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Killing of an Encounter Specialist Pushkar Raj and Shobha Sharma

The killing of an 'encounter specialist' made headlines last week. The police officer who was credited with as many as 56 'encounter killings' was killed in cold blood allegedly by a petty property dealer who owed him an amount roughly equivalent to 20 years of the officer's pay. A known gangster from western Uttar Pradesh claimed that he got the police officer killed because he was routinely abusing and humiliating the murder accused who was his friend. He further claimed that he spent about six months with the police officer and half of the people he claimed to have killed in encounters were innocent, and in fact killed in cold blood.

No one would dispute that police must uphold the rule of law. They have to keep in check the lawless and in performing this duty there may emerge circumstances where on being fired upon, police have to retaliate and an encounter ensues. If that is the case then most of the encounters that we hear or read about have something dubious about them because they happen in isolated places, without eye-witnesses.

On the other hand if the police are trailing a gangster or terrorist for some time and zero-in on him for the purpose of arrest, they should have a complete dossier detailing the movements of the police and victim prior to the encounter that should be made available to the mandatory inquiry following an encounter. The fact that such a procedure is not followed lends credence to the perception that the majority of police encounters are staged, fake and murder by another name.

'Encounter specialists' are frequently rich, glamorous and enjoy official patronage. How does it happen? One should recognise that encounters are not a part of legitimate operational policing tactics. They are an aberration. But our police have made it a part and parcel of the policing job and there appears to be a departmental consensus about its acceptability. So when it is a part of one's duty to kill, and there is free hand given to do so, with tokenistic inquiries and no action on recommendations following enquiries, then a culture of unquestioned impunity thrives. These policemen then have no second thought in putting their service revolver on the table and naming their price to spare a life. In other words, the difference between a notorious gangster in the business of extortion and killing and a celebrated 'encounter specialist', progressively blurs. Otherwise how does one explain 21 vigilance inquiries against the officer in question that never concluded and estimated property worth Rs. 300 crores that he left behind?

Another argument that many police officers forward in support of 'encounters' in policing is that it is what the public wants. They argue that people want the police to resort to 'encounters' (on page 20...)

Rajasthan PUCL Report:

Jaipur Terror Scapegoat: The Poor Bengali Muslim Migrant

Part I

On the evening of the 13th of May, 2008, nine bomb blasts ripped through the spine of the walled city of Jaipur, killing more than 67 people (as of 23rd May, 2008) and injuring over two hundred people. Like in other 8 cities where similar attacks took place since 2005, Jaipur too stood together and thankfully no communal riot followed. Instead people belonging to different faiths and communities came together on the third day and paid their respects to the deceased and remembered the unity of this city over several hundred years, which had been marred by three major riots in 1989, 1990 and 1992. Communal amity for always was what everybody pledged for.

The medical community at the SMS Hospital and other Private Hospitals that took in patients responded with zeal and saved several lives. That night 56 patients were brought in dead and five who came in gasping died soon after. The death toll by the end of the week grew to 67. More than 277 injured were also brought in on the night of the blast out of which 134 were admitted in the various Hospitals and the rest were discharged. Some of the patients have ended up with permanent impairments, assessments are still being made and the medical Community of the SMS Hospital even today affirms their commitment to the patients.

In the next few days it became clear that more than half of those who lost their lives were around the two Hanuman temples. More than 35 lives were lost at the Chandpole *Hanuman Mandir*. At least a third of the shoppers and passers by who got killed were children, school going girls, college going boys and of course the flower seller, the bangle seller, the

key makers including two police men.

The city put its best foot forward and collectively tried to cope with this tragedy. When occupants of the hospital wards learnt that blast victims were being brought into their ward, on their own they gave up their beds for the victims of the bomb blast. Long Queues of youth stood outside the hospital for blood donation, a youth group decided to provide attendants and a group of senior citizens decided to carry out *Jal Sewa* in Hospital. Scores of such stories expressing the good side of the Human Kind filled the news pages and were broadcasted by the channels.

At our own end we initially with other groups got involved with relief work. We also collected 100,000 rupees and gave it to the Relief society in the Hospital for medicines and other consumables needed. We also provided attendants and have planned to do a detailed survey of the families of the injured and that of the deceased. This survey will be carried out now in the first week of June, 2008.

However, close on the heels of the expression of the goodness of the Jaipur residents, followed the ugly face of the politicians. The BJP got maximum mileage from the blast. First Advani, next Vasundhara Raje, and then the rest of the Sangh Cabal got shriller and shriller that POTA ought to be legislated again, Rajasthan Organised Crimes Act, 2006 (ROCA) which was sitting with the Ministry of Home Affairs for whetting be immediately sent back so that a strong law could be used against the criminals, that the *Bangladeshis* were the cause of it all, as *prima facie* HUJI seemed to be the link and the delay in hanging Afzal Guru (the accused

in the Parliamentary Attack Case) was the cause of these blasts as it strengthened the might and the morale of the terrorists.

The war of words between the Centre and the State was nauseating. The discourse of the BJP was that the present PM was weak, not *macho* enough to take a tough stand against Islamic terrorism and the Congress counter consisted of how they had forewarned the State and that the lapse was that of the Raje Government. The State's Government's defense against the aspect of intelligence failure was that if the US Federal Intelligence failed and 9/11 could happen then how can Rajasthan State Intelligence be taken to task as the Islamist Terrorist is unbridled can take the best by surprise. It was as if the issue of Intelligence lapses was as non issue. The only respite was that Sonia Gandhi refused to take issues with anybody although the Home Minister has been putting his foot in his mouth and even to the present has been responding casually to serious issues like evicting *Bengali-Bangladeshis* which is discussed later.

The Chief Minister and the BJP emerged as the protector of the People of the State. Amongst the Muslims a message was sent that she managed to prevent the *Hindutva* Hardliners from attacking the Muslim community, amongst the business community she emerged as protector of business in the city. Continuous announcements were made that the tourist traffic was unaffected, No investor was pulling out. And finally as one who would act firmly, bring in a strong anti-terror law, punish the criminals and cleanse the city of the breeding ground of terror, the *Bengali* migrant, the *Bangladeshi*, and the poor Muslim.

Several questions were quickly swept underneath the carpet, like why had the Ajmer Sharif blast which took place in the holy Ramadan period in 2007 not been cracked up as yet or why were the SP's of a district in Rajasthan given less than Rs.6000 for new creative inputs to tackle the newer crimes which are increasingly foxing the police or that if the IPL matches take away 500 police men which is one sixth of the active police force deployed in the city of Jaipur then what were the counter arrangements to track "illegal activities".

Police Investigation leading to naught and the Poor Bengali Migrant being made the scapegoat.

10 days have gone past and there has been no breakthrough in the investigations. We know of this from the chief investigator of the case. In conversation with different officials all have made it clear that only when they will get inputs from central agencies that the investigation will proceed as the network of "terrorists is national and international".

The Rajasthan police SIT claims that no RDX was used and the chemical used for the blast was Ammonium Nitrate. The police from Day one insisted that the link was HUJI and they claimed that the bombs were similar to the Hyderabad ones. First there was a vociferous attempt by the media to put the blame on one Shamim, a *Maulavi* and *Madarsa* teacher who had been taken in custody for several days after the Ajmer Blast from Khandela, Sikar. The media claimed that police had released him as even this Government wished to appease Muslims.

On the 14th came an E-mail of the Indian *Mujahideen* from Sahibabad in Ghaziabad, UP, to some national channels. It showed clips of a cycle parked outside the *Kotwali* police station with a "blue bag" on it and the rim of the cycle had a number on it. Definitely this

photo was taken by a mobile well before the blast happened. The other clips that have not been released according to the police show a group of men assembling a bomb and the time shown in the watch is 2:20. The police conjecture was that it must be 2:20 in the afternoon as sound from the clip was that of loud traffic in the background. It was at 2:30 pm that the men reached the cycle shops. If they were the same men then clearly they reached in ten minutes of the assembling of the bomb which also shows how close they were from the place of the bomb blast. Between the question of genuineness and it being ingenuine there were all kinds of analysis on how the mail had the word "Guru", was it anything to do with Afzal Guru and so on. The email let imaginations run loose and now there it seems to have got out of the discourse.

In the meanwhile the police also took into custody the SIMI group from Wazirpur in Karoli. One SP even went to Indore to examine the SIMI men who had been arrested since a month in some other cases.

Then the police claimed that they had evidence to prove that Bangladeshi migrants in Jaipur were being taken regularly to Bangladesh from where they were taken to Pakistan for ideological and arms training as well as to make bombs. They also said that these trained men were as to be sleeper modules till the time they got a message from the bosses. One Babu Khan arrested in UP for another matter was one of the key persons who used to take the poor Bangladeshi migrants to Bangladesh and from there to Pakistan. Madhu Bengali who is presently in Ajmer Jail and had been arrested earlier in another case had confessed about these happenings, which was later confirmed by Babu Khan. The police also stated that Toufiq was the main Jaipur person who

selected the people and made the link with Babu Khan Babu Khan who handled these affairs in UP.

The local media went to town over how illegal Bangladeshi migrants had made Jaipur unsafe and how "this scum of the earth" were there to destroy the economy of the city and the State. It was on walk the talk broadcasted by NDTV and later published in the Indian Express where Vasundhara Raje openly said that it was well known that the Bangladeshis indulge in a "lot of illegal activities". She linked them with the blast by suggesting that the e-mail was sent by HUJI. And since it works out of Bangladesh they would make contact with Bangladeshis. She also stated that the e-mail showed that definitely there was some involvement of people from outside India.

BJP State President Omprakash Mathur, who came to Rajasthan after having a 'successful' tenure in Gujarat, went on quote, "we support all the actions of the state administration as they have substantial evidence to link Bangladeshis with the terror attack. Lot of calls been made from Bangladesh & administration has all the evidence." Mr Mathur & BJP is also asking for an exclusive anti-terror law for Rajasthan.

This upfront position taken by the Government on the Bangladeshi question, has resulted in the crack down by the police on anybody and everybody who is a Bengali Muslim. It is also extending in some cases to all non-*Rajasthani* migrants. Although a few Hindu suspects have also been arrested however the violations against those arrested as being suspected illegal Bangladeshi Migrants is so severe that the police needs to be stopped immediately. With the crackdown on the Bengalis the migrant workers, from Bihar and UP are also running away as suddenly every worker has become a suspect in the eyes of law.

Part II
Violations of the Human Rights of the Poor (mostly Muslims) in the Name of being Bangladeshi Migrants and of Suspicious Character

The Bengalis in Jaipur

The official figure of the Bangladeshis in Jaipur is a minimum 10,000 and for the State 20,000. Although every police and Government official will say that the real figure maybe 2 to three times higher. Traditionally Jaipur has been home to a large number of Bengalis who were mainly Priests, Administrators, City Planners, Teachers but the contribution of the Bengali working class groups has also been documented and they too have come in large numbers and settled here. The famous Shila Devi of Amber is from Jessore in East Bengal which gave the Bengalis an organic relationship with Jaipur. The Bengalis working class contribution is very significant to the economy of the city as is the contribution of the other migrant workers from within the city and outside.

A quick look at the working class groups from Bengal

The Cooch Beharis are in very large numbers in Jaipur because of the *Raj Mata*, the erstwhile *Maharani* Gayatri Devi of Jaipur who was from Cooch Behar. The Bengalis from other parts of West Bengal is a phenomena since the eighties. Particularly from Malda, Nadiad, Hooghly, Howrah and other neighbouring districts. The Bangladeshis mostly came in the

early seventies as a part of the refugee exodus fleeing the atrocities of the Pakistani Army, however, the porous border between the two countries and corruption within BSF (Rs hundred per person is the BSF rate to come across to India) has resulted in extremely poor labourers coming to Jaipur although the tout rate per person is Rs. 4000 to be brought to Jaipur.

A large number of the women who are child care givers and domestic workers are even today from amongst the Cooch Behari women. They are mostly Hindus. Other than Cooch Behari's the Bengali Muslims who live in *Kachhi Bastis* (slums) close to middle class homes have also got into domestic work. As compared to the Rajasthani domestic worker the Bengali domestic worker is more professional as even today the Rajasthani Domestic worker conceals the public identity of her work.

The Cooch Behari men are mostly skilled Construction Workers particularly in making the structure of metal rods for the RCC roofing.

A very large section of the famous "Aari-Tari", "Zardozi", gold bead and other filigree intricate work" is done by both *Bengali* and *Bihari* child, adolescent and adult labour. A very big section of this labour is Muslim. In the old city and the poor areas of Jaipur these factories run in the most dehumanised conditions and the situation of this labour is pitiable.

The *Bengali Mazdoors* are famous for putting up the decorative wedding tents of Jaipur. They are also well known as flower decorators of the Wedding *Pandals*. Most of the workers are from West Bengal but about 20 percent are Bangladeshis

Rag-picking like everywhere else is done by the poorest lot who are either the *Bengali* Muslim migrants from West Bengal and also the *Bangladeshi* migrants. Men and women also work at the godowns sorting paper from plastic and then the paper is mostly loaded in Trucks and sent to Delhi for recycling. The men and women also exchange old clothes for utensils and go house to house all day with big loads of utensils and clothes slung on their shoulders and their heads.

Rickshaw pullers in the city are mostly from Rajasthan. But the Muslim Bengali and the Hindu Biharis in large numbers also pull Rickshaws. This is the same for the cycle and hand *thela walas*.

The loaders at the *Subzi Mandis* are mostly from Bihar and from UP with more than 60 percent of them being Muslim and Forty percent being Hindus.

Profiling of the Suspect

Crackdown on the Bengalis started on the 14th May and till the 22nd morning several hundreds had been rounded up and more than 116 people have been sent to Judicial Custody under sec 109 of the Cr. PC. The break up of people arrested police station wise is as follows.

S. No.	Police Station	Police District	Name of Basti	Number of People Picked Up	Date
1	Kanota	Jaipur Rural	Bagrana Bangladeshi Transit Camp	25 (including 1 woman)	19-20 May
2	Pragpura	Jaipur Rural	Pragura (Delhi – Jaipur High Way)	10	19-20 May
3	Chandwazi	Jaipur Rural	-	-	-
4	Malviya Nagar	Jaipur East	Manoharpura Beed, Jagatpura	12	19-22 May
5	Sanganer	Jaipur East	Buxawala	6	19-20 May

Sadar					
6	Jawahar Nagar	Jaipur East	TilaNumber 7, Jawahar Nagar Kachhi Basti	7	20-21 May
7	Moti Doongri	Jaipur East	Sanjay Kachhi Basti	4	20-21 May
8	Galta Gate Thana	Jaipur North	Baas Badan Pura, Mohalla Dakotan, Delhi Jaipur ByePass	33 (including one woman)	19-21 May
9	Ram Ganj Thana	Jaipur North	Char Darwazza, Sri Chowdi Ram Chandraji	19	19-21 May
10	Bhatta Basti	Jaipur South	9 Bangladeshi's were picked up 10 days before the blast and according to the police the area now has been "cleansed" of Bangaldeshis.	-	-
Total				116	

More than five teams of the PUCL went to some of the Bastis in order to get a perception of what was happening. The stories of what was happening were heart rending.

I. Wide Spread Hunger in Bagrana - the *Bangladeshi* Transit Camp

On the 21st and 23rd of May 2008, the team from "PUCL" went to Bagrana *basti*. More than 25 people had been arrested so we had decided to examine the situation there. This *basti* is situated on the Jaipur Agra highway. The first transit camp for Bangladeshis was set up in 2003 by the Ashok Gehlot Government. It was always called a resettlement colonies of the Jaipur Development Authorities. The Bangladeshi group of migrants mostly rag pickers had been living in Gopal Bari, along the railway line close to the Jaipur Junction for many years. However, after the 2002 Godhra incident they were moved to Bagrana in 2003. And the first transit camp was set up. These Bangladeshi's were not deported back, a question which the State Administration needs to answer.

At Bagrana the total number of families identified as Bangladeshi are around 350 of which 315 have the transit camp slip. There are a few Rajasthani, Biharis and residents from UP too. The

population of the basti would be about 15 to 18000 people.

This settlement also has other settlers like the Mirasis Muslims who are mainly construction workers. This group of people maintains their distance from the Bangaldeshi's.

The Bagrana camp is a hell hole. People have been living for more than five years in a sub human environment. Being a camp no family can use brick or stone for construction purpose or put up a *pucca* roof or have a single brick wall. However, a few families have managed to get the brick wall constructed but the cover over the houses is a thin plastic sheet or a tarpaulin which is unbearable in the hot summer temperature of 45 degrees.

There is a serious water shortage as of the two hand-pumps one is out of order and the other works intermittently. Apart from the fact that there are constant fights amongst the women in order to access water, women and children are suffering from dehydration which is visible.

At first glance huge mountains of waste awaiting to be sorted is what you encounter when you enter the basti. The children and the old all seemed listless. Hunger seemed widespread in the colony. The children had eaten but very little. Some of the adults had not eaten for the last six days. The

situation of hunger was very evident. Since they have been denied the rights by the district administration to leave the camp and go and earn their daily bread, it is the duty of the State to provide them food with dignity and basic survival rights. However, no food is being provided and hunger is widespread and visible to any outsider on the scene.

The children are also suffering from serious skin diseases and ailments like fever which are not being diagnosed and treated as there is no health facility in the camp. Since they have no right to move out therefore it is the duty of the administration to ensure that medicines and other Doctors be reached urgently.

Apart from the fact that the children looked extremely malnourished and women appeared anaemic. According to them living at the bottom of the heap was acceptable than compared to living in absolute hunger and poverty in Bangladesh. However, the people this time were living in deep fear too.

This camp had no school, no *Angan Wadi* despite existing for five years and child labour was wide spread and there was no intervention by the Administration.

The *Basti* of Bagrana is divided into 2 colonies - New *basti* and the old *basti*.

“Shri Ramlal” ji, a Rajasthani who had been staying for the last 6 years told us about the arrest of 2 *Maulvis* who were also Rajasthani's. Further he also told us, that many of the Bengali families who were staying in Bagrana had been in Jaipur for the 30-35 years and some had been shifted by the JDA around 5 years ago.. They all asked the Government to issue ration cards so that they could also get subsidized food and kerosene but no had paid heed to this request.

In May 2008, there was a severe fire disaster in the *basti*, in which a child died and as many as 122 huts were burnt, and around 15-20 people were severely injured. The families suffered serious losses. After the incident several authorities came and announced relief. Prominent amongst them was the Education Minister Shri Kali Charan Saraf and the District Collector. Some of the affected families got food and other support. Those who lost their houses in the fire, got Rs. 4000 as relief, but the parents who lost their child in the fire incident didn't get anything, although the Minister had announced Rs. 1 lac as compensation.

According to most people living in the *basti*, even the incident of the fire had the authorities treating them with some dignity but the blast changed it all. They had become Pariah's. When the police randomly arrested several people and took them away on the 14th itself fear set in them. According to the women the police arrested those who were in the forefront and were in some sense leaders of the community. The women kept saying that they were taken away for no reason. They were not in any way connected to the blast.

When the SHO of Kanota Rajendra Singh was asked why certain people were arrested, he said that they had arrested those whose body language was not right. There seemed something

suspicious about their movements so they were arrested, he said. The police's version of the location of arrest of the people was that they arrests took place when people were loitering outside the camp, however, everybody we met in the Basti said that the police had arrested the people from inside the camp.

While hunger was knocking everybody's door it was more evident in the 25 homes where the head of the family had been arrested. But the restriction on people's movement was a cause of worry for all. A police Post had been set up in the Basti to monitor the movements of the people. The people had been instructed by the police that not only they could not step out for work into the city but they also had to get their identities checked at the post regularly.

This had resulted in a hunger like situation in several homes and both the adults and children had not eaten for the last 6 days. They kept saying that first the men had been arrested and then they had been left to starve. This situation would only turn worse in the next few days.

On being asked that why they left their home country and came and settled here in India, they responded that, in their country there are frequent floods, due to which their homes and land were destroyed every time they constructed one. It was getting very difficult for them to survive there, so they came to India in search of a job and shelter. They said that they want to live in Jaipur itself like anybody else.

• Dukhu Sheik's wife *Champa* told us that they had been staying in Jaipur for the last 15 years. They had 4 children (3 daughters and 1 son), her husband was the only person in the family who used to earn by tying huts for the poor. After his arrest there was no one in the family to earn even a rupee. She herself had not eaten anything for the last 6 days. They had

moved into this *basti* 5 years ago. She kept stating that nobody in their entire family had even the slightest links with the Jaipur blasts and so why were they being victimised.

• Abu Hayat (17 years), a tailor, his father, used to make huts and brother was a rag-picker were taken into custody by the police on 19th itself. He was the only one left in the family to provide for the family of nine people. He was sad that they were being prevented from going into the city to earn. When they tried go into the city they were beaten the police and sent back. He said that till before the blast they had food thrice a day but now managing enough food for even single meal seemed difficult.

• Both the leaders Imraan and Daulat Khan had also been arrested by the police. They were also wealthier than the others as they purchased the garbage from the others and sent it to Delhi for processing and recycling.

• 55 years old, Mohammad Sheikh had hunger written all over him. His son had been arrested. he kept saying that the blast had snatched their food as the bread winner of his family, his son had been arrested and others were not allowed to step out.

• Mohammad Noor Husain (52 years), in the past used to live at 'Ghat Gate' where he was a voter too. But ever since he came to Bagrana, the *sarpanch* of the nearby village did not let him cast his vote and said that, you can't vote as you are not an Indian.

• Haseena Bano, had three 3 children and all were hungry for the 6 days, as her husband had been arrested and there was no one in the family to earn.

• Abdul Rehman told us that his father came to India in 1971 when Bangladesh was formed and he was born in India itself. So he kept asking us as to why he was not considered to be a Indian when he was born here and through his work the city was kept clean. Why

was he being considered Bangladeshi?

- Mariam (25 years), enquired from us as to why the police was not arresting the terrorists, but were instead after them and arresting their family members? She told us that those who had been arrested by the *Kanota* police station were not even provided food during their detention at the police station. She also told us that although 27 people had been rounded up but only 20 chapattis were given. They were treated worse than dogs she said. She also told us that she was sure that those arrested had been tortured and verbally abused. The whole attitude of the police and the administration was like as if they were animals.

- The arrest of a young muslim woman called Bobby from Shahpura needs to be reported. According to many people when Bobby and her husband Musa had come to meet her nephew in the Bagrana basti she and her husband were picked up by the Police. However, the neighbourhood attributed her arrest to the fact that she had married a Hindu who had converted to Islam in order to marry her. So the act of arresting Bobby and her husband was an act of vindictiveness by the police. Bobby was picked up on the 14th of May and sent into JC only on the 20th May, 2008.

- It was also brought to our notice that the Hindu *bastis* around Bagrana were being provoked and that there could be a possibility of a riot. Thus the authorities needed to be cautioned on this possibility.

(See the Annexure 1 for list of those sent to JC by the 21st)

II. The Tragedy at Manoharpura Beed, Jagatpura Kachhi Basti

PUCL teams visited Manoharpura Beed on the 20th and 22nd May as the women were miserable with the arrests of their sons and husbands. We also

visited the Malviya Nagar police station and met some of those in police custody. This is one of the oldest *Bengali basti* of Jaipur. The men and women were active members of the *Kachhi Basti Federation* a CPI (M) affiliate. Many of the women were also active with the *Janwadi Mahila Samiti* and had been vocal on the various issues taken up by the women's movement on the Streets of Jaipur.

Razia Begum, a Cooch Behari by birth, and one of the leaders and also the settlers of this Basti told us that in 1986 more than 190 families were shifted out from the *Janta Market* area near *Chandi ki Taksal* in the walled city and brought to Jagatpura which was at that point in complete wilderness.

It was because of the initiative and hard work of the CITU Vice President, Waqar-ul-Ahad that the Jaipur Municipal Council had agreed to move them to a *basti* and they got an opportunity to stay with dignity in Jaipur. Of the 190 families that were moved 70 were Bengalis and others were *Madrasis* and *Rajasthanis*. Soon after they had been moved, more than 200 families from Bai-ji-ki-Kothi Jhalana Doongri were also moved into that area, after 1992 people from the Bajaj Nagar Kachhi Basti also moved into this area. The entire basti presently has more than 3000 families with over 2627 being patta (title) holders given by the JDA. It is mini India with *Bengalis*, *Madraasis*, *Biharis*, *Rajasthanis* and Muslims from Tonk living there.

The people told us that they were frequently surveyed and that they always keep their documents like ration cards, voter ID cards and the JDA house plot titles ready in hand as they are never sure when they would be declared *Bangaldeshis*. Some of them told us that they got their voter identity cards because of Kali Charan Saraf, the Education Minister and they also voted for him.

The Arrests: More than 12 people were arrested from this *basti* between the 19 and the 22nd of May. Of the 12 eleven were Muslims and one was a Hindu. They also picked up one of the leaders of the *basti* called Dina Babu who was running around and assisting all those arrested. One Hameeda Begum told us that the police had arrested her two sons and her son-in-law. Two of those arrested were over 60 years.

The Bengalis living in this Basti claimed that they were mostly from West Bengal. Most of them had come to Jaipur when they were very little more than forty years ago. Many of the women we met told us that they had also got married here and also their children were born here. They had been working very hard in order to educate their children. They also told us that though they maybe rag pickers or *kabbadi walas* but they sent their children to school. Many of them send their children to Private Schools and also to the Jan Bodh School run by the *Bodh Shiksha Samiti* in collaboration with the Government, in their Basti.

Most of the people of this *basti* are either rag pickers, or work in godowns where garbage is sorted and get Rs. 50 to 60 a day, the men also pull Rickshaws and Trolleys, the women also go house to house for domestic work. Some also work in grocery stores and a couple had their own grocery store in the basti.

After the blast they were not worried that they would be suspected as they were so frequently surveyed. However, they were shocked to learn that the police had instructed that everyday five families will come and give their papers to the Police Station along with addresses of people in West Bengal who can be contacted for conformation of them being Indians.

Some Case studies of those arrested.

The Arrest of Janey Alam

Janey Alam is 66 years old. He originally belongs to Gaskin Bokul tala, Jogacha Police station, in district Howrah, Kolkata. He married Sophia Begum in 1984 and has a daughter. According to Sophia Begum Janey Alam was Ajit Chakravorty s/o Devendra Nath Chakravorty before his marriage and adopted Islam and picked up the a fictitious name of Mahbool Alam as that of his father. He felt that it would be difficult to explain to the world as to why he converted to Islam. They lived for several years in Vasant Kunj and worked in the homes of various people. They took their daughter Hasina to AIIMS when she was giving birth to her child. It was only in 1995 that they came to Jaipur and started working here. Janey Alam is a coolie and pulls a trolley. On the evening of the 19th when he was in his basti, the police picked him from the tea shop. The police asked him to produce addresses and proof of his native place in W Bengal and if they would get the confirmation from the particular police station in West Bengal then they would released. The family were very concerned as to how would they prove their identities as bona fide Indian citizens.

The Tragedy in Hamida Begum's family

Two of her sons and one son-in-law were picked up on the 20th night and sent to Judicial Custody on the 21st of May, 2008. According to Hamida Begum she came as a child more than thirty five years ago from Hakimpura, Keosha in District 24 Parganas. They were landless labourers and worked on the fields of people living in Keosha in 24 Parganas. According to her mother the famous cyclone about forty years ago and hit West Bengal and her village Tal Badi close to the Bay of Bengal had sunk into it and they were all forced to leave and come away to Keosha, 24 Parganas. She kept saying that since all their relatives had also moved to Jaipur

and other places how would they establish the proof of being bona fide Indians.

They had come from the *Janata* Market area in 1986 and were the first group of settlers in Jagatpura. They had ration cards since the mid eighties and a voters identity card since 1995. they also showed electricity bills of 1993 in their name. Hamida Begum's husband Mhd. Hannan also had his Rickshaw Driving Identity Proof since 1991 issued by the Jaipur Municipal Council. Hamida and her family have been working hard and have constructed a *pucca* house on their plot and have planted trees around their house and keep saying that Jaipur has been their home and they must not be pushed out of here.

Hamida said that the police had picked up her younger son as he was involved in petty criminal activity and was a bully so they had been targetted. She said that they should arrest him for his criminal behaviour but why profile them as Bangaldeshi's.

She burst into tears when she started speaking about her Son-in-law's arrest. She said that her daughter who was proud of sending her sons to school had sent her children for rag picking today as they are all daily wage earners and if both the husband and wife do not earn together then they cannot eke out a living. Since both her son-in-law and his brother had been arrested the family had plunged into a deep financial crisis.

The names of Hamida's sons are Mohammed Sahidul and Mohammed Hanifa. her Son-in-law's name is Mohammed Ansar alias Iqbal. and his brother is Mohammed Khalil. Both of them also were asked to show addresses of their native village in West Bengal which is Tarunipur, Post Govindpur, Thana Khantura, District 24 Parganas.

Hamida is a Domestic Worker and goes house to house in Malviya Nagar doing domestic

work. She now fears the arrest of two of her brother-in-laws as the police is calling them all the time.

Arrest of 55 year old Sanyasi Burman, Son of Kartik Burman

Sanyasi Burman is very poor. When he was arrested on the 19th in the evening, he was in his *lungi*, strolling outside at 8 pm near the tea shop that police picked him up. When we met him at the police station in the lock up he was only in his undergarments. When he was taken to the SDM he was taken in his undergarments. The poverty of his house was so acute that both the mother and daughter next morning had gone for work as they could not afford to take a Holiday and do the running around. According to Mona the wife and Sandhya the daughter they were *Patta* holders of the plot they were living in and were in Jaipur for the last thirty years. They kept saying that they belonged to Kesari Pada, police station Jorasagar in Kolkata. The sister of Sanyasi Burman was still in touch with them regularly from Kolkata. They had spoken to her a couple of months ago.

They had all the required papers - the voter ID card, the ration card, and the title of the plot from JDA. They were in a state of shock and were not able to understand as to how they would bring him out.

The total basti must be having more than a hundred *Bengali* families.

The Story of Akbar Huessin

s/o Abdul Hakim. Akbar Hussein is only 26 years. His 75 year old Grand mother Saira Begum and his wife Bilkis met us. Bilkis had three small children below 5 years of age. Akbar collected garbage and sorted it and sold it to a bigger contractor. Akbar was born in Jaipur and had his birth certificate. His grand mother told us that they had come to this basti twenty years ago. Akbar Hussain was the only bread winner of the family and

if he would not return then they would die of hunger.

Saira Begum was wondering how they would contact their relatives in Bengal when they were living here for the last forty years. Many of them had moved into Jaipur with her and others were dead and gone. She was worried about the survival of the children and their mother.

The stories of those who were taken in and left the next day was also the same. They were verbally abused. One policeman also told them angrily that they all deserved to be burnt alive as they were all trespassers in the country.

III. Death of a Wife Following the Arrest of Her Husband in Buxawala Basti

A total of 40 families live in Buxawala. They were settled here three years ago from Bharat Nagar in Jhotwara by the JDA and Jaipur Nagar Nigam. Out of 26 of the 40 people staying here they had the JDA title of their house plot, ration cards, voter ID cards and electricity and water connection. The other 14 showed the JDA agreement with them, thus in due course would also get the title for the house plot. Most of these people are into construction and masonry work, auto driving and rag packing. They are very poor people and very few of the children go to school. Children are working as child labour in close by places.

About 23 of the families are from Karim Nagar in Andhra Pradesh (AP), some from West Bengal, Madhya Pradesh and UP.

This Basti comes under Sanganer Sadar Police Station. The police on 19th evening came to the Basti about 6 pm and picked up 8 people. When the women resisted and appealed to the policeman to not the men the police used abusive language and also beat them up.

After they were picked up they were also not allowed to meet their men who were in custody. Since two of the boys picked up were

very young the Basti people urged the police to free them. They were finally allowed to go late that night. All the rest were booked under sec 109 Cr PC. Two of the people picked up were from Rajasthan and MP. Others picked up were from AP, WB, Tripura and one from Burma

The basti is in a state of shock as the police behaved very badly with them and later due to the death of Afsana while her husband was under arrest and because nobody got bail when they are all bona fide Indian citizens. The Basti people are living with deep fear.

The Death of Afsana due to non-availability of medical help.

Twenty three year old *mazdoor* called Pappu Ahmed was picked up on the 19th night. He belongs to Burhanpur in MP (part of undivided Khandwa districts). He had a twenty year old wife called Afsana who had a serious health problem. She died on the 21st. May morning as nobody hospitalised her and she needed medical attention. After her husband was taken away only her old mother-in-law and 13 month old son were left behind.

The police had picked up Pappu as somebody into suspicious activity. He had a ration card, his voters ID card and a JDA plot title.

When our team reached the neighbourhood was in deep grief as the men had gone for her burial. The tent which had been pitched had women sitting.

Arrest of a youth with Hearing Impairment

Ram Lu a Mazdoor and originally from Karim Nagar in AP was arrested under the same sections. He was the only child of his old mother who is now fending on her own.

Mohammed Dulal Ali 50 years. was also arrested, His family claimed that they were originally from Agartala in Tripura, (although everybody called him an Assamese). He came to Jaipur as a child and since then has been

living here. He had four children and a wife.

See Annexure 3 for total list of People arrested in Jaipur East Police District.

IV. Arrests in the Jaipur North Police district Including that of a Woman

When the men are taken away then the families are left to starve. This is what was the condition of the 6 families from where the men who were the bread winners taken away. One family had left the area out of fear. The others were whose men were in prison were living miserably. The families kept explaining that how would they be involved in a bomb blast when they did not have enough time to make food available for themselves.

Idgah Kachhi Basti, Baas Badanpura: Ten people were arrested from this basti from seven households including one woman. 19 year old Taslima was arrested as she went to the Galta Gate police station to enquire about her 70 year old father Azghar Ali and 24 year old brother Jinau Islam who had been picked up on the 14th morning. They were sent into JC only on the 20th. For seven days she along with her brother and father along with the others who were arrested were kept in police custody.

The entire neighbourhood was sympathetic of the lot who had been arrested as they said that the weakest person the Rag Picker was picked up and the actual criminals who pedal in Narcotics and other drugs were left behind. They also said that the police had beaten up those they had taken into custody.

When this team went to meet the Addl SP regarding the arrests of the poor, they were told that out of a total of 33 arrested, 29 were clear cut Bangladeshis and out of the 4 who insisted that they had Indian Addresses one gave an address of Assam and the other three of West Bengal.

See Annexure for Arrests made in the North District of Jaipur Police.

V. Why Arrests under Sec 109 CrPC and not under the Foreigners Act

A GOR order of 30/03/2007 has become the guideline on how to proceed on the Bangladeshi migrant.

The protocol says that once identified, they should be given a chance of giving proof that they are Indian citizens by crosschecking the address of their native place. And once that is negative those lists should be handed over to the BSF through the prescribed procedure who would get the names cross checked with the Bangladesh rifles and then the deportation through the BSF and the Bangladesh rifles. The GO goes on to say that the documents relating to Ration Cards, Voter ID cards and others must be cancelled under the set procedure and action be taken against those officials who provided them all this.

It is very clear that most of the people arrested other than the majority of the Bagraana lot have residence proof of belonging to Jaipur. They have voter ID cards, Ration Cards, JDA plot papers, yet they have come under the scrutiny of not being able to give proof of their place of origin in India.

The people who were arrested as suspected Bangladeshi Illegal migrants could have also been booked under violation of the Foreigners Act. However, the Government preferred to book them under Sec 109 Cr. PC as they wanted to keep the entire process of scrutiny under their control. Foreigners Act would have put the cases under judicial scrutiny where the Government could not have controlled the procedure so it was left to the police and Administration to give justice.

VI. The farce in Court

All the applications of bond execution under 109 are brought to the SDM of the area. All the SDMs of Jaipur district who dealt with these cases said that the bail bond would only be executed if the Tehsildar would counter sign the guarantee papers provided for bail. Since these were people from the neighbourhood or wives who came and stood guarantee, they knew it that no Tehsildar would counter sign. The Tehsildar would only sign after the *Patwari's* report, who would obviously give the report as desired by the Government.

The right to be represented by a lawyer denied

It was shocking to learn that in some of the Courts the people were not allowed to have lawyers. Although lawyers connected with Human rights organisation stood in court, however, those arrested were not allowed to present a lawyer's *vakaltnama* in the Court of SDM II. The SDM refused to accept the paper saying that since the counter sign had to happen at the level of *Tehsildar* this hearing was a mere formality and there was no need for lawyers to present any argument. The right to defense was completely denied.

The newspapers also reported that the District Bar had taken a resolution that no lawyer would represent these accused. which of course would be illegal in any case as everybody had the right to be represented. When we got in touch with the Jaipur Bar Association President he denied the passing of such a resolution.

Attitude of the Police in Court

The SDM was not bothered that the Police was literally pushing and shoving the accused that were brought in. Publicly they humiliated the kin of the accused who were mostly women. They also prevented anybody from talking to them.

VII. Conclusions and few Suggestions

1. It is clear that the Bengali Muslim Migrants are being denied their basic human rights including right to life, right to work, right to food, right to move freely and even right to legal defense. Communalised political decision of the BJP Government needs to be condemned from all Quarters. The Central Government's silence followed by confused statements also needs to be condemned.

2. The situation of the Bagraana basti people needs special attention as their movements have been restricted. For the first time the basti has been transformed into a camp which perhaps is illegal under national and International law. This needs to be examined and the Government of India and Government of Rajasthan need to be pulled up accordingly.

3. Although the PUCL has communicated to the Jaipur District Collector, the State Chief Secretary and the State Police that the situation of hunger, dehydration and illness in Bagraana needs immediate attention, we are not sure whether the Government will respond at all. Public Action is required including sending food a team of doctors and water.

4. Immediate suspension of the SHO Sanganer Sadar for arresting Pappu Ahmed of Buxawalla Basti due to which his wife Afsana could not be provided with medical support and she died on the 21st May, 2008 and for arresting the Ram Lal who had a hearing impairment. The inhuman manner in which Pappu Ahmed was also denied the right to be there at the time of her burial. Even the SDM did not hear them when Pappu was produced in front of him and the basti people tried to tell that his wife was serious.

5. Compensation should be paid by the State in Afsana's matter to her family.

6. Action should be taken against all SHOs for keeping people without arrest for more than

7 days. There was complete violation of DK Basu Guidelines. This should also be brought to the notice

7. The arrest under Sec 109 Cr PC needs to be challenged as they all presented their Identity documents even then were arrested and are being sent back without an objective scrutiny of their documents. All their documents are being considered illegal without any scrutiny. Maybe we need to intervene through the Supreme Court that just procedures need to be laid out.

8. The decision of the various SDMs where granting of bail has been made on the basis of the report of the *Tehsildar* needs to be challenged.

9. An application should be made to the NHRC and they should be asked to intervene.

10. The police and citizens peace committee need to sit together and continuously share information and pre-empt any effort of hate politics.

11. There needs to be a dialogue with the Media who has taken a very nationalistic stand on the Bangladeshi issue without understanding cultural issues of the region

12. Our own position on the Bangladeshi question needs to be thrashed out within the human rights framework as well as in the context of the South Asian Geo-cultural politics and in the context of neo-liberal Globalisation and Anti Islamic Foreign policies of respective Governments.

13. We need to take strong position against the bringing back of POTA or the Rajasthan law like ROCA.

The study in the Bastis were made by Prerna Golecha Tulsai Nayal, Om Prakash Saini, Shailendra Raj Goswami, Yogesh Soni, Ram Kumar, Avdesh Kumar Joshi, Prem Prakash Paliwal, Vinod Kumar, Rishi Pal, Sushil Prasad Singh, Nishi Kant Bibhu, Malvika Seth, Pushpendra Jain, Arundhati Kulshrestha, Mohd Sajid Bhato, Shrehan Siddhartha, Sneha Singh, Rachana Dhaka, all interns at the PUCL, Rajasthan Branch and with Mohini Devi, Bhanwar Lal Kumawat, Govind Beniwal, Vijay Goel and Kavita Srivastava, PUCL members.

Annexure I: List of People sent into Custody from Bagraha:

Daulat Khan (55 yrs); Imraan (35 yrs); Dudhu Shekh (40 yrs); Khursheed (45 yrs); Leetan (28 yrs); Daulu Shekh (50 yrs); Mahidul (19 yrs); Natu (27 yrs); Aarif (24 yrs); Babul (25 yrs); Bhatalif (20 yrs); Laufiz Bhandal (55 yrs); Atihaar (17 yrs); Aalam (25 yrs; Indian); Santosh (23; converted from Muslim to Hindu); Bobby (25 yrs; female); Mause (26 yrs; Bobby's husband); Mause; Mintu; Ali Hasan; Al Hameen; Anwar (27 yrs); Makbul; Raftaar Husain; Gobardhan (Hindu).

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Annexure 2: Police District, Jaipur East

S. No.	Name	Father's Name	Caste	Age	Address
Malviya Nagar	Jane Alam	Mahbool	Muslim	66	12/6, Villageroad South Baxeda, Post Jogacha Thana Jogacha, Howrah, Calcutta, West Bengal
1					
2	Akbar Hussein	Abdul Hakim	Muslim	26	Sigri Village, Station Chapra, Nodia, West Bengal
3	Bilal	Momin	Muslim	41	Sagoria, Station Komala Ghat, Chabada, West Bengal
4	Sanyasi Burman	Kartik Burman	Rajvanshi	55	House No.71, Vivekananda Road, Kisedipada, Station Jorasagar, Calcutta, West Bengal
5	Mohammad Ansar alias Iqbal	Mohammad Hasim	Muslim	35	Tarunipur, Post Govindpur, Station Khantura, Nat, 24 Paraganah, West Bengal
6	Mohammad Khalil	Mohammad Hasin	Muslim	30	Tarunipur, Post Govindpur, Station Khantura, Nat, 24 Paraganah, West Bengal

7	Mohammad Sahidul	Mohammad Salam	Muslim	27	Hakimpur, Station Baduria, 24 Paraganah, West Bengal
8	Mohammad Hanipa	Mohammad Hanan	Muslim	25	Hakimpur, Station Baduria, 24 Paraganah, West Bengal
9	Sheikh Beena	Bashir Khan	Muslim	40	Sapdhar, South Nayspur, Station Nayspur(South), Nayspur, West Bengal
10	Nur Islam	Momina	Muslim	35	Chagotia, Station Koyalaghata, Howrah, Calcutta, West Bengal
11	Mohd. Asraf	Mohd. Ajit Ali	Muslim	58	Village Chatal, Station Badabajar Chatal, 24 Paraganah, West Bengal
12	Jamal	Sayeed Ali	Muslim	35	Totulia, Station Sarupnagar, 24 Paraganah, West Bengal
Sanganer Sadar	Mohd. Dulal	Mansur Ali	Muslim	37	Teliaguda, Station Gilatali, Agartala, Tripura
13					
14	Abdul Karim	Kadir	Muslim	48	Utusar, Station Jalogi, Murshidabad, West Bengal
15	Mohd. Ajiz	Juinudin	Muslim	42	Golkandi, Station Karagpur, 24 Paraganah, West Bengal
16	Ramu alias Ramlu	Reddy	Kahar	21	Chinnakalwal, Station Sultanabad, Karimnagar, Hyderabad, Andhra Pradesh
17	Kanhaiya Lal	Raju	Thakur	28	Kolha, Station Kolhapur, Madhya Pradesh
18	Pappu Ahmed	Mushtaq Ahmed	Muslim	23	Mohalla Kasmirigate, Firozabad, Uttar Pradesh
Jawahar Nagar	Hafiz Miyan	Azimuddin	Muslim	40	Gopalpura, Station Kotwali, Kooch Bihar, West Bengal
19					
20	Tahjul Miyan	Shamsher Miyan	Muslim	27	Jagapur, Station Kotwali, Kooch Bihar, West Bengal
21	Harkesh	Lalitram	Rajvanshi	30	Dagapada, Station Sherkandari, Kopdakar, Assam
22	Noori Islam	Swamidwin	Muslim	30	Makkikara, Station Kotwali, Kooch Bihar, West Bengal
23	Rafique Ul	Hasan Ali	Muslim	20	Bhojanpur, Station Kotwali, Kooch Bihar, West Bengal
24	Adhir Kumar	Baikunth Bihari Rai	Burman	46	Bajejua, Siragudi, Station Din Hatta, Kooch Bihar, West Bengal
25	Nur Mohammad	Saimuddin	Muslim	24	Village Patinata, Station Kotwali, Kooch Bihar, West Bengal
Motidoongri	Samool Lashkar	Tangaa Lashkar	Hindu	35	Bheg Dabori, Keshori Bada, Station Kotwali, Kooch Bihar, West Bengal
26					
27	Avlad Sheikh	Jabur Sheikh	Muslim	50	Sadarmada, Station Navda, Murshidabad, West Bengal
28	Mainul Sheikh	Avlad Sheikh	Muslim	25	Sadarmada, Station Navda, Murshidabad, West Bengal
29	Deep Bhakth	Shankar Bhakth	Hindu	20	Purushro, Station Purushro, Hoogli, West Bengal

Annexure 3

Police District Jaipur North - List of *Bangladeshis*

S.No.	Name	Father's Name	Age	Caste	Village	Station	District
1	Asgar Ali	Agfar Ali		Muslim	Dariyal Nagar	-	-
2	Mohd. Jinarul Islam	Mohd. Budir Hasan	60	Muslim	Nagripada	Mamora	Mohammadpur
3	Tasleem	w/o Mohd. Jinwaral Islam	19	Muslim	Nagripada	Mogra	Mohammadpur
4	Mohd. Wasim	Abdul Rahim	18	Muslim	Hadiya	Jigargachha	Jessore
5	Babu	Mobin	22	Muslim	Badarganj	Badarganj	Rangpur
6	Shafikul	Mobin	22	Muslim	Kalupada	Badarganj	Rangpur, Bangladesh
7	Mohd. Faruk	Shahjan	25	Muslim	Kalupada	Badarganj	Rangpur, Bangladesh
8	Shahjan Takku	Asiruddin	40	Muslim	Kalupada	Badarganj	Rangpur, Bangladesh
9	Jabbar	Akhiveer	30	Muslim	Faridpur	-	Sadarpur, Bangladesh
10	Sabir	Mohd Ali	18	Muslim	Borisal	Kawarchar	Borisal
11	Jamshed Ali	Akbar Ali	34	Muslim	Papla	Daulatpur	Khulna, Bangladesh
12	Rukaiya	w/o Mohd. Ali	19	Muslim	Borisal	Kawarchar	Borisal
13	Mohd. Mustaq	Jadir	19	Muslim	Kalupada	Barthaj	Rangpur, Bangladesh
14	Mohd Yasim	Shehjaan	32	Muslim	Kadripada	Sulkripa	Jined, Bangladesh
15	Mafijul Islam	Mohd. Khursid Ali	25	Muslim	Shareefpur	Panthia	Orissa, Assam
16	Rajia Begum	w/o Atul Islam	40	Muslim	Isardi	Isardi	Peena, Bangladesh
17	Ajmeri	w/o Late Mohammad	18	Muslim	Borisal	Kawarchar	Borisal
18	Mumtaz Begum	w/o Late Farukh	40	Muslim	Badarganj	Badarganj	Rangpur, Bangladesh
19	Mesiyaar	Abdul Hoof	37	Muslim	Kadarpura	Badarganj	Rangpur, Bangladesh
20	Aminul	Shafikul	30	Muslim	Gowalbadi	Gogpada	New Bogai, Assam
21	Kamru Chaudhary	Shafikul	30	Muslim	Gowalbadi	Gogpada	New Bogai, Assam
22	Hanif	Sulemaan	38	Muslim	Jakirpur	Kumarganj	Dinaspur, Bangladesh
23	Khurshid Sheikh	Alam Sheikh	24	Muslim	Dinaspur		Jila 24, Bangladesh
24	Jahangir Alam	Veer Mukti Yodha	24	Muslim	Nirangar Aabaspada	Parvatipur	Dinaspur, Bangladesh
25	Abid	Khaleel	30	Muslim	Buripokhar ki Haat	Badarganj	Rangpur, Bangladesh
26	Mobin	Arobli	45	Muslim	Badarganj	Badarganj	Rangpur, Bangladesh
27	Mohd.Aslam	Zalan Abdin	35	Muslim	Furbobadi Khali	Babdiya	Hawdarh, West Bengal

The Report has been put together by Kavita Srivastava, General Secretary PUCL, Rajasthan, after discussion with the PUCL, Office Bearers, on 23rd May, 2008 □

Begusarai PUCL:

Custodial Death of Ram Udit Singh

In a major incident, a custodial death of Ram Udit Singh took place at Manjhoul outpost lock up in 28-29 April, 1999. PUCL Begusarai unit initiated a major protest against these kinds of incidents and formed a committee of four members to investigate into the matter, committee reached at the conclusion that the cause of death was thrashing him mercilessly in police custody by the policemen. The committee also lodged an FIR against these policemen. PUCL sent a report to National Human Rights Commission for necessary action to this matter. NHRC enquired into the incident and directed Bihar Government to pay compensation of Rs.50 Thousand to the family of Ram Udit Singh.

After 9 years of hearing of this case, finally on Tuesday, a decision of conviction was taken against the policemen by a Fast Track Court IV judge, Ravi Prakash Dhar Dubey.

A sub-inspector Mohan Prasad and three constables were awarded six years of rigorous imprisonment (RI) by the court; this is first such conviction against policemen in such types of cases in this region.

According to the case, the then officer-in-charge along with five constables caught hold of Ram Udit Singh of village Pabra and after thrashing him mercilessly, put him in the lock up at Manjhoul outpost where he died. After the death, police made an abortive bid to hush up the incident. Following PUCLs investigation, a murder

case was lodged against the police personnel. – **Niraj Kumar**, 24 May, 2008 □

Press Statement, J & K PUCL:

Burial of Unidentified Bodies in Uri

Balraj Puri, Convenor PUCL J&K State, has urged the government to give a positive response to the appeal of the Amnesty International for an independent enquiry into the identity of the large number of bodies buried in the mass graveyard found near Uri in Kashmir. – **Balraj Puri**, June 6, 2008 □

Letter:

Muslim Youth in Tirunelveli and Coimbatore Terrorized by Some Unnamed Coimbatore Police Officials

From the Final Report submitted by the Additional D.S.P., C.B.C.I.D. (SIT), Chennai, in Cr. No. 1067 of 2007 before the Hon'ble Judicial Magistrate No. VII, Coimbatore, the following facts can be established:

A First Information Report was filed in Podanur Police Station bearing CR No. 1067/2006 u/s 120(B) of Indian Penal Code and S. 5 of Explosive Substances Act, 1908. S. 120 (B) of the Indian Penal Code lays down punishment for criminal conspiracy to commit an offence punishable with death, life imprisonment or rigorous imprisonment for a term of two years or more.

According to the FIR, in the early hours of 22.07.06, Inspector of Police Mr. S. Palraj received reliable information that two persons Haroon Basha and Malik Basha, with extremist tendencies planned to blast bombs at several places through out the city of

Coimbatore to create terror in public mind. The said information, according to the FIR was entered into the general diary of the Podanur Police Station at about 2:30 a.m., advance information was sent to the Judicial Magistrate and a police party with witnesses proceeded to search their houses. Haroon Basha's house was searched at about 4:15 a.m. Haroon Basha, according to the FIR was arrested at 5:15 a.m., recorded his confession and the witnesses willingly attested the entire proceeding of search, confession and arrest of Haroon Basha. The confession of Haroon Basha was to the effect that he and his brother Malik Basha and four others were members of an organization called MNP i.e. *Manitha Neethi Pasari* (Justice for Human Beings). The six of them wanted to take revenge for the atrocities committed on Muslims, and this they decided to do so by

creating terror and fear in the minds of public of Coimbatore. Their other motive behind creating terror and fear was also to ensure that only their organization could grow in Coimbatore. Haroon's confession further stated that in order to create terror in the minds of the public, they decided plant bombs at Coimbatore Medical College Hospital. All the six entered into a conspiracy for that purpose. Haroon Basha not only willingly and readily gave confessional statement without blinking, but also implicated his brother. Why Haroon Basha would so willingly give confessional statement almost immediately on his arrest and in his house is left to your imagination.

After obtaining confessional statement of Haroon Basha, as per the FIR, Inspector Palraj reached Malik Basha's residence at 6.15 a.m., seized incriminating documents and arrested him at

7.15 a.m. and recorded his confessional statement which was similar to that of Haroon Basha. By 8.45 a.m., after intimation to the Judicial Magistrate, the other two accused - Thippu Sulthan and Athikur Rehman were arrested and their confessional statements were obtained which again were similar to those of Haroon and Malik Basha and bombs and components of the Bombs were recovered. Like Haroon and Malik Basha, Athikur Rehman and Thippu Sulthan also willingly readily and immediately on arrest gave their confessional statements on the spot they were arrested, i.e. their residence.

The Islamic terrorists are not hardened criminals after all and are waiting for the police to ask them about the conspiracy and they immediately confess to all the details. The entire conspiracy for bomb blasts was solved within about 5 1/2 hours, confessional statements recorded in presence of witnesses, all the incriminating material recovered and paper work after following all the procedures and also intimating the Judicial Magistrate at odd hours (when s/he might be sleeping) from time to time. In fact if the judiciary had been obliging, in the next 5 1/2 hours, or perhaps days, the accused might even have been convicted - so complete and flawless the paper work of 5 1/2 hours was.

By 2:15 p.m., all the accused were brought to the police station and Crime No. 1067/2006 was registered on 22-7-06. On 23-7-06 the accused were produced before the Judicial Magistrate and remanded to Central Prison Salem. In order to obtain police remand, the Police filed affidavit that they wanted to investigate the source of explosives from the accused and recorded a few more statements and made further arrests. The case was then handed over to ACP of Coimbatore, Mr. S. Nazimuddin

and he again recorded the statements of the accused.

Members of *Manitha Neethi Pasari* (Organisation for Justice to Human Beings) received a complaint that false and fabricated case has been filed against the aforementioned Accused. Advocate Jinnah and Advocate Azhagmani undertook their own investigations. They collected enough evidence to prove that the FIR was false and fabricated and that the accused were innocent. They held a press conference and sent representation to the Home Secretary and Inspector General of Police based on their investigations and the evidence they managed to collect.

Due to their persistent efforts, the case was then transferred to C.B.C.I.D., which constituted a Special Investigation Team (SIT) to carry out further investigations. After investigations, the SIT led by Addl. Supdt of Police, C.B.C.I.D., Chennai, filed the Final Report before the Coimbatore Judicial Magistrate No. VII. In the Final Report, the SIT noted that neither Inspector of Police Podanur nor the ACP Nazimuddin had prepared a rough sketch of the scene of crime. There were no photographs of the scene of crime; and the source of bombs and their components that were seized was not probed and therefore not entered into the Station Diary. No incriminating material was recovered that could link Haroon and Malik Basha to the crime and still they were arrested. Strangely, no senior officer visited the place of crime even though bomb blast is a serious crime that can take several lives and much worse, it is usually considered as waging war against the state. They further concluded that Haroon and Malik Basha were not arrested on the date and time mentioned in the FIR but they were arrested and brought to the office of Police Commissioner between 11.30 p.m. and 12.00 midnight on 21-7-06 and

that no incriminating material was recovered from their houses. The police officials named in the FIR as having accompanied Inspector Palraj on 22-7-06 for search, seizure and arrest of Haroon and Malik Basha and Athik and Thippu Sulthan, were not present during the operation at all as they were present during the morning roll call at the Police Station!! No recovery was made of the Explosive materials and components of bombs and right from the FIR, seizure *mahazar*, *panchnamas*, arrest *panchnamas*, confessional statements and witnesses, every single document was false, fabricated and concocted. Out of the two revenue officials called as *panchas*, one of them denied that he had signed any *panchnama* and the handwriting expert also opined that the signature on the *Panchnama* did not tally with the admitted signature of the Revenue official. The other revenue official stated that he was called in the police station and asked to sign the *panchnama*, (and he must have willingly obliged the police for the great cause of fixing the "Muslim terrorists"). The concluding para 55 of the Final Draft states, "*To put it in nut shell, investigation discloses that the FIR in B.13 Podanur P.S. Cr. No. 1067/2006 u/s 120(B) IPC r/w 5 of Explosives Substances Act 1908 and seizure mahazars relating to the so called recovery of bombs are fabricated and false. The statements of witnesses recorded by me are conclusively confirms the above said facts and hence, I am treating this case as 'false'.*" The accused have been granted bail but not yet discharged. Adv. Lajapathi Roy representing them informed me that the accused would be filing proceedings for compensation.

Perusing the Final Report of the SIT leaves one with sadness at the pitiable condition of human rights in India, particularly of the Muslims. While the SIT should be

commended for brining out the fact that a false FIR and fabricated investigations had been launched against the accused of Cr. No. 1067/2006, the Final Report (which means there will be no more investigations) is entirely silent about the motive behind implicating the accused of Cr. No. 1067/2006 and who was responsible for false FIR and fabricated investigation. The minimum that was incumbent upon the SIT was to fix responsibility. Was it Inspector Palraj who started it all by arresting the accused, recording their confessional statements even before the FIR could be registered and preparing false seizure *mahazars*? Or were Annadurai, Asstt. Commissioners of Police who arrested Haroon and Malik Basha from Itteri, or Kumarasamy, Asstt. Commissioners of Police, who arrested Athik Rehman and Thipu Sultan or Jayapandian, Asstt. Commissioners of Police, who arrested Samsudeen from Ramnathapuram? All the accused were arrested almost simultaneously from their respective places by the three ACPs belonging to the Intelligence Section. Inspector Palraj, who is lower official than the three ACPs might have just registered the case after the accused were arrested. The fact that three ACPs acted simultaneously - points to the fact that they too were acting under somebody's orders. Or was Rathina Sabapathy, ACP, Intelligence Section, responsible who received the explosives in the Commissioner of Police office in

the wee hours of 22-7-06? The Final Report of the SIT is silent on who was behind this farce and making the three ACPs act in the manner in which they did.

The accused Muslim youth were alleged to be members of *Manitha Neethi Pasari* (Justice for Human Beings - MNP for Brevity) - a banned organization. The story is too familiar now to hazard a second guess. The unnamed Higher Official thought a bomb could be planted in public place and "recovered". Some Muslims could be arrested for that and the Police could take credit for arresting "Muslim terrorists", and further walk away with promotions, medals and good will of Hindus. If a few innocent Muslims have to pay the price and if promotes enmity or ill-feelings between Hindus and Muslims (which is an offence under Sec. 153-A of IPC), so be it some Muslims can be sacrificed for the sake of their out of turn promotions and medals. Or was the motive to prove that Narendra Modi and people of his ilk right that "All terrorists are Muslims", conveniently forgetting the religion of LTTE cadres, *Khalistanis* and Maoists in Nepal and in India, who according to US are terrorists as well?

MNP put posters demanding that the conduct of Asstt Commissioner of Police, Intelligence Section, Rathna Sabapathy in arresting innocent Muslim youth and projecting them as terrorists and members of their organization (thereby damaging the goodwill of the MNP) be investigated. The police registered

a case against A.K. Ameen, aged about 29 years u/s 153-A of IPC and 7 (1) (A) of CLA Act in Cr. No. 75 of 2008 for affixing the posters. The posters merely demanded dismissal of those responsible for arresting innocent Muslim youth branding them as terrorists. A.K. Ameen in his anticipatory bail petition denied that he had put up any posters which caused any damage to public tranquility or enmity between two communities and alleged that he was falsely implicated and therefore be enlarged on bail. The larger question however is, can the police first arrest Muslim youth in false case brand them as terrorists, and when action with due process of law is demanded against the guilty official, can such a demand be laid to promote enmity between two communities? Mercifully the Madras High Court granted the anticipatory bail petition of A.K. Ameen but the larger question still remains - will the police official/s who planted bomb and then arrested innocent Muslim youth be brought to justice? Or will he/they get their normal promotions as the police officials found guilty of murder during 1992-93 Mumbai riots by Srikrishna Commission as if they did not commit any wrong by arresting innocent Muslim youth misusing their authority? That depends on the strength of Human Rights movement in India. – **Irfan Engineer**, Director, *Institute of Peace Studies and Conflict Resolution*, Santacruz (E), Mumbai, 400055 ☐

Karnataka Kidnap Case

Dear friends,
Ms. Prathima, belonging to a Brahmin family and Mr. Ravi Tandurayan, a Dalit, got married on 29 April 2008. They were in love for about two years and underwent registered marriage on that day at Haliyal, in Uttara Kannada Dist. However, as one

would expect, there was a backlash from Prathima's family when they came to know about this. Scarcely had the couple lived the married life for a week's time when on 3 May 2008, several people forcefully entered Ravi's house, attacked on his person and

forcefully took away Prathima from there against her wish.

The very same day, when Ravi tried to lodge a complaint against the assailants, the police refused to file an FIR. However, after Janapara Vedike talked to the SP of Uttara Kannada, the police at least filed an FIR on 30 May 2008,

after 27 days of the incident taking place. However, the Vedike believes that the police is hand in glove with the assailants and the family of Prathima, who were behind her abduction, and therefore it is believed that the police would not take any action in this case.

In between, Prathima happened to call Ravi and ask for rescuing her from the clutches of her parents. However, after filing

FIR, she was taken to an undisclosed place at night, when she called Ravi and asked him to forget her, because the case was getting more and more difficult (after this, her mobile sim card is not functional). And now, except her family members (and perhaps the police) nobody knows where she is. her husband Ravi is getting impatient and may file *Habius Corpus* after sometime. However, he is hoping against hope that

someone will give some clues with regard to the whereabouts of his wife.

Janapara Vedike requests you to kindly report any sighting of the girl to the nearest police station or to report it to the Vedike (Srirama Divana - 9242304549). The press is requested to publish the photo of the girl in their news papers and help in locating her. Thank you. – **Shashi Kantha K**, Karnataka Janapara Vedike, June 1, 2008 □

Press Release:

PUCL Condemns Arrest of Ajay TG, Media Person and Human Rights Activist in Chhattisgarh

The People's Union for Civil Liberties (PUCL) strongly condemns the arrest of Ajay TG, widely recognized film maker, journalist and human rights activist by the Chhattisgarh police in Raipur on 4 May 2008 and calls for his immediate release.

The fact that Mr. Ajay T G has been detained under the Anti-democratic draconian law i.e. The Chhattisgarh State Public Security Act – 2005, it is obvious that the State Police is following its repressive policy to brand human rights activists/organizations as "terrorists" involved in "unlawful activities". As per their admission to the press, the State Police has no evidence against Ajay TG except what it claims to be a letter purportedly written by him to a Maoist leader.

PUCL has strong grounds to believe that Ajay is being victimized for his human rights work as an active member of our organization and against which the Chhattisgarh government is carrying out a systematic campaign of vilification and victimization. There is a deliberate attempt by the State Government to spread falsehoods against human rights organizations, and "branding" PUCL.

PUCL believes that the framing in false case of Ajay T G, a member of the State Executive

Committee of Chhattisgarh Unit of PUCL, is also linked with the failure of the prosecution to establish any fact during the Trial in Dr. Binayak Sen's case, held from 30th April to May 3, 2008.

It may be re-called that Dr. Binayak Sen, General Secretary, Chhattisgarh PUCL & Vice-President of National PUCL has been illegally detained since May 14, 2007 for his alleged support to the Communist Party of India (Maoists). However, those witnessing the Trial proceedings in the Court of Sri B S Saluja, Additional District & Sessions Judge, Raipur, are of the unanimous opinion that none of the six witnesses produced by the prosecution could establish an iota of evidence in the case. On the contrary, one witness was declared 'hostile' by the prosecution, and three of them openly declared that they had made no statement to the police to this effect. They also did not identify any of the three accused present in the Court, including Dr. Binayak Sen.

Ajay T G is the second member of the PUCL-Chhattisgarh to be arrested so far, the first being Dr Binayak Sen, well known humanitarian doctor, having recently won the prestigious Dr. Jonathan Mann Award for 2007 for Global Health & Human Rights. It

may be recalled that prior to his arrest Ajay TG was un-necessarily and deliberately dragged into a controversy by the police at Raipur on 30 April, the first day of Dr Sen's trial when they discovered a Swiss pen-knife like, tool kit, in his bag. He was unaware that he was carrying it and innocently had brought it into the court room. The police then presented him as a "fraud media person", although Mr. Ajay T G apologized in writing to the concerned Court for this "human error", and gave the facts of the case. The hon'ble Court accepted the apology, and no action was taken against him.

Several news papers that evening and next morning carried sensational reports of him and the Swiss knife, ridiculously stating that the PUCL State Executive Member had come with a "modern, deadly and dangerous weapon". It is clear that Ajay's detention is a measure of desperation on the part of the Chhattisgarh authorities, who are running out of excuses to harass and suppress human rights activists.

As a film maker Ajay TG has worked on numerous projects as director, cameraman, and editor and is also an accomplished graphic artist. Some of his films that have been screened at festivals abroad include 'Living Memory', screened at A Season of

South Asian Documentaries and Films, Cambridge, UK; 'Safar' screened at Sheffield International Film Festival, Sheffield, UK and 'The Last Shelter' screened at Royal Anthropological institute Film Festival, London, UK. Since 1994 Ajay T G has also assisted Professor Jonathan Parry -- a world renowned social anthropologist at London School of Economics and Political Science-- in his research on industrialization

in Bhilai. Since September 2005 Ajay has been Director of Drksakshi (www.drksakshi.org), a voluntary organization providing a dignified educational environment for young girls from extremely impoverished families in an urban slum in Bhilai. He is currently also State Convener for Campaign Against Child Labour and Treasurer of the All India Youth Federation, Chhattisgarh.

PUCL appeals to all human rights and democratic organizations/individuals to strongly condemn this repressive act of the Chhattisgarh Government, and express solidarity and support in defending the well recognized Media person & human rights activist. – **Rajendra K Sail**, President, Chhattisgarh PUCL, 7 May, 2008
□

Bihar PUCL:

Bihar PUCL Protests Dr Binayak Sen's Detention

Bihar PUCL organized a meeting on 14 May to protest against the continued detention of Dr Binayak Sen on trumped charges and demanded his immediate release and withdrawal of the cases against him. Speakers condemned the Chhattisgarh Government's act of vendetta against him for his courageous act of exposing the atrocities committed in the name of Salva Judum. Serious concern was expressed at the attitude of the state government, which sought to repress those who opposed the violation of human rights. It was underlined that it was essential for the State to understand that the human rights activists do not support the activities of those whose human rights they work to protect. For example, it would be

ridiculous to conclude that human rights activists support murder or dacoity or rape because they demand that the human rights of persons accused of these crimes should not be violated. However, there was no doubt that Dr Sen was not a victim of misunderstanding but had been framed deliberately to punish him for his continued violation of human rights in Chhattisgarh. It was noted that the government there was pursuing a policy of vendetta against human rights activists as evinced by the arrest of another activist Mr. Ajay TG.

It was decided to hold a seminar also on the issue to expose the character of the government and also to acquaint the public with the plethora of black laws which have made the

right to personal liberty meaningless.

The meeting was addressed by a large number of activists including Dr Prabhakar Sinha, Mr Vinay K Kanth, President Bihar PUCL, Mr Nageshwar Prasad, State General Secretary, R Arshad Ajmal, Fr Philip Manthera, Mr Nand Kishore Singh, Mr Ram Naresh Jha, Mr Vinod Kumar, Mr Krishna Murari and Mr Satish.

Meetings were also held at other places in the state. The Begusarai unit held a very largely attended meeting at a rural centre, which was addressed by Mr. Ramashray Prasad Singh, President Begusarai, PUCL and Mr Chittaranjan Singh from the UP PUCL. – **Nageshwar Prasad, General Secretary, Bihar PUCL**
□

Letter:

To,
Sir Wazahat Habibullah
The Chief Central Inf.
Commissioner
New Delhi
Dear Sir,
Subject: **Citizens to be Supplied Information in Lifetime**

Corrupt officials have been easily succeeding in denying the demanded information. What happened to RTI manuals & guidelines and punitive actions on govt. officials? Some

Copy to PUCL Bulletin

corrupt officers of the bank got retired. I demanded information under RTI act 05 from Bank of Baroda in Oct. & Nov. 07. Bank authorities knew very well that they will not be punished; & the CPPIO (I appellate) refused straightway to provide me the required information. They told that one govt. officer will not be punished by another govt. officer (CIC Commissioner) on account of losses to small citizens. I was terminated by bank in Oct. 07 arbitrarily on flimsy grounds. Sir, I

could not put my defense case before Department Appeal Authority, NHRC, CVC & High court as well as electronic/print media etc. to get fair & urgent justice because of frequent unwanted tensions caused by bank as well as CIC, I have been sick for past 7 months. Bank arbitrarily seized my fundamental right of employment/ justice/ information. Bank also ignored & defamed knowingly the RTI act 05. Below mentioned are details of my some pending IInd Appeals with you:

Date of RTI	Date of I Appeal	Date of II Appeal	CIC File No.
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Application			
22-10-2007	27-11-2007/24-12-2007	06-02-2008	CIC/PB/A/2008/00353 Dt 10-05-08
22-10-2007	27-11-2007	11-03-2008	---
22-10-2007	26-11-2007	06-12-2007	CIC/PB/53363 Dt 20-12-07
22-10-2007	27-11-2007	07-01-08; 16-01-08	---
22-10-2007	27-11-2007	22-02-2008	---
25-10-2007	27-11-2007	17-03-2008	---
25-10-2007	24-12-2007	16-01-2008	---
22-10-2007	3-12-2007	17-01-2008	CIC/PB/A/2008/0211 Dt 17-3-08
25-10-2007	17-10-2008	03-03-2008	CIC/PB/C/2008/071 Dt 25-02-08
30-10-2007	20-12-2007	06-02-2008	CIC/PB/A/2008/0354 Dt 10-5-08
13-11-07 (8 Applications)	27-11-2007	06-01-2008	---
23-11-2007	28-12-2007	11-03-2008	---

CIC must improve its working and mindset totally. Sir, to improve the working of CIC, this small citizen wants to suggest your govt. to

1. Increase the no. of CIC Commissioners to 10 urgently.
2. Change the mindset of commissioners and employees of CIC
3. Double the working hours of CIC.

4. As per RTI manuals punish the guilty CPIOs heavily and without excuse.

Sir my own RTI applications were under life & liberty concerns and 100% justified as per act. But thanks to bank authorities and CIC. I could not get anything but tensions and tensions.

Sir, now again I pray to you to expedite the disposal of my appeals at very much earliest. I could not obtain

demanded information in 48 hours or 30 days or even in 30 weeks. This shows that govt. made quite false promises to the citizens just to befool the entire nation as well as world. Have kind mercy please. Awaiting your immediate reply. Appellant – **Vijendra Singh**, E-19, Janakpuri Society, Ajanta colony, Garh road, Meerut- 250004, 29-05-08 □

Amnesty International on Chhattisgarh:

Concern over the Arrest of Filmmaker and Human Rights Defender T G Ajay in Chhattisgarh

Amnesty International is concerned over the apparently arbitrary arrest of T G Ajay, a film-maker and human rights defender who has been documenting problems faced by *adivasi* (indigenous) communities in protecting their rights, in the central Indian state of Chhattisgarh.

Ajay is the second human rights defender to be arrested under the Chhattisgarh State Public Security Act, 2005 (CSPSA), in the state. He is a member of the state executive committee of the People's Union of Civil Liberties (PUCL).

Ajay is being held in Raipur jail, where Dr. Binayak Sen, general secretary of the state PUCL and a physician working on access to health for *adivasis*, today completed one year of imprisonment. Dr. Sen now faces a trial on charges of aiding a banned Maoist organisation, the Communist Party of India (Maoist).¹

On 5 May, Ajay was arrested at his residence at Superla in Bhalai and charged at the Bilaspur High Court under Section 124 A of the Indian

Penal Code (sedition) and Sections 3, 4 and 8 of the CSPSA.

Amnesty International has reason to believe that the charges against Ajay are politically motivated. Ajay has been actively engaged, since 2004, in documentation of human rights violations as part of the PUCL's ongoing efforts to protect the rights of *adivasi* communities in the face of escalating violence in the Bastar-Dantewara area of Chattisgarh between banned Maoists and *Salwa Judum*, an armed anti-Maoist militia campaign widely regarded as supported by the state government. The PUCL has been instrumental in bringing to light unlawful killings of *adivasis*, sexual assault of *adivasi* women, abductions and forced displacement.

On 22 January 2008, following the arrest of a woman Maoist in Bastar-Dantewara, the Chhattisgarh police searched Ajay's residence and seized his computer hard disk. On 26 March, Ajay filed a petition in the High Court seeking its return.

Amnesty International calls on the Union and Chattisgarh governments

- To ensure Ajay's prompt and fair trial in accordance with international standards of fairness.
- To take concrete measures to ensure that human rights defenders in Chhattisgarh are not subject to harassment or intimidation and enjoy all the rights enshrined in international law.

Background

Since 2005, Chhattisgarh, especially the Bastar-Dantewara forest area, has experienced an escalation of violence between the Maoists and the *Salwa Judum*. Civilians have been routinely targeted on both sides, resulting in at least 300 deaths. Also, 30,000 *adivasis* displaced from their homes continue to live in special camps where they face increased risk of violence. The Chhattisgarh state government claimed that it enacted the CSPSA to take action against the Maoists.

The CSPSA allows for arbitrary detention of persons suspected of

belonging to an unlawful organization or participating in its activities or giving protection to any member of such an organization.

Human rights organizations in India have demanded the repeal of CSPSA as it contains several provisions which violate international human rights law:

- Vague and sweeping definitions of “unlawful activities” for which organizations may be rendered “unlawful”, such as “uttering words... which propounds the disobedience” of “established law and its institutions”. Such definitions enable the government to arrest and detain individuals, as well as seek their punishment, on grounds that may not be clear to them, in violation of the principle of certainty in criminal law, reflected in Article 15 of the International Covenant on Civil and Political Rights, to which India is a state party;

- Threats, as a result, to other key human rights including freedom of expression and association, provided in Articles 19 and 22 of the ICCPR, respectively;

- All offences under the CSPSA are “cognizant and non-bailable”; hence all those charged under the Act are detained, often for months, before being tried. In Dr. Sen’s case, he was detained on 14 May 2007, his trial commenced on 30 April 2008 and is currently adjourned till 23 June 2008. – **Ramesh Gopalakrishnan**, South Asia team, Amnesty International, 14 May, 2008 □

associated in such inquiry. While presenting the annual report on policing the head of the police in a state must tell the public details on encounters and action taken on the basis of mandatory magisterial inquiries. This will go a long way in restoring public respect in the police.

For nearly three decades now, the public have been demanding a ‘people-friendly’ police. They are not happy with high-handed, discourteous, pliable, under-performing, and unaccountable police. One of the biggest grievances of the people is that they do not have any forum to approach if they have a serious complaint against police personnel. They have no trust in departmental inquiries and actions because these are either seldom conducted at all or if conducted, their outcomes are not acted upon. It is the duty of the police leadership to ensure that a rigorous departmental mechanism is put in place to stem the current tsunami of impunity. The process of police reform that has been spurred by a Supreme Court decision presents a perfect and irresistible opportunity to inject a system of external independent civilian oversight which when juxtaposed with a rigorous internal departmental disciplinary system, will serve to re-assert public confidence in the police. □

(...from page 1) because criminals are often not punished due to poor investigations, slow and lengthy judicial processes, weak prosecutions leading to acquittals and so on. Therefore ‘encounters’ are an appropriate short cut. But one question that is never asked is who are the ‘people’ that ask for such a method of policing? Is it an authentic research based assertion or merely rhetoric that is resorted to, to condone a practice which is blatantly illegal and unacceptable in a rule-based civilised society?

The National Human Rights Commission’s guidelines on encounter state that a magisterial inquiry must invariably be held in all cases of death that occur in the course of police action and the next of kin of the deceased must invariably be