safeguards guaranteed by the Indian Constitution. The detenu has also a right *u/s* 22(5) to have his representation considered by the appropriate Government with an unbiased mind. It should be seen that the obligation of the appropriate Government to consider the detenu's representation is separate and dependent

of the consideration of the detenu's case by the Advisory Board under clause (4) of Article 22. Where, therefore, Government fails in its obligation to make the initial consideration as soon as the representation is received, the order of detention becomes immediately invalid so that any subsequent reference to the Board or consideration and rejection of the representation cannot validate the detention. The Government cannot absolve itself of this obligation by referring detenu's representation to an Advisory Board. This initial obligation on the part of the Government is to consider the representation as soon as it is received by it. Delay in consideration of the representation affects the liberty of the citizens. The constitutional requirement of clause (5) of Article 22 must be satisfied in respect of each one of the grounds communicated to the detenu. Thus the courts have been very particular about the liberty of the citizens and have held if any of the grounds or reasons that led to the satisfaction be irrelevant, or non-existent, or vague, the detention would be invalid even if there are other relevant grounds," because it can never be certain to what extent the bad reasons operated on the authority or whether the detention order would have been made at all if only one or two good reasons had been before them.

The next aspect is about the remedies available against administrative detention and their efficacy in this regard.

The Constitution of Advisory Board mandated by Indian constitution is a fairly effective safeguard. No doubt that a person may be detained without the matter being placed before the Advisory Board if detention is not to continue beyond three months (now 2 months as per amendment) and to this extent it is a serious infringement of the liberty of a citizen and it can well be argued that such a period must be cut down even shorter. But Advisory Board nevertheless does provide an effective remedy to a detenu. The Advisory Board is competent to examine the correctness of statements and facts on which the detention is based. Article 22 itself provides that no detention can continue for a longer period than 3 months unless the Advisory Board has reported that

there is in its opinion sufficient cause for such detention. By the latest amendment the Chairman has to be sitting judge and other members either retired or sitting judges of the High Court. A judicial mind is thus applied to the decision of the executive and the materials supplied are examined by high judicial officers to test the sufficiency or otherwise of the materials justifying detention. A writ of habeas corpus has no scope to look into the sufficiency to the material but can only look to the lawfulness of detention. The power of Advisory Board is like that of a reviewing authority. Barring, therefore, for the fact that Advisory Board does not dispose of the matter sitting as a High Court, the requirement of Advisory Board being constituted of High Court Judges cannot be lightly brushed aside. The Board's opinion though advisory has certain inevitable consequences. If the Advisory Board reports against the order of detention or its report is ambiguous, it would be illegal for Government to detain the person beyond two months, under Art. 22(4). The appropriate Government, must in such a case, revoke the detention order and release the detenu. Of course, the matter before the Advisory Board is whether the detention is justified and not for how long he should be detained. After the Advisory Board reports that the detention is justified, it is for the detaining authority to determine the period of detention,

subject to the maximum laid down by Parliament. The Board is also under a mandate to report within a period of two months. Government is under obligation to refer the matter to the Advisory Board if it wants detention to continue beyond two months. The functions of the Board being advisory, courts have generally not recognised the right of a detenu to be represented by a lawyer. This is a serious infraction of the basic right of a detenu. But the rigour of it has at least been lessened by accepting that if the detaining authority is allowed to be represented by a lawyer, the detenu also must be allowed to appear before the Board through a lawyer. While the detenu has no right to appear through a legal practitioner in the proceedings before the Advisory Board, the detaining authority or the Government also cannot take the aid of a legal practitioner or a legal adviser before the Advisory Board. This bar would apply also to officers of the Government in the concerned departments even though they are not legal practitioners or legal advisers. Else Art. 14 requires that if the detaining authority or the Government takes the aid of a legal practitioner or an adviser before the Advisory Board, the detenu must be allowed the facility of appearing before the Board through a legal practitioner.

(To be concluded in the next issue)

This Month's Cover Design IS

by

Sh, Subodh Gupta

SUPERSESSSION OF AN ELECTED GOVT.

D. K. Kakati, IPS (Retd.)

(Mr. Kakati is Working President of PUEL, Assam, and member, National Council, PUEL)

Suppression of a democratically elected Govt., which was still enjoying the majority support of the elected representatives. was itself wrong, and that too on the eve of the General Elections due in Assam in December, 1990. To declare Assam as Disturbed Area under the Assam Disturbed Area Act, giving more powers to the police and the para military forces along with the promulgation of President's rule in Assam was also wrong. But what is still worse is the induction of the Armed Forces-the Army, Navy and the Air force-acting as land forces to deal with the pre-election situation in Assam. This is a special provision as far as it relates to Assam, Manipur and North Eastern States. It is nowhere applicable in rest of India. A similar Act has perhaps been made for Punjab recently.

I append below a note circulated by the All Assam Students' Union on the Assam situation.

"Excerpts from the note:

People of Assam have been once again deprived of their rights of electing their representatives to the Lok Sabha and the Vidhan Sabha and that too indefinitely. What appeared extremely unjustified in this denial of a fundamental right is that the postponement had been done with a motive to help some political organisations by the Central Government. Not to speak of the elites and the political activities (in towns and cities) even the men in the villages in Assam know that the decision not to hold the elections in time is a decision of the Prime Minister of India and not of the Election Commission.

To add insult to the injury, the people of Assam found themselves deprived of their civil rights in great measures because of the declaration of whole of Assam a disturbed Area under the Disturbed Area Act, 1955. This Act bestows arbitrary powers on the law-enforcing authorities in matters of arrests, body searches,

house searches and seizure of property.

But this is not all. Even the Armed Forces of the country have been inducted under the provisions of the Armed Forces (Assam and Manipur) Special Powers Act, 1958 to deal with essentially matters relating to the ejections to the Lok Sabha and the Assam Vidhan Sabha. This Act confers special powers upon even non-commissioned officers upto the rank of a Lance Naik to arrest, search and even shoot to kill any person suspected to be involved in any offence. These rights are exercised without any trial in the Courts.

The net results of these arbitrary actions by the Government of India, acting through its agent the Governor of Assam, are (1) the denial of the fundamental right of franchise on due date and postponement sine die. (2) the denial of normal process of law preserving the civil liberties bestowed by the Constitution of India, and (3) Violation of Human Rights as guaranteed under the U.N.O. charter of Human Rights to which India is a signatory.

The students' community appears to have been given undue attention by the Armed Forces in the operation „Hajrang“. The University of Guwahati were under seize for four days. Searches were carried out but nothing incriminating was found. The District Magistrate and the Superintendent of Police of Tinsukia were detained and intenogated and their vehicles searched by the Armed Forces. There have been reports about the search of Rowniorian police station and search of the residence of the Officer in charge of the Police station. There was report of detention of the Inspector of Police, Margherita and interrogation by the Armed Forces.

Shri David Ledger, M.P. has issued a statement

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COMMUNAL TERROR IN JAIPUR

(We publish below the summing up of a detailed Report on communal riots in Jaipur, investigated and prepared by a team consisting of Professor Dalip Swamy, Mr. Zahoor Siddiqi, Mr. Ramesh Rao and Mr. Salar M. Khan of Delhi University for the People's Rights Organisation, Delhi. The Report was released on 1-2-91-Editor).

On 27th Nov. 1989 a victory procession of BJP MPs led to an outbreak of Hindu-Muslim riot in Jaipur. Again on 24th October 90, after the arrest of L.K. Advani in Bihar riots broke out in Jaipur. It was truly a murderous communal assault on the Muslims, with the State covertly abetting the rioters, and in some cases its organs, especially the Rajasthan Armed Constabulary taking on the role of a partisan communal force.

It was an organised terror of a comprehensive order in a BJP ruled state that had no history of communal tension until 1988. On 24th October the BJP-RSS led 23 riot squads that were on rampage in 56 localities. The mob fury prevailed everywhere; violence and mayhem were celebrated; and the rioters ruled the city for two days, despite the police. Homeguards, RA and Military deployed in large number under five DIGs—Phool Singh Yadav for walled city, P.N. Raina for rural Jaipur, B.N. Hansuka for Ramganj, P.K. Tiwari for Kotwali and Arun Duggal for Manek Chowk. In the riots 57 persons, mostly Muslims (43) were killed, more than 144 injured, 229 houses and 163 shops were looted and burnt, 8 mosques and dargahs were destroyed, many places of worship and open plots were rendered disputed, and property worth more than Rs. 5 crores was looted or burnt.

What Congress (I) did (to Sikhs) in Delhi, following the assassination of their leader, Indira Gandhi in 1984, the BJP accomplished (against Muslims) in Jaipur, following the arrest of their leader, Lal Kishan Advani in 1990. In both cases, the riots were planned and orchestrated by the ruling party to take revenge or subjugate the targeted community, the administrative compliance was glaring—no culprit was booked—and the political opposition to the communal attacks was ineffective even in making the offending parties defensive.

The riot left the city torn with fear and hatred. It is for the rational and social conscience keepers to decide how to respond to such organised violence. Speculators have their own way of dealing with the uncertainties created by the riots; they had staked Rs. 1.5 crores upto 30th November on the possibility of riots on 6th December, the second *kar seva* in Ayodhya: But for Allah Baksh who lost everything and for Bubboos wif.: whose legs are fractured life is only a complicated and painful struggle. 0

(Continued from page 8)

alleging gang rape on women of villages situated in and around Lakhpathar near Digboi. He has also furnished names of two young girls who have remained untraced in the hands of the Armed Forces from the 28th November, 1990.

As operations under Project Bajrang proceed, there will be large number of violations of human rights. The Armed Forces are either inadequately trained while functioning in aid of Civil authority or are wrongly briefed by interested parties to create a reign of terror in favour of such parties. The needs of the hour in Assam area: (1) The immediate withdrawal of the Armed Forces from Assam by repealing the orders issued on 28.1.1990 by the Governor of Assam under the Armed Forces (Assam and Manipur) Special Powers Act, 1958. (2) The rescinding of the orders issued under the Assam Disturbed Areas Act, 1955, so that normalcy returns to whole of Assam. (3) Immediate issue of notifications for elections to Lok Sabha and Vidhan Sabha immediately after the Bhogali Bihu in the fourth week of January, 1991. (4) Unconditional release of persons arrested and detained merely on suspicion. (5) Payment of adequate compensation to

(Continued on page 12)

Andhra Pradesh:

AF-FIDAVIT ON 'ENCOUNTER'

K. G. Kannabiran

(Concluded from the last issue)

The next accusation made by the Director General of police is on page 13 and it reads: "A letter written by Sri K.G.Kannabiran to Kondapalli Seetaramaiah was recovered from one of the hideouts in Hyderabad showing his connection with the underground naxalites".

The Director General of Police believes in making accusations in a very casual manner and this accusation does not even have the merit of being disingenuous. Somewhere around the 5th or 6th month of 1986 there was a raid on a premises suspected to be in the possession of naxalites. And a letter addressed to Kondapalli Seetaramaiah written by me was recovered in the raid. The investigating officer, a D. S. P. whose name I think is Satyanarayana and other D.S.P. by name Krishna Murthi who was in charge of what is familiarly known as Secunderabad Conspiracy Case, came to my place after prior appointment. This letter was shown to me and I told them that I wrote that letter and that it was a covering letter to a questionnaire. It is necessary to set out a few facts here. I wrote this letter in 1979 when Kondapalli Seetaramaiah was on bail. He was an accused in the Secunderabad Conspiracy Case. I was appearing for Kondapalli Seetaramaiah, My being his lawyer is portrayed as an offence. In 1978-79 there was a spurt of political violence between various Communist groups. A few friends who have a basically Marxist approach formulated a questionnaire with a view to invite the groups for a debate. The questionnaire was sent to the C.P.I., C.P.I. (M) and the various C.P.I (ML) groups. One such questionnaire was also sent to Kondapalli Seetharamaiah. The following are the principal questions: (1) Do you not feel that invective polemics and politics of mutual violence divides and weakens the Communist movement on the whole and strengthens the force of reaction? (2) In the present situation in Andhra Pradesh is it not possible to avoid a policy of mutual

violence by the various Communist Parties and groups? (3) Do you not think that violent incidents and clashes between Communist Parties should be avoided at all costs? (4) Should there be mutual recriminations and invective polemics? (5) Would it not be possible to carry on ideological debates without invective polemics? (6) Does not present situation warrant a coming together of the groups on a minimum programme for the struggle of the toiling masses? (7) What measures do you suggest to avoid clashes at the village/factory/basti/educational institute levels?

These were the important questions that were addressed to all the Communist Parties and groups and the questionnaire containing these questions was enclosed with the letter referred to by the Director General of Police. All these facts were brought to the notice of the investigating officers; How much of it was recorded I do not know. The letter is separated from the questionnaire and without quoting the letter in full, an accusation is made which is not supported by the document which the D.G.P. relies on. He thinks he owes no duty to the Court to set out the facts candidly. He does not even set out the period in which the letter was written. This attitude can be found throughout the narration of the affidavit. For instance, throughout the affidavit and in the annexures, only crime numbers are mentioned and no details of the trial of the accused or the result. In many crime numbers, charge sheets have been filed, trials have been kept away from the Court and an incorrect picture of the Situation is offered without realising that such a course is destructive of the democratic polity of the country.

At the fag end of his tenure as Chief Minister. Mr. N. T. Rama Rao invited us for discussions on the restoration of democratic processes. At that time we pointed out that the 'naxalite problem' has been treated as a law and order problem for twenty years and the naxalite

movement has been growing. We pointed out that the naxalites are not a problem, it is the exploitative order which is sponsored and supported by the state that is the problem. No law enacted by the State in furtherance of Directive Principles of State Policy has ever been enforced by the Executive. After more than four decades of Independence, we have bonded labour, child labour, violence on dalits, violence against the rural poor. These conditions would naturally give rise to radical movement. And if views implying violence gain a foothold in society there is something wrong with the habits of the State. In tackling the situation, arbitrariness at any level, executive or judicial, is likely to be counter-productive. When the present Chief Minister of the State Mr. Chermana Reddy came to power, we continued our debate with him and we put this down in writing. This has been our stand and will continue to be our stand, despite the incurable intransigence of the Director General of Police and his Government, an intransigence that is evident in the analysis given in paragraph No 9 of the DG P's affidavit. It is precisely this attitude of treating the 'naxalite movement' as a mere exercise in terrorising the people, extorting money and committing decoy- and murders, that has led to distorted perceptions and perverse solutions. Critics of this perversity are not denying that the naxalites believe in the use of force. But what a democratic polity must come to terms with in the situation that makes it possible for this belief to transform itself into a political movement with roots in the most oppressed sections of the people. That the police and the Government are unwilling to come to terms with this reality is evident from the tone and tenor of this additional counter-affidavit. The crimes committed by the naxalites and their belief in violence are not in issue in this writ petition, or can human rights violations be justified in such a uniformed manner. The whole of the Annexures attached to the affidavit are irrelevant to the contention of the present petition, that firstly a political movement born of deprivation and suppression cannot be treated as a problem of law and order, and secondly that the protection of law and order and the prevention of crimes can only

take place lawfully and in accordance with the procedure laid down by law. Setting out in detail all the crime allegedly committed by the naxalites, and that too without mentioning whether the trials have been held and what the Court has decided, is no answer to this contention, and is only aimed at prejudicing the Court.

Each instance of an encounter killing is followed by the registration of an FIR revealing two crimes. One is an alleged attempt to murder (sec. 307 IPe) committed by the deceased, and the other is an acknowledged murder (Sec. 302 IPC) committed by the policemen whose names are mentioned therein. It is claimed by the policemen that the murder was committed in self-defence, that is the killing is covered by the exception in Sec. 100 IPe, but as in any such claim to a general or specific exception the Evidence Act (in Sec. 105) lays down that the burden of proving that conditions justifying the claim to the exception existed at the time of committing the offence, rests with the accused, the only lawful course is to prosecute for murder the policemen who have participated in the encounter and allow them the opportunity to convince the Court that the killing is covered by Sec. 100. **Ire.** This is precisely what has never been done in any case of an encounter killing. Instead the Director General of Police merely lists out the names of 6 policemen who are said to have died in encounters with naxalites, and expects the Honble Court to be satisfied therewith that all encounters are genuine cases of killing in self-defence. Moreover, these 36 deaths occurred in the course of 15 encounters, which is a small fraction of the total number of encounters that have taken place in this State. By what principle of logic or law the Director General of Police wishes to infer from this small sample that all encounters are genuine cases of killing in self-defence is not very clear. In addition to the self-defence plea he also invokes at one point Sec. 46 (2) of Cr.P.C. which gives a limited authority to policemen to use force while effecting an arrest. But this power too cannot be justified by the

mere fact of using it. Only an independent enquiry can establish whether conditions justifying the use of fatal force were prevalent. The magisterial enquiries held under Sec. 176 Cr. P.C. in spite of all the noble impartiality the D.G.P.'s account invests them with, are far from free or independent. These enquiries are executive fact-finding enquiries, conducted by Revenue officials, who are under the thumb of the police. Not one of them dares to go against the wishes of the police. Contrary to the DGP's claim that 'reasonable opportunity' is provided to all persons to give evidence at these enquiries, and that 'nothing prevents people from coming forward and deposing at these enquiries', all such enquiries are held in conditions that make it impossible for any citizen to give evidence against the police. Threats, arrests and physical torture are employed to deter intending witnesses. The enquiry premises are surrounded by police armed with deadly weapons, and a fearsome atmosphere is created wherein a fair enquiry is impossible. In the annexures we have enclosed a letter addressed to the Chief Minister in which we have described in detail how the police thwarted an enquiry ordered by the High Court of Andhra Pradesh. The incident is illustrative of the true state of affairs, which are quite the contrary of what the D.G.P. makes them out to be.

The concluding paragraph of the D.G.P. is in the nature of political advice offered to this Hon'ble Court on the basis of perhaps his personal views which should not normally colour or interfere with the performance of his duties as a public servant functioning under a constitutional scheme and value system. "Difficult though the task may be, it is in the interests of all people that we should avoid the trap of regarding a strong repressive police arm as a substitute for greater social justice and the amelioration of conditions which contain those destructive social forces for which a paramilitary police is wrongly seen as the only answer". These are the words of the former Chief Constable John Alderson. This has been the stand taken by us and this will be found in the enclosures annexed to this

reply affidavit.

-(Concluded)

(Continued from page 9)

those dead or injured or raped on the same scale as has been ordered by the Hon'ble Gauhati High Court in the Manspur case "Operation Bluebird". (6) Adequate compensation for destruction of standing crop and re-habilitation loans to the affected persons. (7) Official Judicial Enquiry by a panel of three Judges of Guwahati H. C. into the circumstances leading to the declaration of Assam as a Disturbed area induction of the Armed Forces and the excesses committed by law enforcing authorities and by the Armed Forces in particular. (8) Immediate non-official enquiry by the National Unit of the People's Union for Civil Liberties and the Amnesty International. 0

Press Statement

ACT OF POLITICAL SKULLDUGERY

The totally unconstitutional and politically motivated imposition of President's Rule has struck a fatal blow at the federal structure of our Constitution. The cynicism and the arrogance of the unrepresentative Central Government dissolving the State Assembly of Tamil Nadu representing the overwhelming electorate of the State, no doubt under direction from its supporting political party, is one of the most unabashed acts of political skulldugery. The unfortunate result can only be erosion of Central-State Relations.

All the recent happenings convince me that immediate general Election should be held so that we have a Government that can legitimately speak for the nation. This alone can save democracy.

31.1.91

Rajinder Sachar,
President, PUCL

COMMUNAL RIOTS IN ALIGARH

Dec. 1990-Jan. 1991'

A REPORT BY PEOPLE'S UNION FOR CIVIL LIBERTIES

ALIGARH MUSLIM UNIVERSITY

Aligarh is different from other riot affected towns in UP in one respect in that it is an internationally known centre of higher learning. This university town was victim of communal riots in the past also.

There are contradictory perceptions about the University among the two communities. Communalist Hindus consider it to be the centre of Pakistan movement and of anti-national activities; communalist Muslims take it to be a protected Islamic enclave, where non-Muslims should have no place.

The Aligarh Muslim University was set up by Syed Ahmad Khan, a savant of rare vision who found a way out in the gloom of the post-IS57 phase. Like Raja Ram Mohan Roy, a few decades earlier, Syed Ahmad Khan charted the tortuous trajectory for the Indian people that avoided both the quicksands of a moribund tradition and whirlpools of a rootless modernity. He proclaimed that Hindus and Muslims were **like** two eyes of the motherland and both can develop **only** if they *live* in harmony with each other.

The University was set up with financial support from citizens professing different religions—some notable names being those of Maharaja of Porbandar and Seth Hukam Chand. The first graduate produced by the University was Raja Mahendra Pratap, the well-known revolutionary and freedom fighter.

The University became the hot-bed of nationalist ideas and was the nerve centre of the Khilafat movement—Maulana Mohammad Ali being its distinguished

alumnus. It produced educationists like Dr. Zakir Hussain and K G. Saiduain, poets and writers like Majaz, Ja-Nisar or Israt Chughtai, journalists and writers like K A. Abbas, and a secular script writer like Dr. Rahi Masoom Reza of Mahabharat fame.

The University came under the influence of communal trends during the '40s. Then came the partition of the country, and this tragedy shook the very foundation of the University. For a time people forgot about its being a centre of the composite culture of India where students professing diverse faiths lived together in peace and harmony. Regrettably, many Hindus continue to remember only the period when it had come under communal leadership.

Under Dr. Zakir Hussain's stewardship the University was rejuvenated in terms of Syed Ahmad Khan's dreams along the path of national resurgence. However, the University has witnessed stray incidents but on the whole life in the campus has been generally without communal tensions. A large number of non-Muslim students (more than 40% students in Medical and Engineering faculties are non-Muslims) have lived in the campus with their Muslim classmates in harmony and peace. Peace in the campus has now been disturbed. Mistrust has set in.

One hopes that the University authorities, faculty members and students, will stand up against communalists of both the camps and will defend and enrich the ethos of composite living on the campus. They have done it in the past and there is no reason why they cannot do it now. X X X X

SECTION-I

(No one can claim to give an exact death toll of the riots in Aligarh under investigation; in fact it is not possible to give exact figures in any riots. According to the District Magistrate 92 lives were lost; of these about 2/3 were Muslims. The unofficial figures, however, are much higher. We were given a list, by some Muslim organisations, of 100 Muslims killed. This list contains not only the names of the alleged victims but also some other details like the next of kin, age etc.

From all accounts it appears reasonable to place the number of persons killed at 125 to 150).

Communal riots flared up in Aligarh on 7-12-90. Two heinous acts the kind of which have not taken place elsewhere in the present communal holocaust— one, killing of passengers in a train, and the other, a false news item which has been continuing to play havoc—are particularly shocking. A Hindu mob stopped the Gomti Express very near Aligarh city during curfew hours when shoot-at-sight order was in force on 8-12-90 and killed passengers (official death toll 4; unofficial figures between 10 and 15). Secondly, a news item appeared in a U. P. Hindi Daily AAJ on 10-12-90 under a full-page banner headline on the front page that 74 people including 28 patients in Jawaharlal Nehru Medical College Hospital of Aligarh Muslim University were killed.

What is more, Doordarshan acted irresponsibly in giving the news (i) that two policemen were stabbed in AMU campus, and (ii) that the University was declared closed and that orders were issued by the Vice-Chancellor that students' hostels be vacated. The Vice-Chancellor contradicted the story of killing and vacating of hostels.

The Gomti Express incident was confirmed by the Administration. The Hospital news was contradicted by the AMU authorities and the District Administration. The Medical faculty members denied the news item and appealed (a press release was issued) to representatives of the people and other citizens to come forward and save the country, adding that all concerned were welcome to visit the Hospital and see things for themselves.

After 10-12-90 (i.e. the day the news item referred

to above appeared) the Gomti Express incident paled into insignificance despite its confirmation, if one goes by newspaper coverage in Hindi dailies of D.P.

2. PUCI received letters and calls from people, both Hindus and Muslims, (including a communication from the U.P. Organising Secretary of PUCI at Lucknow) that PUCI should send a team to investigate into the riots in Aligarh. A team was set up consisting of Mr. V M. Tarkunde, Mr. Rajinder Sachar, Professor Abu Baker, Professor Dalip S. Swamy and Dr R. M. Pal. The team visited Aligarh twice: 4-6 Jan. 91; and 12 Jan' 91. During these two visits the team inspected a number of riot-affected areas, met friends and relatives of a number of riot victims, questioned a cross section of intellectuals, professionals including doctors and members of the Bar, members of Vyapar Mandal, social workers, journalists, officers of the District Administration including the District Magistrate, and other senior citizens.

3 Riots in Aligarh did not start all of a sudden. The seeds of riots had already been sown, not only in Aligarh, but throughout UP; only the District Administration did not take notice. And significantly enough a blue-print to meet riot situations was also circulated quite some time ago and it was in the District Magistrate's office. It appears that the then District Magistrate was benignly ignorant about it.

With the Ramjanmabumi/Babri Masjid controversy, and particularly the Rathayatra of BJP leader L.K. Advani

the divide between Hindus and Muslims had deepened. The divide became near complete after certain events took place— the karseva programme at Ayodhya on 30-10-90 and 2-11-90 accompanied by violence and police firing, playing of audio/video cassettes of provocative speeches by BJP/VHP/Bajranj Dal members against Muslims, holding of so called religious 'melas', circulation of highly objectionable leaflets by some Hindu organisations, kites with provocative slogans against Muslims released over Muslim areas of the city, almost total communalisation of the Hindi press in UP—all these had already built up a tense atmosphere. Muslims too brought out some provocative leaflets, thus each fanning communalism of the other group.

Given the background, the polluted and totally communalised atmosphere, near break-down of the law and order machinery, and increasingly scant respect for rule of law, communal riots were almost inevitable. The Administration knew, or ought to have known, that riots were in the offing. And yet killings went on unchecked during the period 7-10 Dec. 90. Hardly any administration existed in Aligarh during this period. The District Magistrate Mr Verma and some other officials were transferred (this was the only punishment for erring officials); and a new District Magistrate Mr. Misra took over on 10-12-90. Many people we met said that given the debris left by his predecessor and the story that appeared in AAJ on the very day he took over charge, resulting in increased violence, the new District Magistrate did a fairly good job. Even though riots were widespread upto about 15-10-90 and Muslims were at receiving end, Mr. Misra was able to instil some confidence in the victims.

4. We have said above how the polluted atmosphere gave rise to riots. It is therefore pointless to ask the question: who started the riots and to find out the starting point. However, we give below a summary of the accounts of what we saw, observed, and were told by people we met. We took as much care as possible to cross-check whatever we were told.

One version is that after Friday prayer at a Mosque

at Upperkot on 7.12.90 when provocative speeches (by way of sermons) were delivered, some Muslims attacked two PAC jawans near the Police Station. In retaliation PAC killed a number of Muslims and in some other areas Hindus attacked Muslims.

The other version is that a bomb was hurled at a Mosque in Sarai Sultani on 7.12.90. As a result fighting started between Muslims and Hindus at Sarai Sultani. The sound of bomb blast was easily audible at Upperkot Mosque (Jama Masjid). Muslims gathered in front of Kotowali to protest, and there a section of the mob tried to snatch rifles from some PAC jawans. PAC then opened fire killing 3 Muslims and injuring many.

It is futile to try to find out the exact starting point of the riots in view of the conflicting versions given above, both by Hindus and Muslims.

The area of Sarai Sultani/Sarai Rai is largely composed of Muslims but is surrounded by Hindu localities. Muslims who gathered in the Mosque for Friday prayer (on 7.12.90) were alarmed when they saw hundreds of people on roof tops of Hindu houses throwing bombs at Muslims and their houses and at the Mosque. We saw impact of bombs (they must be crude bombs) on the houses in the locality and many houses destroyed in PAC firing and rioting. Not many of the owners had yet returned. We were also told that the PAC Jawans posted there were not able to control the rioters; on the contrary PAC provided a cover to the rioters by preventing the Muslim from approaching the Mosque to rescue their friends and relatives that some Hindus with country-made pistols were moving along with PAC jawans; that Muslims were confined to their houses and inside the Mosque. If any Muslim dared to come out the PAC is alleged to have fired at them.

The Police/PAC had surrounded the Mosque. Muslims got agitated and some Muslims tried to snatch away rifles from some PAC jawans. (Muslims here were fairly well organized). Some Muslims threw bombs or similar articles at the PAC who then opened fire to kill.

After riots in the above two areas—Upperkot and

Sarai Sultani on 7.12.90, violence spread all over the city including Civil Lines area

5. In a Hindu area Jogipara, adjacent to Sarai Sultani, we met some Hindus-retired persons, shopkeepers etc., but they were just not willing to speak to us. However, one elderly Hindu lady told us that a huge crowd had gathered on the 7th morning from the Hindu mohallas, Muslim neighbours were scared. Many of them came to her area; she and some of her neighbours helped 20/25 escape through the backdoor unhurt. She also told us that she too was scared because the mob was unruly and they were unkind to even those people like her who were helping Muslims.

In this area 17 Muslims were killed on 8.12.90. (We have got the list of these persons), aile police official Mr. Dikshit told us that there is an FIR which mentions the killing of 17 persons by burning, and added that unless a dead body is recovered police do not consider it a case of murder or killing, and that no dead body has been recovered at Jogipara.

We were told that six out of these 17 persons had taken shelter in a factory, owned by Shri Anil Kumar, where a furnace is used for melting mettles. He wanted to save these 6 persons, but people from the mob advised that if these six are spared they would become witness to the killing of 11 persons. The mob then attacked Anil Kumar's factory and burnt the six persons in the furnace.

We were informed that some prosperous shopkeepers of the locality were instrumental in inciting riots in this area because they have been wanting to buy some Muslim property here. This possibility needs to be looked into by the administration.

Some other Muslim areas we visited (like Kazipara near Kazipara-Jaigunj Post office crossing, Sarai Rai near Sarai Sultani, Sarai Hakim Takia, Saifi Colony etc.) brought forth more or less the same picture, namely PAC resorting to firing to kill indiscriminately, Hindus being helped by PAC cover, Mosques attacked, houses destroyed, people subdued but angry. All these colonies are surrounded by Hindu areas. Kazipara was

attacked by a mob from the nearby Harijan colony.

We were given graphic accounts of how PAC entered some houses and shot people dead

In another area (Sarai Hakim Takiar-e-again a small Muslim pocket surrounded by Hindu areas [about 200 families of Harijans and a large number of families belonging to Vaish community] Trouble started on 7.12.90, at about 4.30 pm. when Hindus from these communities started throwing stones on Muslims. Muslims also retaliated. Police appeared at about 6 pm. and people dispersed. On 8.12.90 riots broke out again, and two Muslims were killed by PAC firing,

We were told that people from the trading community in the area fixed up a bell in the Harijan temple and asked them to make worshipping a noisy affair. They also helped the Harijans financially. Harijans are alleged to have been instigated by people from the trading community to attack Muslims.

Litigation between Muslims and Harijans over a plot or land in the area has been going on for several years now- Harijans claim that the plot is meant for their community centre, and Muslims claim that it is earmarked for a Mosque. The land is now in the custody of Nagar Palika.

We found that the Harijan colony in the same area was deserted. Houses were burnt or damaged badly. On seeing us some Harijan ladies came to us and narrated their miseries. They took us round and showed their burnt-out and badly damaged houses. They told us that their household properties were looted by Muslims. All the Harijans had shifted to a near-by place to live together. They told us that Muslims came out of their houses on 8.12.90 and there was firing by PAC, but they did not know if anybody was killed in the firing.

From the old city the riots spread to civil lines area near the University: Zakaria Market, Hamdard Nagar, and Jamalpur, and some other places adjacent to the University. Hamdard Nagar is a purely Muslim area. Hindu mob from nearby villages attacked the locality, and a number of Muslims were killed by PAC firing. Houses were damaged and property looted.

A Muslim mob attacked Zakaria market, damaged and looted establishments including X-Ray clinics, general merchants, restaurants, pathologist's chamber—all belonging to Hindus. None was killed in this rioting in the market area.

JamaJpur is a Muslim area with a small Hindu pocket—about 9% Muslims and 5% Hindus. In the rioting here one Hindu was stabbed to death and another injured. A number of houses were damaged and business establishments burnt. A number of Muslims were killed in PAC/Police firing.

After the Gomti Express killing and then after the AAJ News of alleged hospital killing, riots spread to a number of other areas like Bhujpura, Delhi Gate, Jangal Bari, Chandan Sheed Road and Tila. A number of Hindus were stabbed to death; and Muslims killed, mostly, in PAC firing

6. Gomti Express Killings :

A Hindu mob of about 1000 or more first tried to stop the Kalka Mail a little after 10 am. on 8 12 90 near the east cabin. but did not succeed. Around mid-day the mob succeeded in stopping the Gomti Express (very near the Station) and killed several passengers. While a judicial enquiry, which is reported to have been ordered, would be able to establish the circumstances, and may find whether or not Railway officials were involved or showed negligence, we may note a few details which we gathered from various sources including some Railway officials—who did not want to be identified:

The Cabin incharge Mr. G.S. Sharma reports the incident (attempt to stop the Kalka Mail) to the Station Master on duty, Mr. S. A. Khan (indoor duty); Mr. K. Lal is outdoor station master. Mr. Khan enters the report in the Register and also informs Mr. K. Lal, Mr. Gautam, Station Suptd., and Mr. K.C. Sharma, Asstt. Traffic Suptd, Mr. K. Lal goes out to see things for himself, returns after a short while and informs that there is no mob any where, and

issues instructions that all trains be allowed to pass. At around 11 a.m. Cabin E informs Mr. Khan that there is an armed mob near the Cabin and that up-line was brought with cement sleepers. Mr. K. Lal is again informed. He records that the report is correct. He however does not inform the District Administration, not even his own officers. Mr. K. Lal informs Mr. Khan that the sleeper that blocked the Rly. line had been removed and the mob had left and that Force had been arranged. At about 12 noon Mr. Khan gives permission to Cabin E for 'giving line clear' to Gomti Express. Gomti was reported to be leaving Daud Khan at 12 noon. The train runs into the cement sleeper and stops. Cabin E informs Mr. Khan. Mr. Gautam (station Suptd.) gets the information but remains in his office on the plea that his superior officer Mr. K.C. Sharma is present at the trouble-spot.

The mob comes to know of the exact time of the train leaving Daud Khan and puts the sleeper back on the line at the right time to stop the train. Where does the mob get the sleeper since all cement sleepers, at the time of anti-Mandal agitation, were taken away? The Over-Head Equipment meant for stopping trains in between stations is not used.

Mr. K. Lal tried to inform all concerned including R.P.F., but all the telephones were engaged, according to him.

The above account indicates that there has definitely been human failure on the part of some Rly. officials; whether or not there has been foul play, can only be determined by a thorough enquiry which should be conducted without further delay.

7. PAC, Civil Police, and CRPF :

There is no doubt that the PAC killed a large number of Muslims, On some occasions Muslims may have

acted in a provocative manner by way of trying to snatch rifles, going out during curfew hours, etc. but the PAC retaliated with disproportionate brutality.

The part played by the PAC in the Aligarh riots is indeed reprehensible. Almost everywhere Muslims told us that at least as many persons of their community were killed by the PAC as by Hindus. In several places we were shown the high terraces from which PAC personnel fired at fleeing Muslims. Even young Muslim children were thus killed by the PAC. At many places PAC fired at Muslims when neither they (the PAC) nor Hindus were attacked. The PAC acted as a highly communalised force.

During our talks with the District Magistrate Mr. Misra, we referred to the PAC and its conduct. He admitted that opposition to PAC from Muslims is 'tremendous'. Regarding complaints about PAC Mr. Misra said "truth is somewhere in between". He however did not elaborate this. He added that after he took over there have not been as many complaints; all complaints, he said, relate to the period before he took over. He said that a lot depends on the kind of leadership under which the PAC functions. In PAC jawans have to be told to act, unlike in the civil police, Mr. Misra said. PAC is a "tremendous" force capable of meeting "tough" situation, but the PAC must go through some "reorientation and training", he said. This training is particularly important at the present time in view of the propaganda that has been unleashed by communalist forces. When we pointed out to him that PAC brutalities continued during his regime also, he said that the Force was attacked with bombs and guns on some occasions; he himself was gheraoed for about 40 minutes on one occasion at Uppercot.

Even these guarded, though fairly frank, comments of the District Magistrate would indicate that the PAC has contributed considerably towards worsening the situation, and Muslim anger over the PAC is largely justified. The PAC should therefore be removed and

be sent away to the barracks "for reorientation and training".

It may be noted that the PAC's bonhomie with Hindus made Muslims angry. For example, Hindus fraternised with PAC personnel, offered them sweets, garlanded them; and if any of them declined to accept their offers Hindus raised slogans and exhorted them to listen to the call of Hindutva and Ram Bhakti. It would indeed require tremendous self-control on the part of an average Muslim to tolerate such Hindu fraternisation with the police.

On the other hand, almost all the Muslims we met said that they have absolute confidence in the CRPF. In one area, Muslim residents told us that but for the CRPF they would all have been killed.

Many Muslims spoke well of the civil police also. As illustration, a young civil engineer (a Muslim) gave us an account of how Sub-Inspector Man Singh Yadav saved the life of Abid from the clutches of PAC jawans. Later when Mr. Yadav was on duty at the local Mosque on a Friday prayer day, he was warmly welcomed by the Muslims present there.

8. Meeting With Hindus from Various Walks of Life

Almost all Hindus whom we met were only concerned with and agitated over the alleged killing in the Medical College Hospital as reported in AAJ and other Hindi Dailies. A few dismissed this news as absolutely baseless, and blamed the BJP/NHP/Bajrangdal combine for the riots: they also referred to the playing of cassettes from every nook and corner.

We requested to help us in our enquiry: they could give us, if possible, names of persons killed in the riots in the city, properties of Hindus destroyed and burnt. However apart from the areas that have been covered by us in the foregoing in this report, they did not come out with any other specific instance. Their only concern was the AMU and the Medical College Hospital.

Some of them told us that Muslims had acquired a lot of arms and weapons. Our enquiry revealed that some Muslims in the old city had prepared themselves with arms, but they were not able to use them extensively. The PAC prevented them from attacking Hindu areas in any organised manner. Our enquiry also revealed that most of the Hindus killed were by stabbing.

9. A Few Other Points raised by Muslims:

Though Muslims have been suffering the most, no politician including the Prime Minister has said anything specifically about Muslim suffering in communal riots; Muslims have not attacked and damaged Mosques; if Muslims continue to remain at the receiving end Muslim terrorism may emerge.

We did not find any evidence of Hindu temples having been damaged or attacked except a slight touch on a small temple in Jamalpur. We however found ample evidence of Hindus having attacked Mosques. Also, we found ample evidence of Hindus using abusive language about Muslims and Islam—these are by now generally well-known. We would rather not reproduce the kind of offensive language that has been used. The most foul and obscene language was used in slogans written on walls. We were sad to observe that communal hatred against Muslims has assumed pathological dimension. From our talks, as well as from contents of leaflets and cassettes, it became clear to us that many Hindus are profoundly ignorant about Muslim culture and religion; ignorant also of the fact that Muslim and Hindu saints contributed considerably to popular socio-religious movements against Brahmanical orthodoxy.

Sadly, as we have observed, Muslims too need to

be cured of their narrow-mindedness; many of them glorify not the true spirit of Islam.

10. Recommendations :

(1) Programmes which are likely to foment communal passions (such as Rathayatra, processions of ashes of kar seva victims, playing of communally surcharged cassettes etc) should be stopped by making use of sections 153 and 153A of the Indian Penal Code.

(2) Para-military police forces should be reorganised and reoriented to free them of communalism and punitive action should be taken against those police personnel who take sides or act partially during a communal riot. Such punitive action should be given adequate publicity.

(3) Publication through newspapers of leaflets or speeches of false information which are likely to promote communal passions should also be punished under sections 153 and 153A of the Indian Penal Code.

(4) Local administration must be instructed to act promptly and impartially at the very emergence of a communal riot situation.

(5) Those who commit grave offence like murder and arson during a riot should invariably be tried and punished as soon as normalcy is established.

X X X X

Since most Hindus we met concentrated only on the Medical College Hospital of AMU and wanted action to be taken against the University, we have thought it proper to go into greater details than necessary. The next section of the Report therefore deals with this aspect.

SECTION- II

JAWAHARLAL NEHRU MEDICAL COLLEGE HOSPITAL

(Aligarh Muslim University)

Situation of the University Campus:

1. The campus of Aligarh Muslim University is an open area in that there is no boundary wall around the campus, and there are private residential localities and shopping centres around the University. They

look like being part of the University. The Medical College Hospital is in the University Campus; outside the Medical College there are residential areas and shopping centres on which the Medical College or the University administration has no control. Local people

from these areas have free and easy access to the campus of the Hospital and the University.

2. Communal riots started at Aligarh in full swing on 7.12.90. 22 injured (riot victims) were brought to the Emergency section of the Hospital on the 7th. Another 37 were brought on 8.12.90. The Gomti Express killing took place on 8.12.90. Most of the injured brought to the Hospital were Muslims. News spread like wild fire, and Muslim mobs gathered outside the Hospital on 7th and 8th. They were agitated. Riots broke out outside the Hospital on 7th; these became more serious on the 8th. There were cases of stabbing and killing, and looting and burning of shops in the Zakaria market outside the Hospital. Looting and burning of shops was done in a selective manner in that only Hindu shops and establishments were the targets. In this rioting two persons, Zafruddin and Ram Chander, were stabbed. Zafruddin died on the spot; Ram Chander was brought to the Medical College Hospital for treatment. He has fully recovered.

Curfew was imposed on 7.12.90. As a result those living in curfew areas were not able to report for duty and attendance of Hospital staff including nurses was very thin. Under the circumstances the Hospital authorities were hard pressed, and were under great stress and strain. Doctors and others in the Hospital worked round the clock and did an excellent job.

3. On 10.12.90 the Hindi daily AAJ published a news item, giving full page banner headline in the front page that 74 persons including 26 patients were massacred in Medical College Hospital on 8-1-91. The headline was not put in quotes, indicating thereby that they got the news through investigation conducted by them. The reporter did not give the names of patients allegedly killed in the Hospital.

On publication of this news, attendants of 3 Hindu patients, at the initiative of the District Magistrate and the University authorities, were taken to Police Lines to

tell the truth to newsmen. These attendants denied allegations against the Hospital and expressed full satisfaction over the treatment given to their patients. But AAJ and other Hindi dailies from U.P. notably AMAR UJALA and DAINIK JAGRAN, continued to publish unconfirmed stories; in fact publication of such news is still continuing.

The District Magistrate Mr. Verma issued a statement on 9.12.90 denying any killing in the hospital. The new D.M. Mr. Misra and the SSP visited the hospital on the night of 10.12.90 and after their visit they too issued statements denying any killing and the allegations against the Hospital.

4. We visited the Medical College Hospital on 4th and 5th Jan. 91; met correspondents of the press on 5.1.91 and again on 12.1.91; and, as mentioned earlier, we met representatives of Vyapar Mandai, faculty members of local colleges, members of the Bar, and senior citizens. We met Mr. Promod Kumar, local industrialist who was one of the first to visit the hospital after the news was published in AAJ. We requested all concerned to give the names of the patients who were allegedly killed in the Hospital, or, at least, to give as many names as possible. They however maintained that it was for the Hospital authorities to prove that the news was baseless and that none was killed. We again requested help us in the investigation; and certainly, we suggested, they could give at least some names since most patients in the Hospital belonged to Aligarh city and nearby areas, and since they were so sure of the killings having taken place in the hospital. Some of them then gave us the names of two attendants, and 4 patients, and two dead bodies found in a well near the University. We shall now deal with these instances.

I (a) It was said that Rati Ram has been missing. Our enquiry revealed that Constable Rati Ram's daughter Rekba Rani was admitted on 4.12.90 in the hospital following head injury. On 15.12.90 two Magistrates (who were specially deputed by the

District Administration to visit the Hospital and to enquire from Hindu patients whether they wanted to go away from the Hospital, or stay) met Constable Rati Ram and his wife Smt. Rakesh Kumari. The fact is that Rati Ram is not missing; he is very much alive.

I (b) Smt. Sushila Devi, w/o Shri Vrindaban; and two dead bodies found in a well near the University on 2.1.91 :

We met Shri Vrindaban at the Civil Hospital on 12.1.91. He gave us the following account:

Shri Vrindaban had met with an accident on [5.4.90 and was admitted to the Medical College Hospital (ward 5) on 25.4.90. He was attended to by his wife Smt. Sushila Devi. He was looked after well in the Medical College Hospital. On 7.12.90 he did not see any untoward incident taking place in his ward, nor did he hear of anything in any other ward. He however heard that some trouble was going on outside the Hospital. On 8.12.90 Sushila Devi went out to bring medicine for him, and she never returned. He got worried; got himself discharged and went to the Civil Hospital where he is still undergoing treatment. Sushila Devi's body was found in a well, and the body was identified by her children through her clothes.

Two dead bodies found in the well as mentioned above include the one of Smt. Sushila Devi. Preliminary investigation by the authorities suggests that the other body is of a Home Guard, presumably a Muslim; but nothing definite could be said of the identity of this dead body.

It appears that Sushila Devi and the other person were stabbed to death in the riot that took place on 8-12-90. There was commotion outside the hospital, a large Muslim mob gathered there on hearing of bullet-injured patients arriving at the hospital. The mob tried to identify Hindus. There were stabbings. Three labourers were stabbed; one of them died. One other Hindu was also stabbed to death. Another who was stabbed to death by the same mob was later on found to be a

Muslim, son of an employee of the University. Later in Delhi, Dr. Masood Hasan of Delhi University South Campus told Professor Dalip Swami-sour team member that he was present at Aligarh during the riots beginning on 7th Dec. 90. and that he was told by reliable sources that some Hindus were killed, and some stabbed by a Muslim mob outside the Hospital on 8.12.90.

Patients alleged to be killed in the Hospital:

I. Smt. Ornwati and Smt. Ramwati : Omwati (age 32) was admitted in the Medical College Hospital on 7-12-90. Smt. Ramwati (age 32) was also admitted on the same day. Vyapar mandai leaders and faculty members of D.S.College, Aligarh produced Shri Hukum Singh and Shri Ram Dayal, husbands of Omwati and Ramwati. They gave us the following account:

Ram Dayal's brother Yogendra Pal saw, from hiding in a small room near the ward, some boys strangle Omwati and Ramwati to death. Ramwati was undergoing blood transfusion, she was bleeding, the nurse on duty removed the blood transfusion equipment. Yogendra Pal and his relations/friends also saw the child of Omwati being killed. The incident took place at midnight 8/9.12.90. They came out at 3 am. on 9.12.90. Hukum Singh lodged an FIR with the Police on 29.12.90. i.e. 19 days later. He could not report earlier, he said, because he had fallen ill. Ram Dayal sent a report to the Police on 10.1.91 by registered post; he however gave information about this to Shri Kalyan Singh, a local BIP leader on 29 or 30 Dec. 90.

Our enquiry revealed that Smt. Omwati was admitted on 7.12.90. She delivered a dead baby the same day. The body was handed over to an attendant by staff nurse on duty Ms. Satyavati Singh the same day. Smt. Omwati expired on 9.12.90 at 2 a.m. - a case of pregnancy with fulminant Hepatic Failure. Death certificate No 2910 was made. She was under consultant incharge Dr. Jamal Ahmad and clinical Registrar Dr. Anirudh Ghorai. It was clearly a case of natural death.

Our enquiry with regard to Smt. Ramwati revealed

that she was admitted on 7.12.91. It was a case of post-partum septicaemia with cardiac failure. Dr. Jamal Ahmad was consultant in charge, and Dr. Anirudh Ghoria, Clinical Registrar, in the case. She expired on 8.12.90 at 9.40 P m. Death certificate No. 2908 was made out. It was also clearly a case of natural death.

The attendants wanted to take the bodies to their respective villages. Since the city was under curfew, and also because transport was not available, the authorities informed the SSP. The SSP made arrangements for the transportation of the bodies of the two deceased along with their attendants Shri Dori Lal, brother-in-law of Smt. Ramwati; and Shri Tota Ram, father-in-law of Smt. Orwati.

It was obviously an afterthought on the parts of Shri Ram Dayal & Shri Hukarn Singh to make out a story of killings and report them to police after many days. The women died on 8th and 9th Dec 90; but surprisingly no report was made to the police when the bodies were taken from the hospital. Reports were made after a great deal of delay. Yogender Paj's story is obviously suspect. He claims to have seen the child being killed on 8./2.90 while the body of the child was already handed over to attendant on 7.1290.

II. Siya Ram: We were told that Siya Ram was a patient in the Hospital and he was killed. Our enquiry revealed that Siya Ram was admitted in the Hospital on 7.12.90. He met the Suptd. of the Hospital on 15.12.90 and showed him a copy of DAINIK JAGRAN, a Hindi Daily from Agra of 15.12.90 which reported that he himself (Siya Ram) had been killed. Since he wanted to go home because his family would be worried, he was handed over to Mr. M.S. Yadav, 81 of Civil Lines Police Station, Dodhpur for being taken home.

III. Radhey Mohan: We were told that he was a patient in the Hospital and he was killed. Our enquiry revealed that Radhey Mohan was admitted in the Hospital on 2.12.90. He left the Hospital against medical advice on 11.12.90 through the help of his

neighbour Yaseern Ali. The hospital authorities informed the Civil Lines Police Station, Dodhpur on 12.12.90. He is very much alive. In this case also a news item had appeared in AAJ that Radhey Mohan was missing.

These are the only 4 cases of alleged killings in Hospital wards that were brought to our notice - out of these two deaths were due to natural causes; and the other two were not deaths at all. Our talks with a large number of Hindus who constantly mentioned that 28 patients were killed in Medical College Hospital, did not bring forth any other cases: nor did Hospital records indicate anything untoward happening in the Hospital.

5. Leaders of Vyapar Mandal produced Sri Mahesh Aggarwal, General Merchant, and Shri Satish Agarwal, Cloth Merchant (brothers) in support of their claim that some incidents had taken place in the Hospital. Agarwals gave us the following accounts:

Their mother Smt. Asharfi Devi was admitted to the Medical College Hospital on 7.12.90 ward 12, bed No. 217. While they were on their way home they were attacked by a Muslim mob at Dodhpur. They returned to the Hospital. From the ward they saw injured people coming in the Hospital and students shouting slogans. Again, on 8.12.90 they saw a mob of about 2000. None from the mob were allowed by the hospital authorities to enter the Hospital building. They heard from people that about 12/13 people were stabbed between 9 a.m. and 3 p.m. They themselves saw only one person stabbed in front of the Emergency. They saw Hukum Singh (husband of Orwati referred to above) faint, and that someone came to his help. They managed to get away from the Hospital on 9.12.90 along with 6 others. They had come to know that Orwati and Ramwati had expired and death certificates were made out, but doctors could not make arrangements to shift their bodies. They were greatly concerned about the welfare of their mother

and wanted to bring her out of the Hospital. They spoke to leaders of the Vyapar Mandai. They met District Magistrate and Police officials. They were accompanied by Shri Navman, BJP M.L.A. During their meetings with officials there were angry exchanges between Shri Navman and Police officials Professor K. P. Singh of the University told them that 6 stabbings had taken place in riots outside the hospital. Mr Tahir Khaja I-T correspondent offered to take them to the Hospital to see things for themselves and help in getting their mother out of the Hospital. Mr Khaja brought out two patients including their mother. There were other correspondents also present. Their mother was transported to their residence in District Magistrate's car 01.12.90). Their brother was attacked at Zakaria market (near the Medical College Hospital) On 7.12.90; he was not injured. They have not lodged any report with the police.

This account of these two important members of Vyapar Mandal make it quite clear that they had witnessed no untoward happenings in wards. They saw none being killed in wards; they saw one person being stabbed outside the Emergency section; they heard but did not see themselves. that 12/13 persons were stabbed outside the Hospital: that their brother was attacked by a Muslim mob but not injured; they have not reported to the police; that Hospital authorities did **not allow** anyone from the mob to enter the Hospital **building**.

[It should be noted here that this alleged eye witness account of these two;brothers on which the news papers Aaj, Amar Ujala and Dainik Jagran based their stories of 28 killed in the hospital] ..

6. During our visit to the Civil Hospital on 12.1.91, we asked Dr. V.P. Aggarwal, Chief Medical Suptd. if he suspected any foul play by the Medical College Hospital in connection with post-mortems conducted in the Medical College Hospital under his supervision. He did not, he said, adding that he had found no discrepancy in Medical College Hospital

records showing cause of death.

7. During our meeting with Mr. Misra, District Magistrate. Aligarh on 5.1.91 we asked him since both he and his predecessor had contradicted the news of 28 patients killed as reported in AAJ of 10,12.90, he could surely proceed against the paper under section 153-A, I.P.C. He told us that one Reporter was arrested; another had reportedly obtained an anticipatory bail. and still another was absconding and that the Administration was going to proceed to get his property attached We pointed out that Editors and Proprietors of Papers must be proceeded against under section 153-A, I.P.C primarily since it was their responsibility in such matters. He said he would look into this aspect. We also asked him if he would let us know the source of the news in AAJ ; he expressed his ignorance and added that it happened during his predecessor's time.

8, There have been communal riots before, but the atmosphere never became as vicious as it has become today; and communalisation did not give rise to such vulgarisation as it has done today. The Medical College of AMU holds an all-India function of sports events every year and invites all Medical colleges to participate in the events. This year too they sent out invitation for SPORTOTSAV 91. They received the following reply from Govt. Medical college. Jabalpur: "You bloody How can you expect to participate in such activity. Jai Shri Ram", S./- illigible (Dean). This was written on the reply post card sent with the invitation card Such conduct is against all medical ethics. The matter needs to be looked into by Govt. Medical college Jabalpur.

It is also painful to observe that Aligarh Muslim University did not get support of any significance from the Medical fraternity of the country and faculty members of universities. They have closed their eyes on the indignities that the AMU is going through and the vilification campaign that has been going on in the Hindi press.

9. We are inclined to think that the press and Hindus of Aligarh might have been compelled to tone down their misconceived reaction. If Shri Pramod Kumar an industrialist of Aligarh, and Mr. Ashok Chauhan, who were the first persons to go to the Hospital after the news appeared in AAJ, were allowed to proceed in the matter as Mr. Prornod Kumar had suggested. They visited wards 10,11,12. They were told by some people during their visit that 2 patients were killed; they found these two patients alive. Mr. Pramod Kumar told us that he did not suspect any foul play in the hospital. He however wanted to go about the matter in a detailed and thorough manner so that he could issue a comprehensive statement in order to allay public misgivings caused by the mischievous and baseless news, for, as he told us, he had to face such formidable forces like the RSS (the Vyapar Mandai, as we could see, is controlled by RSS) and Bajrangdal. One or two doctors were impatient and used strong language, he told us (and it was confirmed by some doctors of the Hospital for they felt, such a course (as advised by Mr. Pramod Kumar) would add further injury to their wounds. They therefore wanted him to issue a statement right then since he had found no untoward happenings inside the Hospital. He therefore withdrew from the scene. We might add that almost everyone in the Hospital spoke highly of his integrity and impartiality, as also of Mr. Chauhan's.

10. In spite of contradictions of the AAJ news item published by a number of newspapers from Delhi, some on the basis of their own investigation and some on the basis of District administration's contradiction, Hindus in Aligarh and elsewhere, particularly in D.P., have continued to believe this foul story. So much so that the Government of U P. felt it necessary to insert an advertisement in AMAR UJA LA, Agra on 18.12.90. "Rumours are harmful for Nation and Society. False news about killings in the Aligarh Medical College Hospital published in some newspapers led to the communal violence and innocent persons lost their lives". (And also, the government could have added, the Medical College, its reputation). What then prevents the Government from

- V.M. Tarkunde - Rajinder Sacbar-e-Abu Baker-Dalip S. swamy -- R.M. Pal

proceeding against the guilty newspapers? The motivated and orchestrated propaganda against the Medical College Hospital has become so vicious that if the government does not handle matters in a forthright manner, leaving aside all political and electoral considerations, people of all religions will continue to suffer. Contrary to popular belief amongst Hindus, more than 40% students in AMU Medical college are Hindus: at one time majority of patients in the Hospital used to be Hindus. Not many people outside Aligarh know that the Medical College Hospital is a specialised hospital and members of staff there are some of the best in the country.

We were pained to note that District authorities have now directed the Medical College Hospital authorities to mention religion of patients in Cards and Hospital registers. One doctor was in tears when he mentioned this to us.

11. Before we left Aligarh on 12.1.91, we had asked all who met us, specially the members of the Bar and press persons, to let us know the names of patients allegedly killed in Hospital, but upto the date of completion of this report we have not received any communication from them.

Conclusion:

1. There was no killing of patients in the Hospital.
2. There were riotings and stabbings and also some killings by stabbing outside the hospital, as also looting and burning of Hindu houses and establishments in areas outside the hospital. We found no evidence of any hospital staff being involved in any such incident.

3. Rumours spread, and baseless news items published in Hindi papers have double significance - they tarnish the image of the Hospital and AMU, and at the same time they are communal in character in that they are anti-Muslim.

As a consequence of these rumours resulting in fear psychosis poor Hindus will suffer more because they will be reluctant to visit such a well-equipped modern hospital.

Annexure I

During our visits in the 'Medical College Hospital we met some patients. We give below accounts given by two such patients:

1 Mohammed Ayub, *elo* Zahoor, village Budaka, His profession was to buy and sell young buffaloes

7/8 persons. their faces covered. attacked him at a distance of about 200 yds from his residence. They hit him on his testicles. His testicles were crushed. He fell down in pain. They hit him in his eyes with some pointed weapon. He was brought to the Hospital on 17.12.90. Doctors came to the conclusion that his eye-sight could not be restored. His eyeballs were removed. Testicles completely crushed and permanently blinded, Mohammad Ayud was being looked after by his brother in the Hospital.

2 Kamod Singh: He belongs to village Palanpur Desari in Kanpur district. He is now fit enough to move about: He helps other patients and we could see that he is popular with all patients. He was admitted to the Hospital in the last week of July 1990. According to him news published in Hindi papers about the Hospital was a white lie. The Doctors and other staff members worked throughout nights because of the large number of patients coming to the Hospital from 7th December onwards. At times they went without meals and gave their food to patients. Doctors and hospital staff are always very helpful and often go out of their way to solve patients' problems. There is no discrimination between Muslim and Hindu patients. He was pained when he read in newspapers allegations against the Hospital. He has written to various people in Kanpur including the M.L.A. of his constituency, about it.

Annexure 1/

PRESS COVERAGE. LUCKNOW

by Prashant Kumar of PUCL

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" were "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 killed".

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, Oeria 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 Area (House No. 1, Type IV) on the night of November 5 while the family was away. Household goods were completely burnt. No newsperson visited Mr. Alvi's house. 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 ड्रावर 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.

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The communal press has put out absolutely false and ludicrous stories as 'news' on the front pages. On October 30, the 'Swatantra Bharat' (Lucknow) front-paged a news item headlined नृत्य गोपाल दास अतंर्ध्यान which claimed the Maniram Chhavani mahant Nityagopal 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-boomi leaders shall meet a similar fate.

The communal press has also been trying its best to convince the readers that most Muslims support communal Hindu organisation 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 Ayodhya" How many Muslims did actually reach Ayodhya to offer Karseva? On October 25, the same paper again front-paged 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 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

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November 15, the same newspaper front-paged a story headlined "Muslims Condemn Govt. order on Parikrama". Curiously, this story does not quote any Muslim 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 Muslim 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

SOME D.P. HINDI DAILIES

by Sehjo Singh of PUCL

Many Hindi Dailies in U.P. have adopted a straight forward Hindu communal posture in the reporting of events connected with Ayodhya Kar Sewa. To give one example: the extensive coverage given to Ms Uma Bharati the language and style of whose speeches fall on the borderline of indecency. These papers have no comments to offer about her language; instead she has been painted as a new Robin Hood. The Amar Ujala of December 6, 1990 calls her an Ojasvi Vaktā (Brilliant Speaker), her reaching Ayodhya described as a daring escape from clutches of an evil administration. Similarly in another instance Aaj of 3rd January, 1990 carries a four column box on its front page proudly detailing the happiness of the mother of one Suresh Baghel who tried to blow up the Babri Masjid.

They have shown little or no discretion in the coverage of riots; for instance the Amar Ujala of 8 December, 1990 which carries the news of riots in Ganj Dundwara carries a picture of a dog dragging a semi-burnt corpse on its front page and repeats it inside. It mentions the identity of rioters and gives a lurid description of their doings. The 'Amar Ujala' of 13 December 1990 puts in a box item on front page with ahead line "Allah-O-Akbar Chillate Sipahi Ne SP Ko Goli mari". (A policeman shouting Allahu

Akbar shot at SP)

At the same time one can see that there are some right minded people within these organisations, who are having a difficult time in making their presence felt to the readers.

The news about alleged killings in the medical college hospital of A.M.D. appears in Aaj on 10.12.90. The earlier editions of Amar Ujala of that day did not have any reference to it. but the later editions have a box item claiming that fifty people have been allegedly killed. The Aaj however proclaimed 74 dead including 28 patients in a full front page banner headline. The Dainik Jagran of that day however beat the record by claiming 124 dead in a similar banner headline. The reports were filed on the basis of accounts of two witnesses, Mahesh and Satish Aggarwal.

i. Significantly Mahesh and Satish claim that they were accompanied by six other men while escaping from the medical college hospital compound but the others went home. and these two were the only ones left to report the event to the District Magistrate. But the Aaj of 5th January trumpeted another escapee who also claims to have been with them while meeting the D. M. Why had been his presence forgotten earlier, or was he prepared later on ?

ii. Similarly the two claim in Aaj of 11th Dec. that two women patients died because one ugly looking woman came into the ward and kicked off the glucose and blood drips. At another place (Amar Ujala 11th January) they say that a mob entered the ward and kicked at the bottles.

iii. The Aaj of 11th Dec. says that these two saw from their hiding place one leader named Furkan Saheb who came around 3:30 p.m. and tried to control the crowd. but he was ridiculed and had to beat a hasty retreat. The Amar Ujala of that day however claims

that this leader further provoked the crowd.

iv. All the reports published on Dec. 10th and 11th claimed that two labourers working near the medical college campus were killed and one policeman who was attending to his sick daughter is missing. On 21st December Amar Ujala says that these two labourers were able to escape but another labourer Ratiram Was injured and admitted into the hospital and has been missing since then. The Aaj of 6th January claims that Ratiram was beaten up but now is safe and well. The fact is that Shri Ratiram was escorted by two Magistrates on 15th December although he was reluctant to go.

V. The Aaj also alleges that Mr. Radhemohan was killed, quoting a discrepancy between the list provided by the hospital authorities and a police diary. in a box item of front page on January 5, 1991. It was however very obliquely conceded in a little paragraph tucked in a corner on January 8, 1991, that he was alive.

There is such a plethora of so-called evidence "official proofs" and "responsible sources" that it is impossible for anyone to counter them and least of all for a medical college whose main business is to treat the injured and not carry out a media campaign. The problem however remains that the lack of credibility of Govt. information among the common readership makes them implicitly trust an independent source like a newspaper. The printed word carries its own weight and one tends to accept that there must be some truth in the stories since these are being repeated over and over again. It is regrettable that the Hindi press in U.P. has adopted as its motto : go on repeating a lie over and over again, and it is bound to be accepted as a truth; reminiscent of Hitler's notorious Deputy?

Annexure III : Jawaharlal Nehru Medical College Hospital

Attendance of Nursing Staff On 6th, 7th, 8th, 9th Dec. 90

Date	Even. 3 to 10 pm/ Night 10 to 8 am	Present	On leave	Absent	Remarks
6.12.90	Night	25	2	1	No passes
7.12.90	Evening	20	2	3	were issued by the
7.12.90	Night	19	Nil	16	administration to
8.11.90	Evening	12	1	19	hospital staff. This is
8.12.90	Night	14	Nil	17	the position even at
9.12.90	Evening	18	Nil	19	the time of enquiry.

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BULLETIN

Delhi Post Regd. No. D(C)UJ04

NEWS

NARMADA ANDOLAN

The Gen. Secy, of PUCL Dr. Y.P. Chibbar has written to Dr. Sarup Singh, Governor of Gujarat, a former member of PUCL National Council, to use his good offices to bring about a meeting between the Chief Minister and Baba Amte.

X X X X

ARREST OF SHANKAR GUHA NEOGI

Mr. Tarkunde, Mr. Sachar and Dr. Chhibbar sent a telegram to the Chief Minister of Madhya Pradesh demanding the release of veteran trade unionist Shankar Guha Neogi, who was arrested at Durg. A statement condemning his arrest was issued. It is reported that about seventy bailable and non-bailable cases have been filled against him, and efforts to get him released on bail have failed till the writing of this news (17.2.91)

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MADHYA PRADESH: REPRESSION ON ADIVASIS

The Jharkhand Organisation for Human Rights (Johar) reports as follows:

On 17.1.91 at Jaspur Nagar, M.P. and non adivasi communal elements of the area in connivance with the police goondas let loose a reign of terror in the area to prevent the tribal community in exercising its democratic rights and freedom of expression in holding a rally. Scores of people including women and children apart from men of the Tribal Community were indiscriminately beaten up causing grievous injuries by the local non adivasis and the police. Many men and women were illegally detained and confined in the police custody. All those who were responsible for the terror and brutalities have been left to go scot free.

This happened between 10-11 A.M. on the 17.1.91. The members from Bihar were locked up at the police station and 13 others were arrested after interrogation on the same day. Some of these (13) had been picked up while they were walking about in Gholeng, some while they were eating in a restaurant and some from a cycle repairing shop. Dularchand and Anil Minz

were kept in the lock-up for more than 48 hrs. Swati Rita Tirkey and Elvin Minz were released at 11.00 at night, after a long and sustained interrogation. on personal bonds. Meanwhile, some non-advansi students organized a "bandh" in Jashpur Nagar in the afternoon wuh the active collaboration of the local police. These students then went riding around the town in a police vehicle. Those were released earlier on bail were summoned by the court on 22.1.91, due to the absence of the sub-Divisional Officer the date of hearing has been postponed to 1.2.91.

X X X X 31.1.91

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I, Inder Mohan, hereby declare that the particulars given above are true to the best of my knowledge and belief.

Sd.

March 1, 1991

InderMohan
Publisher