

PUCL BULLETIN

VOL. XXVII, No. 2 || WWW.PUCL.ORG || FEBRUARY 2007 || Rs. 6

Saddam's Hanging K G Kannabiran

Was Execution of Saddam Hussain right? That is not the question. What is right about death penalty as a punishment? Look at the trial and death sentence handed down by the tribunal which tried him in Iraq. The tribunal was constituted under the aegis of American Occupation. The Western Powers invading Iraq as a monstrous punitive war because Iraq defied their hegemony. The pretext was the alleged possession of weapons of mass destruction. A majority of world public opinion did not approve this invasion particularly when the world learnt that there were no weapons of mass destruction stored by Iraq. In this view the entire punitive expedition launched by the American and British Governments become politically and morally questionable. The formation of the Government in Iraq under the supervision of American forces was and even now is wholly lacking in democratic credentials and never had, in the midst of unceasing interment violence, credibility. In this situation the trial held against Saddam can only be of the kangaroo variety and the sentence of death is pure and simple pre-meditated judicial assassination.

In fact no political trial leading to death sentence has ever been fair. The extent of Sovereign Power enjoyed by the Ruling class determines the character and conduct of the institutions, which have been entrusted with dealing out justice. The harshness or otherwise of the sentences handed

down have been neither systematic nor certain. The harshness of the punishment among other related factors is related to ones hold on power as also the anticipation of overt dissent. The harshness does not vary with the levels of leadership a person occupies. Persons steeped in poverty who take up to arms as Bhoomiah and Kishta Gowd as foot soldiers of the M L Movement, Sir Roger Casement's execution, a British Civil Servant fighting for Irish cause, the Moscow October Hall show trials of the thirties of the last century where Bukharin and his colleagues who were executed as part of the unfolding of "Socialist legality" and the American variety of democratic trials of "communists" and liberals whose politics was regarded as un-American of the McCarthy period tell us how impartial these Rule of Law institutions were. Nearer home there is the example Bhutto of Pakistan. There is not much of a difference between the Hindu baying for Afzal's life, accused in Parliament attack case and Shias and Americans rejoicing at Saddam's execution. At this end the bias the prejudice and the desire to avenge is so transparently preponderant that to name any of these executions as just would be a wholly untenable position to take.. No theory of jurisprudence can sustain these as just. The debate about due process is out of place in the decision making processes which lead to the execution of politically defeated political (...on page 9)

PUCL Membership

India

Patron	Rs. 2000
Life	Rs. 1000
Annual	Rs. 50
Students & low income groups	Rs. 40

Overseas

Annual	US \$15
--------	---------

PUCL Bulletin annual subscription

India

PUCL members	Rs. 50
Non-members	Rs. 70
Libraries/ institutions	Rs. 80

Overseas

PUCL members	US \$25
Non-members	US \$50
Libraries/ institutions	US \$60

Khairlanji's Dalit Victims want Justice with Dignity Democracy Must Serve Dalits as it Survives due to their Participation

Vidya Bhushan Rawat

The fire of Khairlanji in Bhandara district of Maharashtra refused to recede and has now entered in Delhi also. At the India Social Forum 2006, Dalit organizations led by National Conference of Dalit Organisations, NACDOR, held a strong demonstration at the Jantar Mantar where a large number of human rights activists, Dalit activists from different parts of the country expressed deep anguish and wanted immediate punishment for the tormentors of the heinous crime against humanity.

Chhaya Khobargade, who has been actively involved in the agitation, felt that the congress government has not taken any action against the guilty. Instead it is taking action the activists who have been staging protest against the incident. 'If the Maharashtra government does not take action against the culprits, the situation would go out of hand,' she warned.

Speaking on the occasion, Mr Nitin Chaudhury, Convener, NACDOR, Maharashtra asked the R.R. Patil, deputy chief minister of Maharashtra must apologize from the Dalit community for his irresponsible utterances. Former Union Minister Sanjay Paswan also expressed his solidarity with the agitating members.

At the Dalit sector meeting in ISF2006, Mr Ashok Bharati, Convener, National Conference of Dalit Organisations expressed deep anguish over the attitude of Maharashtra government which he termed was no different than the fascist government of Gujarat led by Narendra Modi. Bharati warned that Dalits would not rest silently if there dignity continues to be attacked by the upper caste goons. He also blamed the organizers of

the World Social Forum with prejudices against the Dalits.

While protests in Delhi continue, and more so because United Dalit Student Forum in JNU along with other students organizations are planning massive protests against Maharashtra government's inaction. In Bhandara people expressed their anger against the visit of Chief Minister Vilas Rao Deshmukh who offered a job to the relative of the deceased family. 'We want honour and dignity and not job, was the categorical answer from the family. It is the tribute to Ambedkar's campaign for human Rights and dignity that dalits consider it too small to bargain a massacre of a family with a job. That may be possible in the Hindu system and not with enlightened Ambedkarite Buddhists.

It is beyond any body's belief how four family members of Buddhist Dalit family were butchered to death mercilessly by the upper caste hegemonists of Khairlanji village who wanted to grab the land of this Dalit family. 'The Panchayat had already taken over about 2 acres of land in the name of common passage for the village and the upper caste were pressurizing that the family also get out of remaining 3 acres of land, says Sujata Parimita, a women's rights activist from Mumbai. How brutal and inhuman could these upper caste be, is reflected in the nature of the killing. Surekha (44 years), her daughter Priyanka 18 years, sons Rakesh 23 years and Sudhir, 29 years were first pulled out from their hut and stripped naked. According to Sujata and Chhaya Khobargade, 'these women were stripped naked by the upper caste women'. Those women's right activists must

understand who say that 'women do not have caste. Not all women are equal. Upper caste women can never understand the plight of Dalit women from their caste prism and would have to shed those prejudices before claiming to work for women's right movement of all. Surekha's sons were also stripped and asked to rape their mother and sister when they refused to follow, they were hacked to death. One of the son named Sudhir was a physically challenge person. Later, the mother and daughters were also raped and killed. Their bodies were found next day with brutal marks of killing on their body, lying naked.

Now, the attempt to wash the entire thing has already begun. The police say that they are not getting any eyewitness of the event while the medical report does not make a rape case. It is shocking beyond doubt, as Sujata Parimita says, 'When the Delhi High Court could send Santosh Singh to the gallows using circumstantial evidences, why is police in Bhandara not doing its work and collecting the circumstantial evidences. Moreover, some of the family members including Surekha's cousin Siddhartha Gajbhiye have already told police what he saw on that fateful day. What does the naked body indicate?' The upper caste feudal police is not interested in resolving the crisis. Siddhartaha was a political activist and living in another village and Surekha had contacted him to help her as the upper castes were putting a lot of pressure on them to relinquish the 3 acres of land that they possessed. To get rid of the intervention, the villagers alleged that Surekha had an illicit relationship with Suresh. But even

if that was true, why the hell these upper castes were concern about that?

Complaints were lodged in the police and yet no action was taken. Dalits waited for so many days even no media or the government officials visited them. It took nearly over a month and half when the patience of the Dalits boiled. And what one saw in the streets of various parts of Vidarbha was this Dalit frustration with rule of law. The government did not act but tried to shield its officials and politicians involved in the case.

It is more shocking that the high profile Deputy Chief Minister R.R. Patil was busy issuing statements on two counts. One his party has been going overboard over party president Sharad Pawar's alleged 'insult' by the Australian players. 'We respect our elders', was the general cry of the political activists in Maharashtra. 'We must make the Australians apologize for they do not know what actually the culture is? 'If the Australian media had known and seen the Bhandara incident and how Indian media reports then they would have probably said that 'your culture is to publicly rape a woman and her daughters in front of her sons and do not ask for justice.' That atrocious upper caste prejudice is still prevalent in Maharashtra and that there is no outrage in the country is itself an outrage. This incident is a grim reminder of how our social system function and whether the Dalits should now not blow up that super structure of democracy which gives one person equal voting right to elect our parliament or assemblies yet do not consider them equal.

R R Patil ordered a CID inquiry into the Nagpur incident but not what happened at Bhandara's Kharilanj village. Every body knows how an inquiry proceeds to save the skin of the political leaders. State CIDs are nothing but government's own mindset and

Patil has already said that the entire incident of fire and rioting in Nagpur was orchestrated by the Naxal groups. Politicians seldom introspect therefore to expect that Patil and his cohorts would respond responsibly on the issue would be miraculous.

But Dalits taking the street for justice is not new in Maharashtra particularly in Nagpur. The state apparatus has always shielded the corrupt upper caste officials, goons who exploit Dalits. There is pain and anguish and to say that it is the work of Naxals is again to relieve oneself from the responsibility. Maharashtra's police is considered to be efficient yet it could not fill a sense of confidence among the Dalits. The political class did not find time to visit the place. In fact some of the people have blamed a BJP MLA's involvement in the entire incident.

In the 50th year of Dhammachakra *Parivartan*, thousands of people have already embraced Buddhism and standing tall with their new found enlightenment. The Bhotmanges family of Khairlanji was also a Buddhist and learnt to live with dignity which was not accepted by the upper caste Hindus. Their assertion was attacked in the most fascist manner of any system. One does not find parallel to such cruelty, may be during the Nazi assault on the Jews at the concentration camps in Germany.

The government is discussing things in home ministry about the growing influence of Naxalites in Chandrapur and other parts of Maharashtra. This year during the 50th year celebration of Ambedkar's conversion, our friend Sunita Narain of Danish Publications, Delhi was arrested by Chandrapur police for 'clinching' evidence of her 'linkages' with the Naxalites. Sunita has a book stall, at the festival ground, which include Bhagat Singh's memoirs, a book written by Babu Ram Bhattarai, Nepal's Maoist leader,

some others like Dr Ambedkar's work on riddles of Hinduism etc. She was released only on the condition that she would be available for further interrogation.

One would ask the ministers in Maharashtra whether selling literature of revolutionaries any crime and as reported by Sunita, the police officer was asking her 'Why she sale Bhagat Singh when India has already become a democracy'. Yes, India is a democracy of the upper castes where they learn Gandhigiri from a Bollywood film but do not use it in their public life. Even Gandhi would have wept and cried seeing his 'followers'.

Dalits love literature. It is beyond doubt that Dalits today read much more than the upper caste Hindus study. All the revolutionary writings are liked by Dalits. Dr Baba Saheb Ambedkar has given them strength of conviction and character and therefore they go crazy to read literature of revolution. Dalits are going for revolution. Embracing Buddhism is itself a revolt against the dominant caste culture of India. Dalits have saved Indian democracy. When the upper castes were busy in their work and money, Dalits voted in the slums and streets. What did they get in return? That their leaders are also purchased and co-opted by the mainstream. Dalits respect constitution of India because Dr Ambedkar drafted it. Anything that links Dalits to Baba Saheb has an emotional value.

We gave a political constitution which suggested two people are equal but in social life, what Ambedkar mentioned during those days, that the two people are not equal. Manu Smriti still rules India.

We must not forget how the Dalit women in Nagpur taught Akka Yadav a lesson of his life. Yes, Yadav was a local goon who would go to any house and ask for the prettiest girl to entertain him. For long the Dalit women tolerated

his activities. Also, they realized well that the Akka Yadav had wide political connections and would get release once arrested. After lots of protest Yadav was arrested but the activist got to wind of the police that he might be let off to torture them again. And the massive crowd that swelled in the campus of the local court in Nagpur where Police brought the accused in the van, the crowd attacked Yadav and his friend and killed them on the spot. That was social justice that Nagpur women wanted for them. They were not interested in long arm-twisting tactics of the

court and the police which ultimately made them victims and hence they killed the notorious gangster.

Very unfortunately the Maharashtra government has not learnt any lesson from the same. It still feels that delay is the best way as people would forget the incident. It would be foolish to think in those terms. The anger of the Dalits in the Maharashtra is for her dignity and honour and no government can do away with it. The golden edifice of Indian democracy would not survive if Dalits do not get justice in India.

They have already tolerated humiliation heaped upon them related to their integrity, merits, reservation and everything. It is a wake up call for the government failing which they would only lose their credibility and masses would follow what they believe in like what happened to Akka Yadav. Government must not wait and act immediately to get the victims justice otherwise it will have to heavy price for which India at the moment is not prepared and cannot afford. □

Human Rights Abuses other than those by Militants and Security Forces

Balraj Puri

The entire activity about human rights in J&K state has been concentrated around excesses of the security forces or of the militants. I myself was almost the pioneering to highlight this aspect of the human rights in early 1990 when militancy erupted in the state and the main culprits were the security forces. And have ever since been monitoring and commenting on this aspect of human rights.

But on December 10, this year the day of Universal Declaration of Human Rights, I dwell on many other human rights of the people which have been trampled upon in J&K state. It is time we pay attention to the plight of, say, orphans, widows, handicapped, weaker sections, displaced persons, juvenile delinquents, under trials waiting for justice in jails for long years, children without schooling facilities, far off places without dispensaries and dispensaries without medical staff and medicines, women and old in general. The list is, in no sense exhaustive.

A detailed discussion on the state of human rights in each such case is hardly possible. Some

cases are taken here for illustration.

National Human Rights Commission has no legal jurisdiction over J&K State; to protect its autonomy. But this autonomy gives more power to government than to the people. For instance, Deputy Commissioners and Superintendents of Police in all districts of the country are required to report to the NHRC cases of custodial deaths within 24 hours except those of J&K state. Should this practice continue?

The state Human Rights Commission is toothless. It has no investigation machinery. In the beginning services of an IGP were provided to it, which is no more so. The members are appointed by the government in disregard of the provision in the law. Its reports are not implemented and sent to deputy commissions. The SHRC law and practice least at par with those in other.

Most of other states have amended Prisons acts to meet demands of modern times. J&K State is still governed by archaic Prisons act of 1920 and even does not implement some of its humane provisions. I have filed a petition in

the State High Court to get a provision of J&K State Prison Act of 1897 under which the government was required to appoint non-official visitors to jails; who could periodically meet the prisoners and listen to their grievances "not in the hearing distance of the jail authorities." The petition is still pending. Why what was good in imperialist age and under autocratic rule ceases to be so in what is called a democratic regime?

General condition of the jails, physical conditions e.g. overcrowding have been completely neglected. Jails are supposed to be a reformatory. In some states, experiments have been with conspicuous success, to provide opportunities to prisoners to do social work; so that when they are released, they are socially useful citizens. In J&K State, prisoners convicted to all sorts of crimes are so put together that they become hardened criminals. Even juvenile delinquents and women prisoners do not get separate place. Under law special courts should be established to try children and put in Bal Bhavans. Similarly women prisoners are to

be put in women homes like Nari Niketans.

The fate of under trials leaves much to be desired. Some of them are in jail for much longer period than the sentence provided in law for the crimes which they are alleged to have committed.

Rights of children and women need special attention particularly of orphans and widows. I hate the word orphanage which is often used to describe the places where orphans are kept as it constantly reminds them of their humiliating condition. Some more pleasant names should be used which signify dignity of the inmates. Besides opening children homes to accommodate all such unfortunate children and meeting their basic needs, a practice of enlisting the support of enlightened citizens should be explored who agree to be their foster parents. They may visit their adopted children occasionally and invite them to their homes on festivals like Id and Diwali. Similar experiments may be tried for homes for old age, preferably should be called senior citizens where some are "adopted" by younger people. Children and senior citizens need love and respect as much a shelter.

Education and health should be treated as fundamental rights. Every child should have access to a school within walking distance. There are schools without building or without staff. In some places teachers have sublet their jobs. Compulsory and free education law needs to be strictly enforced. The scheme for mid day meals which provides incentive to poor people to send their children to schools and for which central grants are available has not been properly applied to the state.

The same is true about the health facilities. The doctors, particularly specialists are reluctant to go to rural areas. Compulsory rural service should be a pre-condition for awarding medical degrees. Teams of specialists

should also be regularly sent there. The facilities of some specialties like psychiatrist diseases and treatment of trauma cases, particularly in accident prone areas, should be expanded to meet the growing need for them.

Specialized facilities for handicapped are far from adequate. They should be treated as equal citizens and given education according to their needs so that they can compete with able bodied people in all walks of life.

Far from adequate taking steps for women empowerment, it is extremely regrettable that women commission is headless for the last four years. Special police cells, special courts and free legal aid should be provided to implement laws like Domestic violence act and dowry act and right to equality in every field.

Then there is problem of displaced persons of various categories — refugees of 1947 from West Pakistan from POK, refugees of 1965 and 1971 wars, persons displaced from border and militancy infested areas like Rajouri, Poonch and Doda and above all Kashmiri Pandits migrants since militancy erupted in Kashmir. Each category has its peculiar problems and should no longer be neglected.

That the Right to Information Act is almost a non-starter is another flaw in human rights situation in the state. In the rest of the act provides appointment of RTI Commission which gives guidance to the applicants, follows every application with the concerned department and is empowered to take action against delayed response. J&K State has no such provision which make the RTI ineffective.

Finally socio-economic condition of weaker sections including SC/ST needs special attention.

The question of human rights violations should cover problems mentioned above and need not

wait till militancy ends or the Kashmir problem is finally resolved. □

LAW ANIMATED WORLD

**A world law fortnightly
published from
Hyderabad, India,
committed to the cause of
socialism, democracy and
human welfare.**

Editor:

I. Mallikarjuna Sharma

ADVISORY BOARD:

**Dr. Lakshmi Sahgal (INA), Justice
V.R. Krishna Iyer,**

**Justice B.P. Jeevan Reddy, Justice
P.A. Choudary, Surendra Mohan
(ex-MP),**

**Prof. R.V.R. Chandrasekhara Rao,
Umesh Chandra, Colin Gonsalves,
K. Subba Rao,**

**K.G. Kannabiran (Senior
Advocates) & Sudha Ramalingam
(Advocate)**

Annual Subscription:Rs. 700/-

Abroad: \$ 120 (postage extra)

Life Subscription: Rs. 8000/-

Advertisement Tariff:

Inner cover page: Rs. 5000/-

Full page: Rs. 4000/-

Half page: Rs. 2000/-

Donations/Subscriptions/Advertisement charges to be sent by Cheque/ DD/ MO in favour of:

LAW ANIMATED WORLD
at 6-3-1243/156, M.S. Makta,
Opposite Raj Bhavan,
Hyderabad-500082

[Please add Rs. 50/- as bank charges for outstation cheques]

Communal Riots 2006

Asghar Ali Engineer

This is as usual our annual survey of communal riots and events during 2006. This was comparatively a year with few riots. In fact post-Gujarat India has witnessed fewer riots. Gujarat was indeed another watershed like the one after post-Babri riots. It has been witnessed that after some major riot, subsequent years witness smaller and fewer riots. Mumbai riots after demolition of Babri Masjid by Sangh Parivar fanatics were also very intense and widespread in 1992-93 in which more than one thousand persons perished. After Mumbai riots there was no major riot with the exception of Coimbatore riots (in which 40 persons were killed) until Gujarat happened.

Gujarat was really earthshaking both in its intensity and in its brutality and direct involvement of state machinery. In fact nothing like Gujarat had happened in post-independence period. Gujarat happened in 2002 and since Gujarat no major riot like it has happened. Such major riots perhaps make even communal forces make so nervous by exposure of media that it takes quite sometime for them to gather courage for next major communal riot. Also, after riots like the ones in Gujarat, 2002, it becomes difficult for communal forces to get people's support for another one for quite some time. It is also important to note that the next major riot does not usually occur at the same place. For example, after Mumbai riot of 1992-93 next major riot took place in Gujarat, not in Mumbai. Similarly earlier during eighties many major riots took place but subsequent riot never occurred at the same place.

So after Gujarat there has been no major riot so far. During 2006 several small riots took place in different places. The first riot occurred at Baroda on 17th

January. Two groups of Hindus and Muslims clashed on some petty matter in which two persons were injured. The police and Rapid Action Force came into action and prevented further trouble. Three persons were arrested.

On 3rd February there were clashes between those going for Friday prayers in Kamalmaula Masjid and Bhojshala temple for worship in Dhar, Madhya Pradesh. The Hindu Jagran Manch, a Sangh Parivar unit has been claiming that Kamalmaula Masjid is a Hindu temple and Dhar has become communally highly sensitive place and clashes occur here frequently. More than 300 Muslims were prevented from entering the mosque to pray and police had to resort to lathicharge and fire teargas shells and impose curfew. Muslims had to pray in a temporary structure outside. Later on curfew was relaxed and Hindus were allowed to perform *pūja*.

Very surprisingly clashes between Muslims and Buddhists occurred in Leh in J&K on 10th February. The mob set ablaze a house at Horay Gonpa in protest against the alleged desecration of Qur'an. 31 persons were arrested in clashes between Muslims and Buddhists. The Qur'an was allegedly kept inside the mosque in Bodh Kharboo in Kargil. Curfew had to be imposed which continued for few days and Army had to stage flag march. Leh, in a sense, is communally sensitive as earlier too clashes had occurred between Muslims and Buddhists.

There were clashes in Muzaffarnagar, U.P. between communities on 17th February during demonstrations against cartoons of the Prophet of Islam. Six persons were injured. The sentiments were inflamed as U.P.'s minister of Haj Haji Muhammad Yaqoob announced reward of 51 crores of rupees for

anyone who brings the head of the cartoonist. PAC was posted to control the situation. In Hyderabad, Andhra Pradesh also clashes occurred between Muslims and Hindus in which one shop was set on fire and 5 persons were injured on same day i.e. on 11th February in Char Minar and other areas. Hyderabad witnessed similar disturbances again on 24th February when a religious place was desecrated in Karwan locality. The faces of lions installed outside the religious place were found broken. Immediately large number of people collected and began stoning the houses of other community. Police had to resort to lathicharge to disperse the mob.

On 3rd March Lucknow which is not so communally sensitive witnessed communal clashes between Hindus and Muslims in which 4 persons were killed while Muslims were staging demonstrations against Prophet's cartoons after Friday prayers in Aminabad, Qaiserganj, Latoosh Road when Muslims forced shopkeepers to down their shutters. However, according to Muslim source disturbances started when Khatiks (Hindu slaughterers) stoned Muslims protesting against Prophet's cartoons. Then firing started from both sides in which 4 persons were killed. Majority of those injured were Muslims. In retaliation Muslims stoned many vehicles and damaged them and set fore to effigies of Bush.

Goa also witnessed communal violence on 4th March when Muslims took out protest march against demolition of a structure used for prayer by the minority community. To save the minority community, police claimed, they were evacuated. The Congress blamed the Hindu fundamentalists for disturbances. The Hindus stoned the Protest march. Then

the mob ransacked several establishments and torched vehicles. Police fired in the air when someone attacked inspector Gaad and snatched his revolver. Two persons were injured in the firing. About 100 persons were arrested.

Bangalore saw communal violence on 10th March when dispute started between members of two communities in a Muslim majority area of city on the question of barking of dog. The argument between youths of two communities and 9 persons were injured when stoning started and one person was seriously injured in stabbing. The police brought the situation under control.

On March 26 Baroda witnessed communal violence once again in Fatehpura area. More than 100 persons gathered and stoned in which 6 persons were injured. The dispute between the two communities arose on small matter and soon engulfed the area in violence. Of the injured four were seriously injured and had to be hospitalised.

Aligarh flared up on the eve of Navratri on April 6 and four persons were killed. The two communities indulged in stoning and firing. It was alleged that Muslims removed the decorative lighting of a temple and violence flared up. Then the clash occurred with Muslims in Sabzi Mandi and Daiwali Gali. In fact, some alleged that when a *piyao* (structure for drinking water) was sought to be used as temple and was decorated with lights on the occasion of Navratri, the dispute started and took violent form. Besides 4 persons who died, 13 were injured of which 6 were in critical condition. Curfew had to be imposed in the area of five police stations.

On April 11, on the occasion of Prophet's birth day Khandwa was engulfed in communal violence and in Pali in Rajasthan was also affected on this occasion. Twelve

persons were injured in stoning in Khandwa. In both the places indefinite curfew was imposed. The police sources in Khandwa said that dispute started when some Muslims removed a Raavi Pandal in Jalebi chowk. In Pali, 10 persons were injured when a procession of Mahavir Jayanti was stoned. Some Muslims objected to procession being taken from Pinjara Mohalla and trouble started.

Thana experienced communal disturbances on 24th April. It is reported that one Muslim was unloading wood from a truck when two Hindu youth objected. However, matter was apparently settled but at night around 10 p.m. some Hindu youth came with swords and attacked Muslim houses. But Bajrang Dal group leader Prakash Ramkumar Yadav claimed that clashes started when he and his father were attacked and injured. But Mahmood Dalvi said he received a phone call from the area and when he reached there Ramprakash Yadav, along with 150 others were attacking Muslim houses. They were saying that we will make this area Gujarat. It was also alleged that when Muslim houses were being attacked the local MLA Eknath Sinde and policemen were silent spectators. Muslims alleged that police was arresting us instead of mischief mongers and attackers. Muslims felt terrorised by Bajrang Dal activists and lack of police support.

On April 25 one person was killed in Bhivandi, a Shiv Sainik, on the question of playing cricket. Four others were injured. It all started with a cricket ball hitting a Hindu woman and Muslim boys refusing to stop playing cricket. They forcibly stopped and slapped the boys. The boys threatened to return and settle score. They, some 30 in all returned with sticks, chains and stumps and attacked Mohan. Mohan later succumbed to his injuries. Police arrested six

boys and was looking for 20 others.

Baroda, communally highly inflammable place since early eighties, once again was in flames on May 1st when a three hundred year old *dargah* of Chishti Rashiduddin was demolished by Vadodara Municipal Corporation which sparked riots in which 4 persons were killed and more than 12 were injured in police firing. Two of the dead had bullet injuries while other two were stabbed. It was demolished as an 'illegal structure'. How can a three hundred year old *dargah* be declared as illegal?

Initially there was argument between residents of the locality but matter worsened when police intervened leading to riots which soon spread in different parts of the city. The police failed to disperse the mob by lathicharge and resorted to firing. Later on one Muslim was burnt alive along with his car and when people phoned control room police allegedly said 'Go to Pakistan'. According to one estimate in all 6 persons died.

On intervention by Kamaluddin Bawa, it was agreed by Muslims that a portion of Mazar could be sliced off for road widening but when Muslims discovered that VMC plans to demolish entire Mazar they protested. The corporators most of whom were from BJP, also maintained that when they could demolish temples why can't VMC demolish *dargah*. But they forgot that temples were unauthorised and of recent origin whereas *dargah* was three hundred years old and could not be called 'illegal'. Anyway it resulted in serious communal violence resulting in death of six persons. On 18th May dead bodies of two children were found in decomposed state in the dicky of a car belonging to a VHP leader. How heinous crimes these communal fanatics can commit!

Aligarh witnessed another bout of communal violence on 29th May

when a BJP leader was murdered and in retaliation two persons were killed. The police further extended the curfew which was already in force since last eruption of violence and clamped it in two more areas. Thus curfew was clamped in all five police station areas. Ahmedabad also experienced communal violence after a scooter rider knocked down person of another community near a place of worship. The police resorted to *lathi* charge and in all 30 persons were injured both in lathicharge and stoning between persons of two communities.

Next communal violence erupted in Karoli, Rajasthan on 16th June when at a tea stall a mentally unstable person put cow dung on Qur'an and wrote objectionable things on it and showed it to people. This caused provocation to Muslims who set fire to two Hindu shops besides damaging some stalls. They then marched to collector's office and submitted a memorandum demanding action against the offender. Some Hindus set fire to an autorickshaw. There were some incidents of stabbing also.

On 18th June there was incidence of communal violence in Goda village in Pratapgarh district of U.P. Two girls were burnt alive after the murder of a Hindu youth by some unknown persons. As the news of Hindu youth's murder spread hundreds of people poured in Gonda village with weapons and attacked establishment of a Muslim community in Gonda, Baldu and Subedar villages. Over 100 houses were set ablaze in which two girls were charred to death. These three villages border on Pratapgarh and Raebareli districts. Immediate police reinforcements were rushed and situation was controlled. Some 100 persons were arrested.

On fourth September Raesin town in M.P. saw eruption of communal violence. Some persons allegedly threw pieces of beef at

Jain temple. Hearing this news Hindus began to gather in large numbers and began stoning shops belonging to Muslims and damaging them. The police tried to disperse mob by firing teargas shells and when crowd did not disperse it fired three rounds in the air. Police reinforcements and rapid Action Force was brought to keep situation under control.

Ganpati festival is another occasion for eruption of communal violence. This year on 7th September Rabori area of Thane, near Mumbai and Usmanabad in Marathwada saw eruption of communal violence. In Rabori Muslims and those in the Ganpati procession clashed and began stoning but the police was quite alert and immediately brought the situation under control within 15 minutes.

However, it was more serious in Usmanabad where those in the Ganpati procession began throwing *gulal* (red powder) at Muslims in an inebriated state. They threw stones at the mosque and several Muslim shops. They also began to set fire to shops and vehicles and broke open some shops. It went on till late at night. It began from Khwajanagar of Shams chowk and continued right up to Samtanagar, near the place where Ganpati is submerged in water. Police arrested 64 persons from both the communities.

Nanded is another communally sensitive town in Marathwada region of Maharashtra. It witnessed communal violence on 29th September when student organisation Chava took out procession against reservation on religious grounds and passed through a Muslim locality and began stoning a mosque and damaged stalls selling *iftar* (breaking fast) eatables as it was month of Ramadan. These students having support of Shalinitai, a Maratha leader, were carrying lathis and other sharp weapons. They were shouting

slogans against Muslims and attacked Abidin mosque near Bank of Hyderabad and damaged stalls selling fruits for Iftar. The vehicle belonging to Chava was full of stones. They were also carrying and waving swords. The police remained silent spectator and did not take any action against students. This procession was taken out when article 144 was in force. But police Dy.S.P. Abdurrazzaq claimed it lathicharged the processionists and arrested 30 of the Chava Organisation.

Mangalore in South Karnataka is highly sensitive area and BJP has its stronghold here. Since the BJP became part of ruling coalition in Karnataka, the communal situation has deteriorated there. The police is playing partisan role and Sangh Parivar members have become quite bold. Mangalore area has history of communal violence. In 1998 Surathkal riots 8 persons were killed and Muslim properties were widely damaged. This time around 2 persons were killed in Mangalore area between October 4 and 7 but also in between hundreds of minor skirmishes took place between Hindus and Muslims.

The communal polarisation has been created by BJP since 1992 when Babri Masjid was demolished and JP has reaped benefits in elections by winning 11 seats in Assembly elections of 2004 from the region. According to T.A. Jhonson of *Indian Express* "several flashpoints for communal violence have emerged from the issue of transportation of cows in violation of a state law to eve teasing to inter-religious relationships." Also, the minorities complain of administration's bias since the BJP became partner in coalition. Ironically the Mangalore district is under the charge of a BJP minister. The rightwing Hindu youth feel that they can get away with anything. Those in 15-25 year age group are cause of frequent

violence against Muslims and over-react on issues like cow transportation as they feel no action will be taken against them.

However, Hamid Khan, member of the Muslim Central Committee said that police acted swiftly after outbreak of violence on October 4 and imposed curfew effectively, otherwise situation would have got out of control. The BJP minister Nagaraj Shetty also gave assurance that action will be taken against the guilty "without politics". The Janata Dal (Secular) which allied with BJP blamed Bajrang Dal and SIMI for violence.

On the occasion of Diwali on 22nd October communal violence erupted in three districts of U.P. Muzaffarnagar, Blandshahar and Ambedkarnagar. In Khalapar region of Muzaffarnagar a firecracker was ignited and dispute started with this between some Hindus and Muslims and violence erupted in which one person was killed and more than three were injured. There was firing from rooftops, which continued for half an hour resulting death of one person. Mulayamsingh declared compensation of Rs.5 lakhs for family of Pankaj killed in the clashes. Another person, a student of 11th class was murdered in Ambedkarnagar and communal disturbances started in which several people were injured including some police officers. Here many shops and houses were also damaged.

From what has been narrated above it can be seen that several small riots take place on small matters like playing cricket or lighting a cracker or someone being knocked down by a scooterist and so on. Why does it assume communal colour? The obvious reason is that communal forces indulge in communal propaganda and poison the minds of people and this continues throughout the year without any respite. This helps create communal mindset and even

personal disputes between Hindus and Muslims then acquire communal colour and becomes cause of communal violence.

Communal propaganda going on unceasingly becomes greatest obstacle in smooth relationship between two major communities of India. Unfortunately the governments even in the Congress ruled states do not contemplate any action against such propaganda though there are laws prohibiting such propaganda creating ill will between communities. Not only this, there is pronounced bias in text books taught in government as well as private schools from primary to secondary levels. These text-books also help create polarisation in our country. Education has thus become part of the problem instead of part of the solution.

One more thing which we observe from description of riots above that these incidents sparking communal violence do not assume major proportions only because political parties do not perceive any political benefit in spreading communal violence and police curbs violence by taking effective action. However, if politicians perceive any direct benefit they immediately exploit the incidents to create major communal flare up. Thus it is mainly politicians who are responsible for major communal flare up. The violence will be contained if politicians do not want and it will assume major proportions, if they desire communal violence for electoral politics like in Mumbai in 1992 and Gujarat in 2002.

It is only proper awareness among people and active role of civil society actors which can help contain major mishaps. We need aware and vibrant civil society to contain outbreak of major communal violence. When civil society gets polarised on communal lines as in Gujarat, it

becomes very difficult for civil society to intervene. □

(...from page 1) leaders who are held captive. Do political executions be preceded by trials by tribunals constituted by the victors is a question which has to be debated. Is the defeated alone the war criminal? If Saddam is accused of 'crimes against humanity' - an offence under the International Criminal Code - why was he not tried by the International Criminal Court? If Iraq is not a party to Covenant and Convention, which established the Code and the Court, why did not the United Nations constitute a Tribunal comprising of members selected from neutral nations. It need not be based on the myopic understanding of Rule of Law of Messrs Bush and Blair. Perhaps we will have to a move towards a culture of international rule of law to try them for their crimes and in that process try to abolish death sentences on political leaders. □

Kirit Bhatt No More

Kirit Bhatt working president of the Gujarat State branch of the PUCL expired at Bhavnagar on December 24, 2006. He was cremated at his home town Baroda, on the next day.

Kirit Bhatt was a leading Social Activist of Gujarat. He performed a yeomen service in exposing the Gujarat government during the communal genocide witnessed in the State in 2002. He was also an accused in the well-known Baroda dynamite case during the Emergency and spent fourteen months in solitary confinement in Baroda jail during the Emergency. He was in the forefront in exposing the Hari Vallabh sex scandal of the tribal belt of Chhota Udaipur in Gujarat. His death leaves a big void on the social scene in Gujarat.
– **General Secretary**

Corruption in Police

Arshrika Singh*

[This report is based on newspaper clipping available in the PUCL Reference Library]

What is Corruption? To study this concept it is very important to understand its meaning. Police corruption is defined as the “**abuse of police authority for personal or organisational gain by a police officer acting officially**”¹.

It is not an easy concept to understand and it has many complex aspects. But one aspect which stands out is its existence which is spread almost in every part of the world. Corruption can be broken down into two sections, **internal and external corruption**. With reference to the police department, internal corruption is the illegal acts and agreements within a police department by more than one of the officers and external corruption is the illegal acts and agreements with the public by one or more officers in a department.

The most important elements of police corruption are misuse of authority and misuse of personal attainment. Widespread corruption at every level of the administrative department poses as a great obstacle in its working, efficiently and effectively. It inverts the goals of the organisation, that is, it may encourage and create crime rather than deter it. One of the main causes for this is that the police officials have ceased to act as professionals and are politicized to a great extent. They are manipulated by political leaders, who have misused the power of appointments and transfers to patronize weak or corrupt officers for their own selfish purposes at the cost of public interest. These leaders appoint wrong persons for the top jobs as they are willing to carry out the dictates and wishes of their political masters for their own survival. The main areas for their interference are appointments, transfers, rewards, and punishments. General police

corruption includes bribery or exchange of money or something of value between the police and the wrong doer. Other police crimes may range from brutality, fake encounters, sexual harassment, custodial crimes, to illicit use of weapons.

Despite an attempt to eliminate corruption by ways like increased salaries, upgraded training, incentive for education, and developing policies that focus directly on factors leading to corruption, it still exists.

Even though the government spends over 67% of the Home Ministry's budget on the police, there has been no noticeable improvement in the behavioral and attitudinal pattern of police personnel. Apart from allocating 67% of the budget on police, Rs 800 crores is being spent on modernization of the police forces of states for last three years². Yet there is no improvement in the conduct of the police personnel of all ranks.

Police Corruption is also violation of human rights as it denies some very basic rights to the citizens. The fundamental right of being protected by a law enforcing agency, mainly constituted for this purpose is being denied by the prevailing corruption. The right to self-defense is under a threat with more and more cases of custodial crimes and wrongful persecution and prosecution being reported. With the present day situation worsening, the basic Right to life granted under Article 21 of the Constitution is being denied. Cases of fake encounters, rising death toll in the prisons, and unnecessary delay in investigation makes one feel insecure and vulnerable. A Sub-Inspector reportedly, compelled the family of a man who had committed suicide

to pay a bribe for the release of his body, in another case a police officer was penalised for extorting money from a trader by threatening to implicate him in a murder case³. Such incidents make it like a commercial transaction. The general public loses trust in the department by such incidents and are lead to believe that everything can be done if one is in position to talk in terms of money or power with the police officials.

Following are some cases reported in the newspapers, from different states that had occurred in the year 2006:

Mumbai - Five policemen accused of allowing passage of arms and ammunitions from Rajgad to Mumbai which were later used in the series of 12 blasts in 1993 were convicted under TADA. A bribe of rupees seven lakh was accepted for aiding this terrorist act⁴.

Delhi - CBI nabbed Sub-Inspector, Incharge of Sarai Kale Khan police post, accepting a bribe. He escaped with Rs 20,000/-; later Rs 50,000/- and 100 grams of drugs were recovered from his drawer in his office. The Sub-Inspector was the investigating officer for a theft case and had asked for rupees two lakh for arranging the bail, from the mother of the person who had been arrested under the case. The said amount was agreed to be paid in instalments⁵.

Uttar Pradesh - 3 police persons sent to jail after they allegedly harassed a couple on their way, in Greater Noida area. Later an FIR was registered under Section 323 (voluntarily causing hurt), 354 (assault or use of criminal force against a woman with intent to outrage her modesty), 504 (insult intended to provoke breach of peace), and 506

(criminal intimidation)⁶ of the Indian Penal Code, against the police officers.

Mumbai - Constable Sunil More, attached to the Marine Drive police station, sentenced to 12 years rigorous imprisonment for raping a minor girl at the Marine Drive police *chowky* on 21st April, 2005. He was also asked to pay a penalty of Rs 26,500/- to the victim.

Chandigarh - Punjab police lodged an FIR against four police person and dismissed two of them following a sting operation telecast by a news channel in which these officers were shown allegedly taking money for contraband drugs⁸.

Some of the high profile cases which have caught the national attention as they focus on our justice system and the prevailing corruption condition are discussed below:

Jessica Lal Murder Case: Jessica Lal was shot on the night of April 29, 1999, at the Tamarind Court Restaurant in Mehrauli, allegedly owned by Socialite Bina Ramani. The accused, Manu Sharma is the son of Venod Sharma, an influential politician of Haryana. Delhi Police admitted in public that some of its senior officials had committed deliberate lapses in the case. A fresh First Information Report (FIR) was lodged to probe destruction of evidence, criminal conspiracy, and lapses by the police⁹. The Special Investigation Team informed the Delhi High Court that it had identified police officers and witnesses who had been instrumental in destroying evidence. There are many instances where crucial evidence was tampered by the police persons¹⁰.

Some of these are:

- The most vital piece of evidence in the case was the two cartridges found at the murder scene. The cartridges submitted for the investigation purpose were

different from the actual ones. The suspects for this switching of the cartridges included the SHO of the Mehrauli Police Station.

- Police claimed to have recovered the black Tata Safari in which the co-accused drove away shortly after the murder, along with a live .22 cartridge and pieces of glass. But no mention of this was made in the recovery memos.

- The main accused, Manu Sharma, allegedly fled to Chandigarh on the night of April 30, 1999. He and his co-accused were allowed to cross a police barricade after a senior police official called the in-charge of the area to grant them safe passage¹¹.

Seven years since the murder, the Special Investigation Team is yet to submit a report on its fresh findings. The case awaits its final verdict.

Priyadarshini Mattoo's Murder Case: Priyadarshini, a law student of Delhi University was allegedly raped and murdered at her flat in 1996 by Santosh Singh, son of an IPS officer. The trial judge and the High Court agreed that under the influence of the Santosh's father J P Singh had manipulated the probe in the initial stages to help the accused.

The Delhi High Court criticized the Delhi police "for absolute dereliction of duty". Terming the police failure to protect the life of a citizen of the state "atrocious", the bench remarked: "You are the root cause of all this. Had action been taken during that time, the girl (Mattoo) would have been alive. Several instances of negligence on the part of the police officials were noted by the High Court¹².

- The police officer who was the Investigating Officer of the case did not record the statement of the key witness, Kuppuswamy, the neighbour of the victim, who saw the accused outside victim's flat on the day of the murder. His statement was only recorded after the initial investigations were over.

- The Investigation Officer also kept evidence like samples of blood and semen collected from the scene of occurrence for four days before handing it to the hospital.

- Police officials ignored several complaints made by the victim during 1994-1996 against Santosh Singh for stalking and harassing her.

- CBI was charged for not following an 'official procedure' in the DNA tests and for keeping away the fingerprint report from the court¹³.

The judgment of the Trial Court in 1999 acquitting the accused on the basis of lack of evidence was criticised by the High Court which gave its final verdict in October, sentencing the accused to death penalty.

Shivani Bhatnagar's Murder Case: Shivani Bhatnagar, a journalist for the Indian Express was found murdered in her flat in East Delhi on 23rd January, 1999. Her murder became a scandal that reached into the top levels of Indian politics. A top ranking officer of the Indian Police Service Ravi Kant Sharma was charged with the murder by the Delhi Police, who investigated the case. R K Sharma and his wife Madhu, have alleged that Bhatnagar's murder was planned by Pramod Mahajan who was alleged to have been the father of Bhatnagar's child. It took the police more than 3 years to make the first arrest in the case. The delay in nabbing the accused, the apparent absence of a clear motive in the crime, and the lack of transparency in the case raised several questions.

As the investigation progressed there were constant whispers that the cops were dragging their feet on the case due to involvement of a senior BJP politician. An ACP of the Delhi Police's Crime Branch was arrested on charges of corruption by derailing the investigations in the case¹⁴. This case too waits for

its final verdict to be passed by the court.

Nitish Katara's Murder Case:

Nitish Katara was allegedly kidnapped and murdered on the night of 16th February, 2002, from Ghaziabad, Uttar Pradesh, where he had gone to attend a marriage party. Bharti Yadav, the daughter of former Rajya Sabha MP D P Yadav was allegedly having an affair with Nitish to which her brothers, Vikas and Vishal, had objection. Her brothers have been accused of killing Nitish because of this objection¹⁵. Despite Vikas Yadav in his confession admitting that he had first hit Nitish with a hammer on his head and later burnt his body, as claimed by the NDTV news channel, the case still awaits its final verdict due to lack of evidence. The key witness, Bharti Yadav, who had failed to appear before the court, several times in the past in spite of repeated summons, bailable, and non-bailable warrants, finally presented herself for the court's proceedings on 29th November 2006. The case is being dragged in the court under suspected political influence of the father of the accused, D P Yadav. Three of the key witnesses have turned hostile after receiving life threats and pressure from the family of the accused¹⁶. This case is pending at the time of writing this report in the court, as the proceedings are being delayed for all the possible reasons.

The Police Act of 1861 has remained unchanged over 145 years and it is the testament to the unreformed nature of the Indian Police force. Over the years the powerful institutions of law and order have been bent to conform to executive's will and convenience. The task of improving the existing situation cannot be left to the police department alone. Political authorities and the Union Home Ministry have to step in for stopping the situation from

deteriorating further and also for its betterment.

A public interest litigation filed by the former Director General of Border Security Force, Prakash Singh, was one of the first initiative taken up in the direction to clean up the corruption in the country's police force. He believed that India required a police force with a different working philosophy. He said that, after thirty-five years of experience he got an insight into the politicisation, corruption, and criminalisation of the force¹⁷. A committee to draft an Act for making the working of the police department transparent and accountable was constituted on 20th September 2005. It is called **The Police Act Drafting Committee (PADC)**. Former Attorney General Soli Sorabjee, ex-BSF chief Ajai Raj Sharma, former Delhi Police Commissioner, the Director-General of the Bureau of Police Research and Development, and some other prominent names from the police force are associated with it. The committee will work towards formulating provisions to deal with issues of terrorism, human rights, crimes against women, and weaker sections of society, and the latest investigation methods¹⁸.

Keeping in mind the recommendations to be given by the Committee, the Supreme Court has set the deadline as 31st December 2006 for the Central and State governments to implement these reforms so as to keep country's police administration above political interference and corruption. These reforms will mainly include:

- a) A minimum tenure for DGP's and other senior officers.
- b) Setting up of State security commissions.
- c) Separation of investigation from law and order, and
- d) Establishment of a police panel to decide transfers and promotions.

Efforts for curbing this widespread social evil, called corruption have to come from both the police and the civil society. Society members should be educated about the negative affects of corruption within the police force and its long term disadvantages. For controlling corruption the police department requires an organisation lead by people of strong character and who have good leadership qualities. The departmental goal should be well defined and should be pursued earnestly.

In today's situation there is more urgent need to address basic issues like improving the working conditions of the police persons, inhumanly long working hours, the inadequate police-population ratio, a pay structure which is not proportional to the work allocated and, the disproportionately low budget for meeting the day to day expenses. All these are some major factors which are responsible for contributing to the image of the Police Force as insensitive and a corrupt organisation.

As long as a majority of citizens are willing to go along with corrupt police officers, mainly for the reason to obtain favours, there is no way in which corruption can be curbed. For making the picture cleaner and corruption free for the future generation, it is necessary to put in efforts now.

¹ As defined by International Encyclopaedia of Justice Studies (IEJS); ² *The Times of India*, May 2, 2005; ³ *Hindustan Times*, November 7, 2005; ⁴ *Hindustan Times*, September 27, 2006; ⁵ *The Indian Express*, September 23, 2006; ⁶ *Hindustan Times*, September 16, 2006; ⁷ *The Indian Express*, April 4, 2006; ⁸ *The Hindu*, September 27, 2006; ⁹ *Hindustan Times*, October 10, 2006; ¹⁰ *The Hindu*, October 10, 2006; ¹¹ *The Indian Express*, September 17, 2006; ¹² *The Indian Express*, September 28, 2006; ¹³ *Hindustan Times*, October 18, 2006; ¹⁴ *The Indian Express*, August 13, 2006; ¹⁵ *Hindustan Times*, September 29, 2006; ¹⁶ *Hindustan Times*, September 28, 2006; ¹⁷ *The Indian Express*, September 25, 2006; ¹⁸ *The Hindu*, September 24, 2006

* A student of ILS Law College, Pune, worked as an intern with the PUCL National office, Delhi. □

Kerala Panchayat v/s Coca Cola

- A Bird Eye View of the Battle

Kanika Aggarwal*

(This report is based on clippings available in the PUCL reference library.)

This is a report on people's fight against Coca-Cola's water-guzzling plant at Plachimada village in Palakkad district, Kerala. The State is a quintessence of civilian's fight for their rights to vital resources like water. The people of Plachimada and some organisations in Kerala have been protesting since 2002 against the Coca Cola plant for causing rapid depletion of groundwater in the surrounding areas and rendering the water in wells useless and harmful for drinking, washing, cooking, and other purposes in a radius of one to two kms.

The Perumatty *Panchayat* of the village therefore filed a case in Kerala High Court against it. As a result, the High Court ordered the plant to be closed on 9th March, 2004. Later, on 7th April, 2005 the High Court appointed an Expert Committee and lifted the closure order on the Company imposing certain conditions on working of the plant. These conditions were based on the report submitted by the Expert Committee and were related to the quantity of groundwater that the Company could extract without causing scarcity of water in the village. This judgment of the High Court of 7th April lifting the closure order was criticized by the Kerala government. The government decided to intervene in the matter and went in appeal to the Supreme Court contending that "the Court directive was violative of section 232 of the Kerala Panchayati Raj Act given the fact that the Company had not complied with the directives on pollution control issued by the Kerala State Pollution Control Board (PCB) and the Supreme Court's Monitoring Committee"¹.

Though the Court had given permission to the Company to

resume working, it could not restart its working as in the meanwhile the 'consent to operate' license had expired. The Company sent an application to PCB for the renewal of the license which was rejected. PCB on 1st July, 2005 in its notice to Coca Cola bottling plant declined to renew the license and stated that it was not satisfied with the details submitted along with the application to renew the license, to the board by the Company. Their main objection was the unexplained presence of heavy metals like Cadmium in the sludge generated by the Company and in the well-water in a colony. The order issued by PCB stated, "Cadmium was found in concentration in the range of 200 to 300 milligrams per kilogram in the sludge from your effluent treatment plant. The observed concentration is much above the tolerance/permissible limit for hazardous waste, which categorically establishes that Cadmium bearing raw material has been used in the production process or effluent treatment. Your application does not contain the source of Cadmium and is therefore incomplete".²

Prior to this the Kerala High Court by its order dated 1st June, 2005 had asked the *Panchayat* to renew the license. The Court also ordered that in case a formal license was not issued by the *Panchayat* within a week, it would be assumed that the license had been renewed for a period of two years. Perumatty *Panchayat* filed a Special Leave Petition (SLP) seeking to stay this order of the High Court. Coca Cola in its reply dated 12th July, 2005 to the PCB notice, denied the use of any Cadmium bearing raw material for production of its beverages. The Company submitted that the

presence of traces of Cadmium in sample of sludge and groundwater did not mean that the Company used any Cadmium bearing raw material and that the sole purpose of PCB was to prejudice the interest of the Company by creating unlawful hurdles. PCB earlier had blamed Coca Cola for acting in variance with the instructions of Monitoring Committee, which was appointed by the Supreme Court and according to which the Company should have installed a "reverse osmosis system" for treating the effluent so as to prevent groundwater contamination. Referring to this point Coca Cola replied that there was no such provision of the Monitoring Committee. On 19th August, 2005 PCB asked Coca Cola Company to close down its plant at Plachimada immediately on the grounds that it had failed to meet pollution norms and the report submitted by Coca Cola regarding Cadmium level in the waste generated by the plant was insufficient. In spite of this, the Kerala High Court allowed Coca Cola Company to draw five lakh litres of groundwater. This order was challenged by Kerala government, who filed an SLP in the Supreme Court on 14th September, 2005. The State government said that it was a case of infringement of right of villagers to use water required for their livelihood. "The 'cause and effect' relationship between Coca Cola drawing underground water and the level of water table in the area had been established through various surveys"³. This SLP submitted the contentions that:

- The poor villagers could not afford to buy bottled drinking water to quench their thirst while the water that belonged to the

community was being used by the Company to manufacture products for export.

- The High Court should have acknowledged the right of villagers over the ground water when it was stated that excessive withdrawal for business of the Company would cause paucity of water in the area.

- Allowing Company to carry on with its processes would result in injury to surrounding places and could lead to a chaotic situation.

On this SLP the Supreme Court issued notice to the Coca Cola Company. The High Court again on 16th November, 2005 ordered *Panchaayat* to issue a license for drawing water before 6th January, 2006, if the Company applied for a fresh license. Now the *Panchaayat* filed an SLP in the Supreme Court against this judgment of the High Court; as a result notice was issued to the Coca Cola by the Supreme Court. The counsel, Raj Kumar representing the *Panchaayat*, submitted that the High Court did not consider the earlier notices of the *Panchaayat* while giving this verdict and thus pleaded for the stay of the impugned order. While the Senior Counsel C S Vaidyanath, representing the Cola Company contended that all the allegation made by the government and the people of the village were baseless and reckless. Finally on 4th January, 2006 to comply with the High Court's order, a fresh license was issued to the Hindustan Coca-Cola Beverages Limited (HCBL) for three months along with 17 conditions imposed on the license by the Board. The first condition was that the company could not extract water from the Perumatty *Panchaayat* limits. Other conditions included the disclosure of the contents of the drink made in the plant, explanation for the findings of dangerous materials such as Cadmium in the drink, etc. This issue has many aspects and

the problem is not limited to just banning the plant in Palakkad. There are 500 old workers of the Company, who are worried about their jobs. They want government to rehabilitate them and provide them with some other work so that they can earn their livelihood. Also another battle for relief is also all set to start. People want the Company to pay for the damages suffered by them.

Two years after the Kerala government shut down the Hindustan Coca Cola plant at Plachimada, i.e., in 2006 a new controversy arose. The Hazard Center and the People's Science Institute are two NGOs⁴, which stated the underground water within the radius of one km of the plant was found contaminated. The main cause of contamination they said was unscientific disposal of water of the Coca Cola unit. This had caused increase in Arsenic content in the blood of those who had consumed this water. "As one moves towards the plant, contamination is higher indicating that its source is from plant itself"- said Ayan Biswas, who conducted the study for the NGO. Also Centre for Science and Environment (CSE), a Delhi based NGO, reported that the soft drinks manufactured by the two Companies, Coca Cola and Pepsi contained high level of pesticide. Keeping all this in mind Kerala Government on 9th August, 2006 announced a ban on the production and sale of soft drinks manufactured by Coke and Pepsi. Chief Minister V S Achuthanandan declared that the ban included cessation of production of coke in plants of Coca Cola and Pepsi along with the cessation of the sale of these products. The Company in an appeal to the High Court said that the report of the NGO was not fully reliable and called the ban illegal. Judges of the High Court of Kerala were of the opinion that the result of the test of the Coca Cola could not be the sole basis of the

ban. "The State government had banned colas under the Prevention of Food Adulteration Act, 1954. But the High Court said that only the Union government - not the State government - could use that Act to order a ban."⁵ The ban lasted for two weeks and was struck down on 22nd September by the Kerala High Court. Nevertheless the State government is determined and the Kerala Chief Minister has said that they would do all they can to impose the ban again.

This battle will determine the extent of community power and will also be a source of encouragement for those who are facing similar problems. Plachimada will achieve its success in true sense only if people learn to fight for their rights from this incident.

¹ *The Hindu*, July 22, 2005, Delhi edition; ² *The Hindu*, July 2, 2005, Delhi edition; ³ *The Hindu*, September 15, 2005, Delhi edition; ⁴ *Hindustan Times*, August 03, 2006, New Delhi; ⁵ *The Indian Express*, September 23, 2006.

* A student of ILS Law College, Pune, worked as an intern with the PUCL National office, Delhi. □

Just published
***Loktantra Mein
Soochnaa Kaa
Adhikaar***

by

Ramashray Prasad Singh

Copies can be had from:

**Maanvaadhikaar Group
Publishers**

Station Road, Ward No 13,
Begusarai, Bihar 815 101

**Contribution Rs 25 plus
Postage**

PUCL Reference Library
Over five hundred volumes of
Books Journals Reports etc.

Clippings from newspapers published from Delhi for the last more than five years

covering Human Rights and Civil Liberties

Some of the classifications:

*Human Rights in General *Women *Children *Dalits *Minorities and Communalism
*Judiciary, lawyers, legal profession, courts *Police, custodial crime, corruption
in police, encounters, state terrorism *Corruption *Environment *Development
projects and rehabilitation *NHRC, SHRCs *Freedom of expression, Press
*Constitution, Constitutional Rights *Death penalty *Poverty, food, hunger and
others

Nominal charges

Contact:

81 Sahayoga Apartments, Mayur Vihar I, Delhi 110 091

Phone: 2275 0014

Report from Jharkhand:

Sakchi Jail

[A team of the Jharkhand PUCL visited the Sakchi jail, East Singhbhum, Jharkhand recently. It has sent its report to the National Human Rights Commission on the pathetic and highly condemnable conditions revealing there to the National Human Rights Commission on January 4, 2007. We reproduced the report below. – General Secretary]

The Chairperson, National Human Rights Commission, Faridkot House, Copernicus Marg, New Delhi 110 001.

Dear Sir,

34 disabled persons including 12 women, 7 in wheel chairs, 12 with artificial limbs and 3 completely blinds are languishing in Sakchi Jail, East Singhbhum, Jharkhand since 26.12.06 without any facilities to handle them. Three are on Hunger Strike.

And

25 prisoners are suffering from small pox and due to overcrowding, absence of proper treatment and care and arrangement of isolation; the Pox is spreading like epidemic.

Large number of prisoners, both under trials and convicted of Sakchi jail, the district jail of East Singhbhum of Jharkhand State are suffering from small pox. The jail is overcrowded. About 780 prisoners are languishing in pathetic condition when the capacity is 198

only. Because of such overcrowding, it has become difficult to isolate all the affected prisoners in separate ward and as a result the disease is spreading very fast to take shape of epidemic. Six prisoners were sent to MGM medical Hospital. Four have been released from the Hospital and they are back again at jail. Two, Laxmi Saini and Kartik Kalindi are still in Government Hospital. There is no jail Doctor posted in the jail. District Civil Surgeon has sent Dr Saigal and Dr

K L Murmu on deputation. Both the Doctors are on contact job.

Unable to cope up with the grave situation, the jail authority called the Priest of Sakchi Sitala Mandir and Tara Mata Mandir of Parssudih today and arranged elaborate puja offerings inside the jail premises where all the prisoners were made to attend to offer Prayers.

Jail ward no. 3, which is known as Hospital ward, is still occupied by many able and healthy persons who pay Rs 1200/- for the cot and Rs 600/- for the floor below the cot. Corruption in other areas in the jail is continuing unchecked. Most shameful part is that the construction of Gaghidihi jail with 250 capacity is still incomplete even after 5 years and every time new fund is coming and some

construction is going on almost unending.

Added to this inhuman situation, 34 disabled persons of 'Rashtriya Viikalang Party' with their National President, State President, and other office bearers including 12 women have been implicated under section 353, 504, and 379 IPC and sent to Sakchi jail on 26.12.06. They organised a demonstration in front of the office of the Deputy Commissioner, East Singhbhum to press their demands. The demonstrators, in the absence of any ramp, wanted the DC to come down from the first floor to collect the memorandum, which the Deputy Commissioner, allegedly refused. This aggravated the situation and police resorted to lathi charge to disperse the demonstrators. An altercation took

place and many disabled persons were injured.

It is unfortunate that the section 379 IPC was deliberately inserted later on i.e. on the next day to teach them a lesson and to demoralize them for organising the protest demonstration.

They were arrested against the guideline for arrest set by the Apex court in the case of Joginder Kumar in 1994. The jail is not equipped with to deal with such disabled persons, as most of them require trained worker or family members for assistance and care.

We request you to take cognizance of this report and initiate immediate proceedings under your jurisdiction. Yours faithfully, For PUCL Jharkhand, – **S Bhattacharjee**, President, January 4, 2007 □

An Open Letter to President of India:

Patriotic People of Chhattisgarh

'The Rice Bowl'

Hon'ble President Sir,

At the 6th anniversary of the formation of Chhattisgarh State on 7th November, 2006, during the State Celebrations you had claimed that 'While this state would be in the forefront of Bio-diesel production from Jatropha, at the same time it would be called the "Diamond State" in future (as reported by the Media). Besides, you had also produced a 7-point Mission Goals for the development of Chhattisgarh by 2015. The State Government too had welcomed you with the slogan: "Welcome to the Land of Jatropha".

We are perturbed that you were not able to grasp the ground-reality of Chhattisgarh in the midst of glaring artificial lights of the Capital City during the State Celebrations deliberately decorated by the rulers and their servants living in palaces. Nor could you hear the hopes and aspirations of 2 Crore 14 Lakhs patriotic people of Chhattisgarh whose voices were drowned in the

midst of blaring loudspeakers; people who were sweating in the sun to harvest the paddy crop in their fields and farms. Therefore, you were unable to realize the true identity of Chhattisgarh which is known as "The Rice Bowl" the world over. On the contrary, you played with the culture and dignity of toiling and sincere citizens of Chhattisgarh, who have created the true identity of "The Rice Bowl" through centuries of hard labour and traditional knowledge.

Respected President Sir, you are a Scientist. The basic principles of Science are "Reality" and "Reason". Even then, you created an "illusionary dream" by addressing our land of "rice" as the "land of Jatropha". Why Sir?

Respected President Sir, do you know that out of about 1,40,000 varieties of paddy in the world, 22,974 varieties are found in Chhattisgarh; of which 19,095 are found in Bastar and Raipur Division alone. And these rare varieties of rice have been

developed by the farmers and agricultural workers of Chhattisgarh themselves and not by any scientist or university. Nor were these rare varieties of rice developed in the so-called modern countries like USA and Japan etc.

Ever since agricultural-farming originated in human history, the farmers of Chhattisgarh discovered and developed about 1,50,000 varieties of paddy on the basis of their traditional skills and knowledge. But, a number of these traditional and rare varieties of paddy became extinct with the time and changing pattern of agriculture, due primarily with the use of high yielding variety of seeds during the "green revolution" or were destroyed due to chemical fertilizers and pesticides in the name of modern agriculture. Even then, today there are 22,972 varieties of paddy in Chhattisgarh. This was possible because of the efforts of a world renowned agricultural scientist, Dr. R H Richaria, who collected these rare

varieties of paddy seeds from the farmers of Chhattisgarh, documented their distinct qualities through research, and created a world record of having the largest collection of paddy seeds in the Indira Gandhi Krishi Vishwavidyalaya at Raipur. The state government ought to be proud of this distinction.

Respected President Sir, we feel proud in telling you that our ancestors had developed lakhs of these paddy varieties on the basis of their traditional knowledge and hard work and, that too, even before the United States of America (USA) was born or came into existence as a country! Nothing was then known about the "agriculture science" in the so-called modern countries when our farmers developed these hundreds and thousands of varieties of paddy.

Respected President Sir, about 6 million tonnes of rice is produced every year in Chhattisgarh, and that too when only 34 percent of the agricultural land is irrigated, according to the claim of the government, though, the ground reality is that not more than 16 percent of agricultural land is under irrigation. This means that if the entire paddy produce was equitably distributed amongst the 2.14 crore population of Chhattisgarh, then each citizen would get 2 Quintals 80 Kilograms as their share. Just imagine this share would suffice to feed them for, at least, 560 days i.e. approximately for one-and-a-half years! So the "Food Security" system is already in-built in our "Rice Bowl". But, what is lacking is the "distributive justice".

Rice is not only the foundation of economics in Chhattisgarh, but an integral part of its cultural identity, self-hood and dignity. When we welcome a guest, we put "rice" as a "Tilak" on his/her forehead. No Worship (Puja) is complete without "rice" in Chhattisgarh; various festivals like

"Cher-Chera" and "Akti" in Chhattisgarhi villages are closely related to "paddy" and "rice".

Respected President Sir, even today the people of Chhattisgarh feel proud when addressed as "Pasiya Peene *Wala*" (People who survive by drinking Rice Water). "PASIYA" is equated as food of the poorest of the poor, and consists of cooked rice mixed with water, left overnight in an earthen pot, and eaten the next morning as break-fast, just before the toiling people leave for day's work, whether it be in the fields or barns, or in the factories or mills. Even when hundreds and thousands of workers, men, women and youth migrate to other parts of the country in search of job, they survive on "*pasiya*".

Against this backdrop, any reference made to Chhattisgarh as the "land of *Jatropha*" undermining the significance of "rice" as the foundation of people's economy, cultural identity and dignity is not only an insult to the Chhattisgarhi people, but also an open attack on their Right to Life and Livelihood. Such a situation would never be accepted by the patriotic and sincere people of Chhattisgarh! It becomes all the more acceptable when such a situation arises out of the discourse by the President of Indian Republic, who is not only the "Head of the State" but also the "Custodian of the Constitution", under which the citizens have been guaranteed fundamental rights like the Right to Life, including the Right to Food.

Respected President Sir, the "Politics of *Jatropha*" is a war-cry of the Capitalist Corporate World to destroy the "Food Sovereignty" in Chhattisgarh, and is a well thought out conspiracy to, once again, chain the people of Chhattisgarh in the fetters of foreign slavery. As an intellectual and a scientist it would be easier for you to travel through the pages of history and remind yourself of

the "Food Politics" that was exposed in the secret documents of American Congress in the 60's. It revealed the imperialist conspiracy of keeping in control other nations, especially the developing countries, and pressurizes them to toe the line of the imperialist countries by using food (not guns or bombs) as a powerful weapon of subjugation and subordination. And today it is turning out to be true that in the age of globalization, the World Trade Organisation (WTO) is systematically destroying the "food-producing capacity" of the entire world, especially of the agriculture-based economy of countries like India. A blue-print has been prepared for "agri-business" under the dictates of USA. This model is being thrust upon self-reliant food-producing regions like Chhattisgarh known as the "Rice Bowl". The plantation of *Jatropha* destroying paddy farming is an integral part of the very "Food Politics" that has led to hunger and starvation on the one hand, and on the other hand to large-scale suicides of farmers in various parts of our country.

After the formation of the state of Chhattisgarh, the state government prepared a model of development in a document named VISION - 2010. It is not strange that in this document the term "Rice Bowl" was not used even once. The real identity and dignity of Chhattisgarh being the "Rice Bowl" was totally ignored. It is worth reflecting that this document spelling out the future development of Chhattisgarh was prepared by a Multi-National Corporation called the PriceWaterHouseCoopers. There was no participation of the patriotic people of Chhattisgarh in this discourse; even the people's elected representatives (MLAs & MPs, etc.) and intellectuals were not consulted to contribute to the planning of such an important document shaping the destiny of

the state and its people. After the formation of the state of Chhattisgarh, during the Congress-I regime paddy was projected as the main cause of poverty and people were misled to believe in such a false propaganda.

Respected President Sir, as we have already mentioned earlier that the main reason behind the "Politics of Jatropa" is to destroy the "Food Sovereignty" of Chhattisgarh and transform the "Rice Bowl" in to a "Hunger Bowl". Against this conspiracy, we clearly see the hands of international market forces under the patronage of Imperialist nations. Recently, the attempts to rob Chhattisgarh of rare varieties of paddy seeds by some Trans-national Corporations like "Syngenta" and "Mahco-Monsento" exposes this international conspiracy. In 2002, the Indira Gandhi Krishi Vishwavidyalaya, Raipur entered into a secret deal with the TNC called "Syngenta" for sharing valuable information for research on 'germ-plasm' of rare varieties of rice seed collections. The MoU was cancelled after people's agitation. Similarly, another TNC by the name of "Mahco-Monsento" was caught experimenting with hazardous varieties of BT-Rice, BT-Ladyfinger, and BT-Brinjal, that too in illegal collaboration with the Indira Gandhi Krishi Vishwavidyalaya, Raipur. The role of the state government has also come under a cloud of suspicion when the entire illegal and hazardous experimentation going on in the backyard of the IGKV came to the light. There is wide spread anger prevalent amongst citizens, especially the farmers, against this secret operation.

Besides, there appears to be a clear-cut conspiracy to uproot and displace hundreds of thousands of adivasis, dalits, farmers from their common property resources by planting Jatropa on public land, revenue and forest land under the "Politics of Jatropa". The public

life and environment is already getting endangered by the hazardous impact of Jatropa. Only recently, on 22nd November, 16 children were taken seriously ill after consuming the fruits of Jatropa in Magarload block of Dhamtari Tahsil in Chhattisgarh. All of them had to be admitted in the Primary Health Centre; three children are in a serious state. Respected President Sir, as a scientist, you must be definitely aware of the hazardous carcinogenic qualities of Jatropa, which causes dangerous diseases like Cancer. But, not aware of the hazardous qualities of Jatropa, children are tempted to eat its sweet fruits. In addition, Jatropa destroys millions of organisms in the soil thus rendering the land barren; and its poisonous qualities have their own deadly impact on animals and plants etc. For reference, kindly see JAPANESE JOURNAL OF CANCER RESEARCH: Presence of Tumor Promoters in the Seed Oil of Jatropa Curcas L. from Thailand, In: Jpn J Cancer Res (1987 Mar) 78(3): 223-6 ISSN: 0910-5050.

There is a growing possibility of many adivasis living in the forest of Chhattisgarh getting their traditional and fundamental rights on forest-land under proposed legislation "The Scheduled Tribes (Recognition of Forest Rights) Bill, 2005". The "Politics of Jatropa" is also seen as a tool to displace them from their ancestral forest-land, which appears to be an extension of the "historic exploitation and injustice" of tribals and other traditional forest-dwellers during the British Rule.

It is also clear that the Joint Parliamentary Committee has recommended the cut-off date as 13.12.2005 instead of 24.10.1980 as proposed in the Bill for granting forest rights. This is yet another reason that the Government of Chhattisgarh, under the "Politics of Jatropa", wants to deny the adivasis and traditional forest-

dwellers their traditional natural rights to cultivate the forest land. Respected President Sir, you definitely know that Chhattisgarh is predominantly populated by adivasis and dalits with 31.13 per cent of STs and 22.32 per cent of SCs. From amongst these, many are recognized as primitive tribes under the Constitution of India. Among them are: Baiga, Kamaar, Pahari Korva, Bhunjia, Birhor and Maria tribes. Even then, all these primitive tribes are being displaced from forest-land.

Respected President Sir, during the State Celebrations you wrote a poem entitled 'Glory of Chhattisgarh'. In this poem too, there is no mention of the true identity and dignity of Chhattisgarh as the "Rice Bowl". Although in this poem, you do refer to martyrdom of Shaheed Veer Narain Singh: "Let me salute the martyrdom of Veer Narain Singh on this day, In this great land, unfolded the revolution – Bhoomkal, Born was the pace mission and unity of minds of Guru Ghasidas, Khoobchand dreamt a prosperous land." All the martyrs from Shaheed Veer Narain Singh to Shaheed Shanker Guha Niyogi and other noble men and women recognized the true identity of Chhattisgarh as the "Rice Bowl" and sacrificed their lives for its real freedom and dignity.

In order to correct the misdirected pattern of development leading to death and destruction, and also in order to provide vision, direction and action plan for the people's development, the patriotic people of Chhattisgarh would like to invite you to the "Rice Bowl", so that you could come to grips with the ground reality, and understand the "struggles" and "reconstruction" of toiling and honest people to build "A New Chhattisgarh for A New India" based on their hopes and aspirations.

Respected President Sir, for this we would like to cordially invite

you to Chhattisgarh on 19th December, 2006, Shaheed Veer Narain Singh's martyrdom day; a martyr on whose path we would like to march ahead and, once again, break the chains of slavery by defeating the draconian designs of a development promoted by the Imperialist Powers, as we stand committed to the creation of "A New Chhattisgarh for A New India"; a state whose foundations would be laid down on the principles enshrined in the concept of the "Rice Bowl" that are justice, peace, equality and human dignity etc.

We hope that you would definitely grace us by accepting our invitation so that the patriotic people of Chhattisgarh could directly dialogue with the "Custodian of the Indian Constitution" on these crucial issues of life and death confronting them. With Greetings!

We remain yours: **Janak Lal Thakur**, President & Ex MLA, Chhattisgarh Mukti Morcha, Shaheed Chowk, Champ-1, Dallirajhara, Dist. Durg – 481228 (CG), Mob: 94241-07557; **Shashi Sail**, Secretary, Chhattisgarh Mahila Jagriti Sangathan, Near Kushabhau Thakre Park, Ram-Rahim Nagar, Mahasamund – 493445 (CG), Phone: 07723-224025, Mob: 94252-04109, E-mail: shashisail@rediffmail.com; **Gautam Bandopadhyay**, Nadi Ghati Morcha, 53, Sector-1, Geetanjali Nagar, Raipur (CG), Phone: 0771-2444120, Mob: 98261-71304, E-mail: nadi_ghati@yahoo.com; **Ratneshwar Nath**, Ekta Parishad (Bastar); Parivartan, Village - Bardebhata, PO: Kanker, Dist. North Kanker, Bastar- 494334 (CG) Phone: 07868-241134, Mob: 94252-59041, E-mail: parivartancg@hotmail.com; **Rashmi Drivedi**, Baiga Mahapanchayat – Chhattisgarh, Baiga Mahapanchayat Chhattisgarh, At/PO: Lormi, In front of New Bus Stand, Dist.

Bilaspur – 495115 (CG), Mob: 98261-24083; **Akshay Sail**, 6. Chhattisgarh Seed Satyagrah, Near Kushabhau Thakre Park, Ram-Rahim Nagar, Mahasamund – 493445 (CG), Phone: 07723-224025, Mob: 98265-70111, E-mail: chhattisgarhcli@rediffmail.com. – **6th December 2006**

Note: This letter is purposely being written on 6th December, 2006, the death anniversary of Dr. B. R. Ambedkar, who made a valuable contribution in drafting the Constitution of India. Incidentally, this falls exactly after one month of your visit to Chhattisgarh on the Foundation Day. □

Letter:

The Execution of Saddam Hussein

The execution of Saddam Hussein by the Bush controlled Iraqi State on December 30, 2006 was almost universally condemned by the people of the world, except Bush, the Shiites and the Kurds. The Government of India opposed the death sentence passed against him and other co-accused by a Kangaroo Court of Iraq without following a fair trial. There is no doubt Saddam was a very cruel dictator who massacred a large number of Shiites, Kurds and his opponents. Our Foreign Minister, Pranab Mukherjee rightly observed that it was "a victor's justice". Saddam should have been tried by the World Criminal Court at Hague as well as Bush and Blair, for waging an unjustified and unethical war against Iraq in defiance of the UN Security Council and killing lakhs of innocent Iraqi citizens including women and children.

As a rationalist, a Radical Humanist and Human Rights Activist as one of the founder-member of the Peoples Union for Civil Liberties (PUCL) I am opposed to any capital sentence, for several reasons amongst others, one of them being that the

State has no right to Kill any person and it is vindictive when the trend in Criminal Justice is reformatory. An eye for an eye does not solve any human problem.

There is some element of hypocrisy and double speak in the stand of Indian authorities and a number of Indians for crying over the execution of Saddam when retaining capital sentence in our Criminal Laws, and for trying to carry out the death sentence against several persons whose mercy petitions are pending before the President of India. In the world, 84 countries have abolished capital sentences from their Statutes and 37 countries have rendered it nugatory. Why should not India join those civilized countries and abolish the provisions of capital sentences from our laws? – **M A Rane**, Advocate & Human Rights Activist, 2 December 2007 □

Letter to Editor: Save Life of Taslima Nasreen

Sir,

The Asian Age has done a singular service to the cause of Human Freedom and Human Rights by highlighting on its front page (January 13) the plight of Taslima Nasreen under the title "Save me as a writer".

Taslima has been living in India from August 2005 under a temporary residence permit from Government of India with one extension that expires on February 15. She had applied for permanent Indian citizenship in the past and now for a permanent residence permit. But unfortunately both the Governments of West Bengal and India have been lukewarm to her cry. If she returns to Bangladesh, she will certainly be harmed by Bangladeshi fundamentalist, I appeal through your columns to all humanists, lovers of human freedoms

pleading with the Government of India to confer on her either Indian citizenship or a permanent residence permit, and save her life.

Did Nehru not give asylum to the Dalai Lama and his followers and who were compelled to flee from Tibet that was occupied forcibly by the Chinese Communists Rulers, even by incurring their wrath? Yours faithfully. – **M A Rane** □

Human Rights Day Observed in Ahmedabad

Human Rights Day eve, December 9th, 2006 saw thousands of people at the Sardar Baug, opposite Roopali, to reassert and reaffirm Human Rights in Gujarat in the afternoon. The programme was under the banner of Movement for Secular Democracy and was joined by many other organisations including the PUCL. Those who addressed the meeting included Prakash Bhai Shah, Ilabehn Pathak, Indukumar Jani, Dilip Chndulal, Fr Cedric Prakash, Fr Francias Parmar, Pravn Pondya, Prof Ranjan Argade, Dr Ila Joshi the meeting was converted into a Dharna and a candle light demonstration. The Gujarat PUCL, *Prasant*, *Samvedan Sanskrit Munch*, GPF, *Azaadi Bachao Andolan*, RHA and others made the function a success. – **Gautam Thaker** □

Press Release: ULFA Violence Condemned

“Recent spurt in ULFA violence targeting non-Assamese is an assault on the diversity of Indian society. It aims at scaring away people from non Assamese states like Bihar, Jharkhand, and West Bengal who go to Assam in search of work. Mobility is a great device for integrating people from different cultures and languages. It

is reported in the census of 2001 that almost 30 million people migrated from their place of birth to other areas, far and near, in search of jobs. Recognising the importance of this flow of population, the centre enacted the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act of 1997.

“It is the duty of the State government and the Central government to provide protection to migrant workers all over the country against not only exploitation by employers but also from politically organised violent groups.

“While doors for negotiations should always be kept open, attacks on diversity and integrity of the society should be put down by a firm hand.” – **Y P Chhibbar**, PhD, General Secretary, January 10, 2007 □

Press Release: Protect the Child

“The ghastly happenings in Nithari in NOIDA, UP, seem to have opened a can of worms all over the country. There are press reports from a number of other States like Punjab, Andhra Pradesh, Tamil Nadu, etc., of discovery of skeletons, mainly of children. It appears that some type of trafficking involving the bodies of children has been going on. It can be safely presumed that most of the missing children who are not recovered belong to poor families. Such families can neither afford to incur expenses on searching their wards nor succeed in getting FIRs registered, given the bias of the police against poor people. The central government should pay attention and evolve some legislation to deal with this problem through a uniform law applicable in all States.” – **Y P Chhibbar**, PhD, General Secretary, January 10, 2007 □

PEOPLE'S UNION FOR CIVIL LIBERTIES

81 Sahayoga Apts.
Mayur Vihar-I, Delhi 110091
Phone: 22750014
Fax (pp): 42151459
Email: puclnat@yahoo.com or
national@pucl.org

Website: <http://www.pucl.org>

Founder: Jaya Prakash Narayan

President: K. G. Kannabiran

General Secretary: Y. P. Chhibbar

Vice Presidents: Binayak Sen (Chattisgarh); Mathew Manakattu (Kerala); Prabhakar Sinha (Bihar); Ravi Kiran Jain (Uttar Pradesh); Sudha Ramalingam (Tamil Nadu & Pondicherry); Yogesh Kamdar (Mumbai)

Secretaries: Pushkar Raj (Delhi); Ajit Jha (Delhi); Kavita Srivastava (Rajasthan)

Organising Secretaries: Chittaranjan Singh (Uttar Pradesh); Gautam Thaker (Gujarat); Himanshu Bouraj (Uttarakhand); N. Kotishwar Singh (Manipur); Nishant Akhilesh (Jharkhand); P.B. D'sa (Karnataka)

Treasurers: D. Jagannathan (Delhi), S. A. A. Pinto (Mumbai)

PUCL Bulletin

Chief Editor: Y. P. Chhibbar

Editor: R. M. Pal

Editorial Board: Rajni Kothari, Rajindar Sachar, Amrik Singh, R. B. Mehrotra

Assistance: Babita Garg