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Binayak Sen and Our Society

Pushkar Raj

It is two years now that Dr. Binayak Sen continues to be in jail. If the way his incarceration anniversary was commemorated all over the country and abroad is any indication there is no doubt that he has become a powerful symbol of 'freedom in cage' for unjustified reasons.

Binayak Sen continuing behind the bars points to several pale patches in our polity, media and legal system. It would be good for all if we sit up and take notice of it and address them. Rhetoric of living and dying for the down trodden in election meetings and at public platforms apart when it comes to real standing for the people who are struggling to survive at the onslaught of powerful economic and entrenched state interests all political parties and leaders fail miserably. Be it tribals fighting to save their land and forests from prowler of capitalism in Orissa, people huddled like animals away from their homes in state sponsored camps in Chhattisgarh or people entangled in crossfire of insurgent and state machinery in Sri Lanka all the political parties show a remarkable similarity in exhibition of their eloquent silence.

There is growing trend of the media, particularly the local media invariably deserting people centric issues. Invariably when it comes to agitation of the most vulnerable and poor media's objectivity apart its selective coverage is jarring and one wonders if this transition too is a symbol of market eating into very vitals of social institutions that possibly can provide the society the breath of conscience on which it survives. The coverage of media of socio-economic agitations in Orissa, extra judicial killings of Andhra Pradesh and rest of naxalite affected areas, farmer suicides in some parts of the country reduces them to official version press briefs converting the very significant issues into anonymity with serious implications for fundamental freedoms in the society.

Less said is better for judiciary. Barring bright spots where it has stepped in to improve governance in the country in a commendable way, for example in right to food, police reform directive and clean election judgment, much needs that should be done to enhance its own accountability. In Binayak Sen's case itself the Supreme Court did not think it fit to underline reasons why he should not be given bail. In an ideal situation the Court should have at its own taken cognizance of his incarceration given the public protest against his being in jail and going by its own precedents where it says that bail should be regarded a norm rather than exception, the court should have ordered him to be released. But that is an ideal and judiciary has a long way to go to arrive at even the 'usual' given millions of cases pending all over the country waiting in queue for justice.

Binayak Sen's case poses a serious challenge before human rights defenders in our county and society where human (on page 5...)

Bihar PUCL:

Begusarai PUCL organized a meeting on 14 May 2009 at Katchari Ground to protest Dr. Binayak Sen's, Vice President of the People's Union for Civil Liberties and General Secretary of Chhattisgarh unit of PUCL, imprisonment on false charges of abetting Maoist activity in Chhattisgarh.

Bihar PUCL General Secretary Mr. Ramashary Prasad Singh stated that Dr. Sen raised his voice relentlessly against the war waged by the state of Chhattisgarh

PUCL–Mysore Report:

PUCL Mysore unit conducted a meeting on 14th May 2009 as a mark of protest against the incarceration of Dr. Binayak Sen, Vice president PUCL, by the Chhattisgarh government. The meeting was attended by PUCL members and other intellectuals. N Divakar, District Secretary, Mysore Welcomed the gathering stressing upon the need to protest the state's suppression of dissenting voices, in the back drop of Binayak Sen's arrest and refusal of Bail to the human rights activist.

Dr. V Lakshminarayan, General Secretary, Karnataka PUCL spoke about the prevailing situation the country with specific

Free Dr. Binayak Sen

against the *Adivasis* in Dantewara in the name of *Salwa Judum* and exposed the crimes committed by the state against its own citizens.

He and his wife are well-known public spirited doctors who have spent over there decades in the service of some of the poorest and neglected people in this country.

Many human right workers, professors, media persons and lawyers attended the meeting and protested against the draconian Special Security Act 2005 under which Dr. Binayak Sen was

arrested, apart from other sections of IPC.

All raised their voice to release Dr. Sen immediately without any condition and protect the life and liberty of the well-known human rights activist.

A signature campaign has also been going on for Dr. Sen's release from jail by Begusarai PUCL unit of Bihar. – **Ramashary Prasad Singh**, General Secretary-Bihar PUCL □

Dr. Binayak Sen

reference to human rights violations. He also elaborated on the plight of the tribal populace in Chhattisgarh and elsewhere and the way land grabbing corporate sector is using the repressive state machinery to suppress the struggle of the tribal populace by way of anti people programs like *Salwa Judum*. He called upon the people to exert pressure upon the state peoples' representatives to do justice to the struggling masses and stop human rights violations.

Major General (Retd) Sudheer Vombatkere, Convener NAPM Karnataka, spoke about the Chhattisgarh government's *Salwa Judum* program and it's after math.

He also briefly enumerated the life of Dr. Sen and his contribution to the uplift of tribal population in Chhattisgarh and his yeomen service to them in the field of medicine. He also explained the false cases heaped upon Dr. Sen and how the prosecution evidence has failed to substantiate the charges against Dr. Sen.

Shriyuths T R Nataraj, Prof. Shrinivasan, Kalachanne Gowda, Panditharadya, Budha, Venkataraju, Smt. Roopa Rao, Rati Rao, Shabhana Mansoor and others participated in the discussions. – **Divakar N**, General Secretary PUCL Mysore unit – May 17, 2009 □

Growing Demand to Release Binayak Sen, Repeal Draconian Law

Across the country, citizens have taken to the streets on 14 May 2009 demanding the release of 'Jonathan Mann Awardee for Global Health and Human Rights' (2008) Dr Binayak Sen, who is a well-known paediatrician and human rights defender in Chhattisgarh, and has completed two years of imprisonment on 14 May 2009 in a Raipur prison on false charges of abetting Maoist activity in Chhattisgarh, sedition, and waging war against the State.

In Lucknow, India, a candle light vigil is being held in the nerve centre Hazratganj to further up the pressure in favour of Dr Binayak Sen. Many civil society organizations including Uttar Pradesh Voluntary Health Association (UPVHA), Vatsalya, Sahayog, Health-Watch, Samadhan, Asha Parivar, National Alliance of People's Movements (NAPM), *Lok Rajniti Manch* (People's Politics Front - PPF)

have jointly called for the release of Dr Sen.

This committed advocate of civil liberties has spent over three decades in the service of some of the poorest and most underserved communities and raised his voice relentlessly against atrocities in the State of Chhattisgarh. The imprisonment of Dr Binayak Sen is symbolic of gross injustice and violation of democratic values by the State and the suppression of

the voices of human rights defenders.

Last year, twenty-two Nobel laureates from around the world had appealed to the Indian government to allow Dr Binayak Sen to receive the 2008 Jonathan Mann Award for Global Health and Human Rights in person at the end of May 2008. But Indian government denied the permission and Dr Sen's wife had received the coveted global health award on his behalf.

Dr Binayak Sen of Raipur, Chhattisgarh, India, who has helped establish a hospital serving poor mine workers in the region, founded a health and human rights organization that supports community health workers in 20 villages, and is the general secretary of the People's Union for Civil Liberties (PUCL), has been imprisoned in Raipur for two years now without trial as a result of unproven allegations that he was a *naxal* courier. Not only Dr Sen denies committing any crime, but

his lifetime contribution to strengthen democracy and fight for the most underserved communities defies such accusations.

The PUCL-Chhattisgarh Unit, with Dr. Binayak Sen's active leadership as its General Secretary, had exposed the government sponsored so-called campaign Salwa Judum in Chhattisgarh which legitimizes extra-constitutional violence and pits *adivasis* against *adivasis*.

The Activists Demand:

- Immediate grant of bail to Dr Binayak Sen because there is no concrete evidence which state has been able to produce against him in past two years. No witness has testified against him or incriminated him in the alleged charges.

- That the draconian Chhattisgarh Special Public Security Act should be repealed in the undercover of which grotesque human rights violations take place in the state.

- The winding up of *Salwa Judum*.

Hope the citizen's voice reaches their own representatives in the power corridors.

(From:
indopakpeacemarch@yahoo.co.uk
) ☐

Dr. Binayak Sen Released

Dr. Binayak Sen, Vice President PUCL, who was arrested on 14 May, 2007 has been released on bail by a Division bench of the Supreme Court of India consisting of Justice Katzu and Justice Verma. He has been released on personal bond in a judgement dated 25 May 2009. The details will be given in the next issue of the bulletin.

SELECTIONS FROM PUCL BULLETIN, VOLUME II

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(1 Article)**

**Section VII: Freedom of Information & Expression and the Press
(14 Articles)**

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The Common Man's Personal Liberty

Prabhakar Sinha

Even 62 years after independence the common man's personal liberty has not received the attention the citizens of a republic deserves. The jails in the country are overflowing with under-trial prisoners detained for allegations of minor criminal offences. In fact, a very large number of them continue to languish in jails because they are too poor to move for a bail; many of them continue to be in the prison because the trial takes too long. In fact, if their cases had been tried in time and they had been convicted, they would have been free, as they have already spent more time in jail than their offence warranted. Since the independence, millions of the common citizens have suffered undeserved loss of their personal liberty and been forced to live in jail in inhuman conditions without anybody seriously taking up the cudgels on their behalf.

The cause of this widespread oppression lies in a draconian provision of the Cr.P.C. 1973, which was initially enacted by the colonial rulers in 1898. Section 41 of the Cr.P.C. empowers a police officer to arrest without a warrant any person "(a) who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned."

The colonial government vested this enormous and arbitrary power in the police to keep the subjects of the British Empire in awe and subjugation, but the same is unacceptable in a democracy, which, under Article 21 of the Constitution, accords great value to the life and personal liberty of a citizen. Despite the fact that Section 41 of the Cr.P.C. empowers a police officer to arrest

any person purely on the basis of his subjective satisfaction that the person concerned is involved in any cognizable offence or that the complaint against him is 'reasonable' or the information against him is 'credible' or a 'reasonable suspicion' of his being concerned in a cognizable offence exists, there is no provision in the Act to make him accountable to ensure that the power is not misused. The sweep of this arbitrary power is so vast that just anybody may find himself behind the bars because the list of cognizable offences includes even very minor offences. In addition to this, there are other conditions (contained under sub-section 1(b) to (i) and sub-section (2) of section 41) empowering the police officer to arrest without a warrant.

The victims of the use of third degree methods, which occasionally lead to death in the police custody, are invariably the poor who are arrested without a warrant under this provision. The police often do not record these arrests and detain the arrested persons well beyond 24 hours or deny the arrest and killing of a person in their custody by manipulating the record. Following several guidelines and observations of the Supreme Court and High Courts to regulate the use of this arbitrary power of the police, the Law Commission requested the National Human Rights Commission to study the problem and make available suitable data collected by an expert body to enable it to consider suitable amendments. In its letter dated 20 July 1999 to the National Human Rights Commission, the Law Commission observed:

"The power to arrest a person without a warrant on reasonable suspicion or under the belief that he is concerned in any cognizable offence is an awesome power vested in one of the civil services — probably the only armed service in our polity. In as much as this power, vast as it is, is liable to misuse and has been very often misused, the Supreme Court and the High Courts have, on several occasions, explained the true content and spirit of the said provisions and have laid down the guidelines governing and regulating the exercise of the said power. Even so, the misuse

and abuse of the said power remains practically unabated" (emphasis added).

In a democracy, the personal liberty of an individual should not be treated lightly as has been done in our country. Arrest should be resorted to only under circumstances fully justifying it. It would be justified to arrest a person accused of grave crimes like murder, dacoity, and rape etc. to instill confidence in the victims or where the accused is capable of terrorizing the victim and witnesses or where there is a ground to believe that he might abscond or sometimes to save his own life itself. There may be other grounds justifying an arrest, which experts may specify. However, barring such people, nobody should be arrested on flimsy grounds.

Recently, Section 41 of the Cr.P.C. was amended to curb the power of the police to arrest by providing that normally the police would not arrest anyone without a warrant unless he is accused of an offence carrying a sentence of less than seven years. In other cases, the police would issue summons to the accused for investigation. The police may also arrest a person not accused of an offence carrying a sentence of less than seven years (without a warrant) but has to record the reasons for so doing. The amendment is welcome and could have gone a long way in protecting the personal liberty of a very large number of common men. However, it has been vociferously opposed by lawyers on the ground that it would encourage crime. They have also claimed that it would save only the high and the mighty. Without going into the merit or motive involved, it is obvious that the loss of the personal liberty of the citizens far outweighs any gain to the society by retaining the Draconian legacy of the British Empire.

Unfortunately, nobody came forward to speak for the voiceless millions who have been falling a victim to this imperial law for decades, and the government, as usual, surrendered and put the amendment in the cold storage by not notifying it. It is the duty of all human rights activists to take up the cudgels for the personal liberty of the weak and the voiceless. □

Press Release:

Arrest of Ponnaiah Chandran and his Wife Dhanam by Tamil Nadu Police Condemned by PUCL

PUCL condemns the arrest of Ponnaiah Chandran, a PUCL-Coimbatore member and human rights activist, and his wife Dhanam, by the Tamil Nadu police. They were arrested from their home during the night on 3rd May, 2009 after an army convoy was stopped and some army trucks which formed part of the convoy were damaged by some people on the outskirts of Coimbatore after a rumor spread that they were carrying weapons to Sri Lanka to be used against Tamils living in that country. Chandran and his wife were arrested on charge of being part of the crowd which had indulged in damaging the trucks there and charged for offences u/s 147, 148, 120(A), 120(B), 124(A), 332 and Sec. 3 and 4 of TN Public Property Damage Prevention Act. They are lodged in Coimbatore Central Prison although it is a well-known fact that PUCL and its members believe in the rule of law and are opposed to damaging public property and use of violence both by citizens and the State for resolution of problems and differences of opinion on various matters. Chandran has been part of the movement which has been demanding protection of the lives and property of the Tamil civilians in Sri Lanka during the current military offensive against civilians in the name of fighting the LTTE. It is well known that thousands of civilians have been killed in that country by the military, even hospitals have been bombed and thousands of people have been displaced. This is not the first time that a human rights activist has been arrested on such serious charges – Dr. Binayak Sen, a famous Doctor and a human rights activist has been languishing in the Raipur jail in Chhattisgarh for

more than two years on similar serious but concocted charges merely because he was opposed to the *Salwa Judum*, an illegal army of civilians which has been erected and provided arms by the State to fight and kill people in the name of fighting the Maoists.

PUCL condemns the arrest of Ponnaiah Chandran and his wife and demands withdrawal of charges against them and their immediate release.

Dr. Binayak Sen was also arrested two years ago on 14th May, 2007. PUCL also demands withdrawal of all charges against him too and his immediate release. – **Mahi Pal Singh**, For General Secretary, PUCL, May 14, 2009

(The following report was received from PUCL-Tamil Nadu on the incident.)

Dear Kannaji, Sacharji, Pushkar, Prabhakarji, Ravikiranji,

You all will remember Pon Chandran, a PUCL-Coimbatore member who was an active member from the TN delegation in the special national convention of PUCL held at New Delhi on March 22nd and 23rd, 2009.

Pon Chandran and his wife, Dhanam, were arrested by the Coimbatore police last Sunday (3rd May, 2009) on charge of being part of the crowd which blocked an army convoy outside Coimbatore, as it was suspected to be carrying weapons to Sri Lanka, and inflicted damages to the vehicles. They were arrested in the middle of the night from their home.

What happened was that Chandran had received information that an army convoy was to pass through the area and that some activists of political parties and other groups were agitated over the issue (rumours

about the same were passing throughout the state). They heard that some incident had occurred outside the city and were requested as human rights activists to go there. So they happened to be there. Suddenly there was stone throwing and some incidents took place. The police later targeted leaders of political parties and also Chandran of PUCL. Ironically it is these leaders like Chandran who tried to pacify the agitators and persuaded them to leave the place.

Chandran and his wife, Dhanam have both been charged for offences u/s 147, 148, 120(A), 120(B), 124(A), 332 and Sec. 3 and 4 of TN Public Property Damage Prevention Act. They are lodged in Coimbatore Central Prison.

We have filed bail application for Dhanam which will come up for hearing on 14th May after elections on 13th.

With regards. – **V. Suresh**, President, PUCL-Tamil Nadu and Puducherry and D. Nagasaila, May 9, 2009 ☐

(from page 1...) worth is now slowly being recognized. Thanks to millions of Binayaks - foot soldiers of humanity-spread all over the country who stand up against the injustice to women, lower castes, tribals, displaced, poor at the hands of society and state and try to spread rays of light in a semi-dark environ. It is a cause worth supporting and empathizing if we are to be a civilized nation in true sense in time to come. If we shut them up we shut many windows to cherish-able values for a society. Choice is ours! ☐

What is Happening in Pakistan? And What Does it Mean for Democracy in India?

Ravi Kiran Jain

“For India, 1947 was a year of triumph and tragedy; of triumph, because the freedom, for which hundreds had toiled and died, was won; of tragedy, because the dream of freedom for a united India vanished when on 3 June 1947, the Prime Minister of India, Pandit Jawahar Lal Nehru, announced his acceptance of the Partition of India with “no joy in my heart”, says H.M. Seerwai in his monumental work ‘Constitutional Law of India’.”

The Mountbatten Plan of 3 June, 1947, did not elaborate any constitutional proposals, when the British Government accepted the principle of the partition of India under that plan and undertook to handover dominion status to the successor governments on 15 August with the implicit right to secede from the common wealth.

The British Parliament enacted the Indian Independence Act 1947 on 18th July 1947 “to make provision for the setting up in India of two independent dominions..., and to provide for other matters consequential on or connected with the setting up of those dominions” and declared by Section 1 of that Act: “As from the fifteenth day of August, Nineteen Hundred and Forty Seven, two independent dominions shall be set up in India, to be known respectively as India and Pakistan”. The territories of the two dominions were defined. In Section 8 of the said Act it was provided: “In the case of each of the new dominions, the powers of the legislature of the dominions shall, for the purpose of making provisions as to the Constitution of the dominion, be exercisable in the first instance by the Constituent Assembly of that dominion, and references in this Act to the Legislature of the dominion shall be construed accordingly.” Section

19(3) of the said Act provided: **“References in this Act to the Constituent Assembly of a dominion shall be construed as References:**

a. **In relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, 1946.**

b. **In relation to Pakistan, to the assembly set up or about to be set up at the date of the passing of this act under the authority of the Governor General as the Constituent Assembly for Pakistan.”**

When India became independent on 15th August 1947 the Constituent Assembly was already working and was engaged in the task of making a constitution, the first meeting of this assembly was held on December 9, 1946 and the deliberations in it continued till November 26, 1949, when the motion by Dr. Ambedkar that the Constitution as settled by the Assembly be passed was put to vote and the Constitution was adopted with enthusiastic support. The deliberations reveal on the whole a very high level of political acumen and excellent standard of speeches. The labour and experience of many generations of men could mould the work of those entrusted with the task of framing the Constitution. We became a republic on 26th January, 1950.

Under the terms of the Cabinet Mission Plan, the members of the Constituent Assembly were elected in July 1946. The Muslim League boycotted the Assembly when it met on December 9, 1946. Its boycott continued till the partition of the country. After partition, the character of Constituent Assembly changed. It functioned as a sovereign body unfettered by any restrictions on its powers, for it had to frame a

Constitution for India alone. The echo of the Universal Declaration of the Human Rights promulgated by the United Nations, to which India was a party, were felt in the Constituent Assembly debates. The history of the struggle for political freedom of India had made a declaration of Fundamental Rights inevitable. These fundamental rights as enacted in our Constitution not only recognized the dignity of the individual to which the Preamble refers, but also recognize their necessity for the full development of the individual and also for preserving the unity of India.

The new dominion of Pakistan was totally cut-off from the rest of India. Pakistan had to start efforts afresh for Nation building. It has a history of Nation building only since 15th August, 1947. Pakistan has had a most unusual and turbulent constitutional experience in the era following the departure of the British from India. In over six decades of its existence, Pakistan has experienced democratic and military regimes, pseudo democracy and quasi dictatorship, and even a civilian Martial Law. For outsiders, the constitutional history of Pakistan may make an interesting story, but for those who have lived through the experience, it is extremely painful. It amounts to living perpetually in a laboratory wherein all kinds of constitutional experiments are being conducted by whosoever is in control of the State for the time being. It is a story of ambitious and crooked politicians; and pliable and self-centered judges. It is a horrifying spectre of a new nation with formidable prospects being ruined by its own leaders.

Pakistan is suffering as the process of institution buildings under a Constitution has not yet started. On the other hand, India

started the process by having a working Constituent Assembly, even before She became independent. The Constituent Assembly began its deliberations on December 9, 1946. On that historic day, envisioning the constitutional structure of the world's newest and largest democracy, Sachchidananda Sinha, Provisional Chairman of the Constituent Assembly, quoted in his inaugural address the words of Joseph Story:

"The structure has been erected by architects of consummate skill and fidelity; its foundations are solid; its compartments are beautiful as well as useful; its arrangements are full of wisdom and order; and its defences are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly, or corruption, or negligence of its only keepers, THE PEOPLE. Republics are created- these are the words which I commend to you for your consideration- by the virtue, public spirit and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them."

These words were truly prophetic. The process of making of a Constitution of India started with these words at the inaugural session. The institutions created under the Constitution are intact. Efforts have been made to weaken the institutions. But "the structure has been erected by architects of consummate skill; its foundations are solid," the efforts to dominate the institutions to the extent that the political power comes in the hands of one person, have failed, as fortunately in Keshwanand Bharti case by a thin majority of 7 into 6 the Supreme Court has found that our Constitution has

basic structures which cannot be changed or altered by the Parliament under its amending power under Article 368 of the Constitution of India.

The acceptance of partition of India had preceded by violent communal disorders of the utmost savagery and bestiality, about 10 million refugees, the Hindus fleeing from Pakistan to India, and the Muslims fleeing from India to Pakistan leaving on the way, men, women and children dead, defiled and mutilated. In this backdrop Jinnah was elected the first President of Constituent Assembly of Pakistan on 11th August, 1947. The inaugural session of the Constituent Assembly was held at Karachi from 10th August to 14th August 1947. The Constituent Assembly originally constituted of 69 members; subsequently its strength was raised to 74. There was a large number of stalwarts and men of great vision in the Constituent Assembly of India. In the Constituent Assembly of Pakistan Jinnah was the only stalwart. Jinnah had been suffering from consumption of lungs and in the last three years of his life, the disease became serious. It was a well kept medical secret, for had it been known that Jinnah was terminally ill, the Congress and the British might have dragged on the process of Independence and transfer of power and this would have ensured that Pakistan would never come into existence. Jinnah expired on 11th September 1948. After his death, the Constituent Assembly of Pakistan suffered a great setback. The mantle of leadership fell on the shoulders of Liaqat Ali Khan after the death of Jinnah. Liaqat could not maintain harmony among divergent interest groups which confronted him.

Liaqat Ali Khan was assassinated on 16th October 1951. His death was another blow to Pakistan because he was the last real link with Jinnah. He was succeeded as Prime Minister

Quasa Nazimuddin. The work of Constituent Assembly of Pakistan had been slowed down on account of such setbacks. After nine years of effort Pakistan succeeded in framing the Constitution which became effective on 23 March 1956, for claiming Pakistan as Islamic Republic.

Pakistan's strategic location at the cusp of the Middle East, the Persian Gulf and South Asia and China, gives it added significance. Its proximity to a dominating neighbour, India, shapes Pakistan's foreign and defence policies on the one hand and informs its domestic debates on the other. The presence of nuclear weapons and missile delivery systems in both Indian and Pakistani hands makes this an even more volatile region than in the past.

The partition of India has failed totally in accomplishing any of the objectives its advocate, M.A. Jinnah, so confidently promised to accomplish. The communal problem was not solved, nor are India and Pakistan good neighbours. Political activity in Pakistan has been confused and clouded by non-issues that have been blown out of all proportions. So much time and energy has been spent debating problems that do not actually exist. Democratic form of government in the sense that sovereign power resides in and is exercised by the whole body of free citizens, directly or indirectly through a system of representation exist in India but not in Pakistan. How does one categorize the polity of Pakistan? Democracy does not come overnight. It has to evolve in a society over a long period of time. It has to take roots slowly amongst the people and become part of their culture. It cannot be imposed from above.

Pakistan came into being in 1947 as the most populous Muslim Nation on the planet but the debate over its national identity has neither been conducted

democratically nor concluded. It has also yet to craft a stable political system that establishes the supremacy of the civil over the military, as envisioned by its founder Mohammad Ali Jinnah, the Quaid-i-Azam. "Mohamed Ali Jinnah - the ham eating and wine swilling sophisticate - dreamt of an Islamic paradise grafted out of Hindu majority India. That paradoxical vision is now an unending nightmare that is riddled with inconsistencies and contradictions. Pakistan was supposed to be a state where Muslims would be safe and free to practice their own religion. Yet, it is a country where Ahmadiyahs are persecuted and butchered; a country where Sunnis and Shias kill each other more viciously than Christians and Muslims indulging in orgies of bloodshed during the crusades. Pakistan has long harboured dreams of being right at the head of a comity of Islamic nations; it will now find it impossible to convince even cricketers from Bangladesh to play a match in Qaddafi Stadium," says Sutanu Guru in his article "ALLAH, ARMY, AMERICA... ANARCHY" which appeared in the English weekly *The Sunday Indian* of 9th March, 2009. Although the Muslim way of life was a motive behind the call for Pakistan, its early political leadership did not give it an Islamic blueprint for its political development or goals. The reason for this was that the movement for Pakistan was less an Islamic movement and more a movement by Indian Muslims to seek greater social and economic opportunity for themselves.

Democracy in India is surviving for two reasons. One is that we were able to make a Constitution and the Constituent Assembly was already working and was engaged in the task of making the Constitution, the first meeting of which was held on 9th December, 1946, and the deliberations in it continued till 26th November, 1949,

when we adopted the Constitution, declaring and resolving India into a sovereign, democratic Republic. The other is the judgment in Keshwanand's case by the Supreme Court in which it was held by majority that there are some basic features of the Constitution which cannot be amended. In the case of Keshwanand Chief Justice Sikri enumerated what he considered were some of the basic features of the Constitution:

1. Supremacy of the Constitution
 2. Republican and Democratic form of Government
 3. Secular character of the Constitution
 4. Separation of powers between legislature, the executive and the judiciary
 5. Federal character of the Constitution
- Shelat and Grover JJ purported to illustrate and not catalogue the basic elements of the Constitutional structure as:
1. The supremacy of the Constitution
 2. Republican and Democratic form of Government and sovereignty of the Country
 3. Secular and federal character of the Constitution
 4. Demarcation of power between the legislature, the executive and the judiciary
 5. The dignity of the individual secured by the various freedoms and basic rights in Part III and the mandate to build a welfare State contained in Part IV.
 6. The unity and the integrity of the nation.

Where does Pakistan stand after sixty years of its creation in terms of revival of democracy in that country? Since independence, Pakistan has experimented with the Constitution, government, and the structure of the state. To date, the military has seized power three times and has ruled directly or indirectly for more than half the life of the country. Ostensibly, the

withdrawal of military rule was followed by representative democracy with assemblies, cabinets, political parties, a free press, and other symbols of democracy, but the reality of Pakistan's political life remained unchanged. Nirupama Subramanian in an article 'Dithering Democracy' which appeared in 12th September, 2008, issue of *Frontline* says:

"It is said that if Pakistan's democratic politicians have one unfailing ability, it is to make military dictators look good."

With Pervez Musharraf gone, it was clear that the ruling coalition would have to start delivering on governance in order to demonstrate that democracy works. For this, it was seen as particularly important for the Pakistan People's Party and the Pakistan Muslim League (*Nawaz*), the two big parties in the four-party alliance, to hang together at least for some time in order to develop a national consensus on important issues such as tackling the threat of the Taliban and repairing the economy. Equally, it was feared that with the exit of Musharraf, the "enemy" who brought the two historical archrivals together, there would be no other glue to keep them together.

Within no time of Musharraf's resignation, democracy-loving Pakistanis' worst fears about the elected leaders and military-rule enthusiasts' smug "I told you so" predictions seemed to be coming true."

Lahore based journalist Ishrat Saleem in an article "The juggernaut of militancy" which appeared in a weekly magazine *The Sunday Indian* (9 Mar-15 Mar 2009) writes "The attitude of those who matter towards militant networks on Pakistani soil can best be exemplified with by the metaphor of an elephant in the room. They carefully walk around it, pretending that it's not there." In the column, Saleem quotes well-

known Pakistani peace activist Dr A N Nayyer in a chilling manner, "If I question which is the country in the entire South Asia where all these people are thriving with all their madness, I find it is in all parts of Pakistan with full freedom."

Today, Pakistan's society has been brutalized to such an extent that unknown marauders slaughter humans unabashedly and people are condemned to live in constant fear and anxiety.

Unfortunately the 1956 Constitution which was framed after nine years of effort did not last longer than two and a half years. No general election was held under it. The proclamation of martial law and the abrogation of the Constitution resulted in a complete void in the legal set-up. Therefore, three days after the imposition of martial law, on 10 October 1958, the Laws (Continuance in Force) order was promulgated with a view to bringing about a new legal order. The general effect of this was the validation of laws, other than the last Constitution, that were enforced before the promulgation of 7 October. Ayub introduced a comprehensive scheme of local self-government popularly known as Basic Democracies. The scheme was enforced through a detailed law known as Basic Democracies Order, 1959 with effect of 27 October, 1959. On 17 February, 1960, Ayub appointed a Constitution Commission with the formal Chief Justice of Pakistan, Justice Shahabuddin, as its Chairman to examine the causes of the failure of parliamentary government in Pakistan. The Constitution Commission of 1960 made a detailed study and came to the conclusion that the parliamentary form of government had proved a failure and noted the following causes:

1. Lack of proper election procedure and defects in the late Constitution;

2. Undue interference by the head of the state in the ministries and political parties, and meddling by the central government in the functioning of the government of the provinces; and

3. Lack of well-organized and disciplined parties and the general lack of character in the politicians.

The report of the Constitution Commission was presented to Ayub on 6 May, 1961. It was examined by him and his Cabinet. A sub-committee of the Cabinet was appointed and a report was obtained. According to Hamid Khan, a great constitutional lawyer and author of "Constitutional and Political History of Pakistan", "It is alleged that the sub-committee was appointed and a report was obtained from it only in order to frustrate the report of the Constitution Commission". Ayub disagreed with the recommendations of the Constitution Commission and favoured a presidential form of government which was suggested by the sub-committee, which allowed Ayub to choose his own Cabinet, and gave him the right to nominate provincial Governors.

When Ayub stepped down as President of Pakistan on 25 March, 1969 he handed over the reigns of power to Army Chief General Yahya who placed the country under martial law with immediate effect and announced the abrogation of the Constitution and the dissolution of the National Assembly and the two provincial assemblies. Late on the evening of 25 March 1971, Mujibur Rehman proclaimed East Pakistan to be the People's Republic of Bangladesh. Yahya ordered military action to suppress the revolt of Awami League. Mujib was arrested at 1:30 a.m. on the morning of 26 March. Thereafter came Indo-Pak war and the fall of Dhaka when, on 16 December 1971, Yahya admitted defeat in Pakistan. Bangladesh took birth as a consequence of it. After the fall of

Dhaka and the emergence of Bangladesh, there was no justification left for Yahya to continue to power. His own military colleagues prevailed upon him to handover power to Benazir Bhutto, whose party, the PPP, had emerged as the majority party in the erstwhile West Pakistan.

Ultimately, Bhutto reached an accord with Wali Khan and Jamiat-i-Ulema-i-Islam led by Mufti Mahmood. It was agreed that martial law be lifted on 14 August 1972, and that majority parties in NWFP and Balochistan would be allowed to form governments and an interim Constitution would be given by 17 April 1972. The National Assembly session was called on 14 April 1972. Bhutto received a unanimous vote of confidence and was elected as the National Assembly President. He made a dramatic announcement in the National Assembly that martial law would be lifted on 21 April, instead of 14 August, if the Interim Constitution was passed by 17 April. On 21 April 1972, martial law came to an end, the interim Constitution having been adopted by the National Assembly a day earlier. Bhutto was sworn in as President under the Interim Constitution on 21 April 1972.

After coming into being of Bangladesh, the truncated remaining Pakistan has come into the cobweb of political and constitutional crisis which is going on a path from crisis to chaos.

Assassination of Benazir Bhutto at the hands of terrorists and the election of Asif Ali Zardari as President who leads a highly unstable coalition at the centre in Islamabad is a matter of great concern. It is noticeable that despite the lapse of sixty years, in which period three permanent Constitutions were adopted and as many interim or provisional Constitutions framed, basic constitutional and political issues remain unresolved. People have

lost all confidence in the political leadership.

India is also going to be a victim of unstable political situation in Pakistan where *jehadis* are fighting against the people of their own country. It can be very appropriately concluded by the following words of Sutanu Guru in his abovementioned article "ALLAH, ARMY, AMERICA.... ANARCHY" which appeared in the *Sunday Indian* of 9th March, 2009:

"The lesson for the average Pakistani should be very clear. You cannot run a modern nation state by blindly following a Holy Book and its preaching. Islam is wonderful as long as it is an article

of faith and a way of life. It can be terribly destructive if you've decided that Islam dictates the Constitution, the jurisprudence, the economy and the society of a country. There was a time when educated elite of Pakistan only had contempt for the '*fundoos*'; wishfully thinking they were immune to their depredations. Even for them, the hungry wolf is now at their doorstep. It is a final wake up call even for Uncle Sam. For decades, America has molycoddled, pampered and indulged Pakistan and its ruling elite to pursue 'strategic' objectives that were considered more important than the emergence of

Pakistan as a modern nation. Unfortunately, for Barack Obama, the biggest strategic threat to United States is the 'descent into chaos' by Pakistan.

And there is a wake up call even for tub-thumping Indians who are prone to saying "serves you right" to Pakistan. The biggest victim of a collapse of Pakistan into *jehadi* maelstrom will be India. You perhaps belong to the majority who think that the defeat of Pakistan and the creation of Bangladesh was a great Indian achievement. It might just become one of India's worst." □

Reflections on Contemporary Human Rights Issues and PUCL

Vinay K Kantha

During my two decade long association with PUCL I have often wondered about the nature and contribution of the organization, particularly against the background of the increasing importance being accorded to human rights by the establishments across the world, and perceptions of new challenges on the part of human rights activists. As I reflect on our own role and efficacy many questions cross my mind. How relevant and useful have we been for the society and is whatever we are doing enough? Are we truly and comprehensively responding to the needs even in the specific areas and particular style of intervention we define for ourselves? Does our style and scope of work ask for a review? Answers that I give to myself to many such questions are often less than satisfying and I felt that I share some of my thoughts with my fellow travelers for whatever their worth.

PUCL was conceived and born during the era of Emergency when political and civil rights were trampled upon with impunity across the nation. Political protestors were put behind bars in large numbers, press was gagged,

and many other atrocities were committed against hapless people here and there. At this juncture some eminent persons of unimpeachable integrity came together and decided to raise their voice with great courage and determination. Many socially concerned citizens joined this initiative and the organization took shape in many states with substantial following. The nature of activities and style of work varied in different states in the initial days and after, even as valiant efforts were made to facilitate an inter-state dialogue and exchange of notes at the national level. In many places the initial preoccupation with the political and civil rights issues lingered on, while some people chose to enlarge the scope of intervention by the PUCL. Bihar was also privileged to have a continuously active state unit where a lot of debate and churning has been taking place in the midst of new challenges and fresh opportunities that arose from time to time. Even though PUCL sticks to the label where it appears to be an organization meant primarily for raising issues relating to 'civil liberties', both at the national level

and in Bihar larger concerns of human rights have informed its activities, albeit with an occasional trace of reluctance and unease. We have reached a stage of evolution when some people even wonder if a time of renaming has arrived! I personally think that the name of the organization is of least relevance so long as we are clear in defining and redefining our tasks and scope of work.

International Debate

As I ponder over my dilemmas as a human rights activist, it may not be out of place to take note of the international debate on human rights over the last six decades. The theme of human rights has kept evolving in all these years, which some would like to describe as the three generations of human rights. If UDHR marked a new beginning in the renewed history of evolution of Human Rights in the global context, scripted initially by the Western powers for the humanity at large, then in the succeeding decades new debates and ideas were bound to emerge. Two more transitions, nearly marking off new generations, can be located by any perceptive observer. Civilization the West had

distilled through the period of its modernization. In 1941 US President Roosevelt identified four essential freedoms- of speech and religion, from want and fear. UN Charter of 1945 emphasized human rights which were soon formulated as Universal Declaration of Human Rights (UDHR) in December 1948. UN Commission on Human Rights was set up in 1946. ILO continued however with its agenda for labour- ILO Convention on the Freedom of Association and Protection of the Right to Organize was held in 1948, followed by another Convention on Collective bargaining in 1949. Soon thereafter in 1950 the European Convention on Human Rights was organized, followed by European Commission of Human Rights (1954) and European Court of Human Rights (1959).

The first transition laid down principles of signaled by the formation of two more organizations - Amnesty International (1961) and Organization of African Unity (1963). In 1965 there was an International Convention on the Elimination of All Forms of Racial Discrimination - an issue taking the discourse on rights beyond the immediate concerns of the West. The presence of a rival power bloc led by the Soviet Russia seems to have resulted in more specific enunciation of economic, social and cultural rights. There were two major Covenants signed in 1966 - UN International Covenant on Civil and Political Rights and UN International Covenant on Economic, Social and Cultural Rights. Apparently the centre of gravity of the human rights debate was shifting away from Europe and America, throwing up new issues and concerns. The First World Conference on Human Rights was held in Teheran in 1968. In 1973 there was a UN International Convention on Suppression and Punishment of the Crime of

Apartheid.

If racial discrimination emerges as a major issue before the world, concerns of other vulnerable groups also got more serious and pointed attention. In a sense the universality of a set of norms was being modified by special treatment which need to be accorded to Certain sections of population.

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) held in 1979 added a new chapter to the human rights debate in the global perspective. Child rights became an agenda which was forcefully taken up globally during this period. In deed ILO had been making several prescription relating mainly to child labour over the decades- for example, way back in 1924 there was also a Geneva Declaration of the Rights of the Child. But the UN Convention on the Rights of Child (UNCRC) was special in many ways and generated a worldwide interest leading to legislative and other changes in many countries across the world. Four sets of Rights clearly laid down in the CRC focused on Survival, Protection, Development and Participation, and they have become the guiding principles for UNICEF, UNESCO or social activists all over the world.

In the 1990s new and wider issues before the mankind also attracted the attention of the world leaders and a set of rights, which may be called third generation rights, were universally acknowledged as desirable. Between 1990-96 Global UN Conferences and summits were held on the issues of children, education, environment and development, human rights, population, women, social development and human settlements. If democracy and its attendant rights were the early overarching principle to understand the essence of the

debate on human rights, another complementary principle that seems to have completed the contemporary architectural structure of human rights discourse is the new formulation of development as sustainable human development. It would be worthwhile to understand this principle as well as ramifications of acknowledging development as human right, as was explicitly done in Vienna in 1993.

Evolution in the Indian Context

In India a civil rights movement first began in the era of freedom struggle largely directed against the colonial rulers. In the post-independence era, nearly a new beginning was made after the imposition of emergency in 1975. Initially the focus remained on the civil rights issues and this character of the movement continued during the eighties and the better part of the nineties. State action including preventive detention laws, atrocities of police, custodial deaths or rapes, firing and *lathicharges* etc were scrutinized by human rights activists and protests registered in a number of ways. By and by wider issues, some located in the society itself, were taken up here and there expanding the scope of human rights agenda. Constitution of National Human Rights Commission in 1993 gave a new legitimacy to human rights principles. Meanwhile partly because of dynamics of assertion of rights within India and partly influenced by the international debates, human rights activism underwent a sea-change in our country.

The trajectory of human rights movement in the states including Bihar follows almost the same contours as noticed at the national level. In the fifties promises made by the constitution and public space created by elections provided the spur for spreading the rights consciousness among

people. In 1967 Bihar was among the states which rejected the Congress party and in 1974 the state provided the leadership for a fast spreading movement against the government which led to the imposition of emergency. It was natural that during emergency human rights movement began here in a definite manner, though People's Union for Civil Liberties (PUCL) was formally launched afterwards in March 1981. The PUCL worked in tandem with the national body raising much the same issues. Civil and political liberties were the chief concerns initially and any action of state, ranging from lawmaking to implementation of laws or working of the police machinery which appeared to encroach upon liberties was taken up. On the occasion of its celebration of silver jubilee of Bihar PUCL the reports and other organizational papers prepared during twenty five years of its existence were brought out in two large volumes running into more than one thousand pages. More than two thirds of the compilation consists of enquiry reports which have been a truly revealing documentation of human rights situation in the state at least in respect of civil and political rights with which PUCL largely concerned itself during a major part of its existence. Reports cover a variety of violations of human rights, mainly by the state agencies and include among other things, custodial deaths, fake encounters, police firing and other atrocities, custodial rapes, atrocities on *dalits*, mass killings or carnages and communal disturbances.

The second volume of the publication traces a history of the evolution of the organization through its successive organizational reports and also includes papers on its intercession with constitutional bodies, campaigns on various issues or other programmes meant for

education in human rights in the state and beyond. Even a cursory glance at the areas covered reveals how PUCL has gone beyond the civil rights issues from early days and has succeeded in broadening its agenda more systematically in the recent years. As Preface to the second volume reports:

"The organization has already determined its agenda for the future, which is laudable and ambitious. In addition to the issues on which the organization has been concentrating, it is proposed to work on the problems of women, children, the Dalit and other deprived section of the society, minorities, scheduled tribes and political activists (who are targeted). It is also proposed to work among different sections with a view to sensitize them to the question of human rights. Some of the groups identified are the police, bureaucrats, advocates, students and teachers, NGOs and political activists. The issues to be taken up, besides police atrocities, jail reforms, right to life and personal liberties, are freedom from hunger and poverty, education, health, environment and the right to information."

Be it the case of Bihar or other states or the national PUCL, starting with the premise of the non-discriminatory and universal character of human rights, PUCL is constrained to accept the need of special attention to some of the social groups. Further, it is far more willing today to look beyond the issues concerning civil and political rights, going right up to development related issues. Thus if at this juncture one takes stock of the human rights situation in the peripheral context of Bihar a sample of some areas of concern may provide some clue. However one remark may not be out of place in the above context: In a state like Bihar the burden of human rights is cumulative, and spanning more than one century.

In the society of Bihar there are tribals and dalits perhaps still living in past centuries, there are middle class people who express their faith in the democratic freedoms in the sense being defined contemporaneously. As a whole, however, while the older challenges are yet to be tackled, new ones have been added. Human rights activists in Bihar have simultaneously to deal with the failures, defaults and aberrations of the state and the legacy of structural and normative features of society that militate against human rights.

Variety of Interventions and Initiatives

In different states a variety of issues dealing with a large spectrum of concerns are being taken up by PUCL or for that matter by other human rights groups (e.g. PUDR, National Dalit Human Rights Coalition, Commonwealth Human Rights Initiative etc) as well as numerous NGO groups. The agenda of human rights is so wide and open that it will be erroneous to be prescriptive or too selective about the mode of intervention, but of course, different groups will have their own preferred style and objectives. Different groups make their own contributions which may reinforce the efforts of others. PUCL has been most consistently working on human rights issues for over three decades and different state units have exercised their own choices, mostly agreeing on key issues, but varying their emphasis and activities. If Rajasthan PUCL is widely known for some of its PILs, Bihar PUCL has come out with large number of highly credible enquiry reports and has been conducting its weekly open meetings with remarkable consistency for over two and a half decades in which anybody and everybody is free to come and air his or her views. Some of the concerns of particular states, say, Tamilnadu or Uttar Pradesh or

Jharkhand, may be of immense importance in the state context while many issues, like the protests against draconian laws need to be occasionally organized at the national scale. Even as the levels of activity in individual states are uneven, the mechanism of publication of PUCL Bulletin on a regular basis has been consistent.

While at this point of time it is inevitable and seemingly settled that PUCL is broad spectrum human rights organization, the choice of state level or district level agenda of possible intervention and activities can not and need not be decided from above. Some states may find it useful to keep their primary focus on right to human development, but others may like to describe their agenda in a different terminology and framework and their right to do so should be respected unless they run counter to the basic tenets of human rights. In fact as the agenda of human rights expand, the possibility of universal agreement recedes, particularly in respect of a broad theme like development or human development. PUCL may possibly form expert groups and bring out reports, which may even be described as position papers, but it would be undemocratic and contrary to freedoms of opinion of constituents of PUCL to commit the organization to a definite stand on a large number of debatable socio-economic issues. Even as constitution of PUCL does not allow members of political parties to become office bearers, it does rightly permit them to become members of the organization. PUCL can serve as a platform of open discussion on several issues, but so far as it comes to taking a stand, it must remain wary, except on fundamentals defined by the Indian constitution and the tenets of basic human rights.

The openness and broad base of the organization is an inherent strength on which there should not

be any compromise or imposition of unnecessary restrictions. In Bihar, PUCL has taken pride in the fact that members of rival political ideologies, sometimes ranging from ultra left to ultra right groups, have openly contributed to its deliberations. Of course PUCL has maintained its position very clear whether it is its commitment to secularism or to the principle that modes of protest ought to be only constitutional. But anybody and everybody can be a victim of state repression or invasion on human rights and PUCL makes no distinction on grounds of ideology of victims. PUCL has a duty to perform whenever human rights are being violated. The task is as clear and unambiguous as it is large and daunting. The suspicion and criticism of funded NGOs voiced by some honorable members sometimes appears to be bordering on intolerance which is against the basic grains of democracy and human freedoms. Till the time members of such organizations are barred from becoming office bearers, such criticism is unfounded. Membership in any case is open for anybody who expresses faith in the constitution of PUCL. Debarment to hold office on the other hand is hardly justified, especially when their present role in promoting several types of human rights is taken into account, often in areas where pure human rights groups have not contributed enough. Even if direct partnership is avoided, it would be misjudged to put them en bloc in the dock without proper scrutiny.

Human rights have an open-ended agenda today and it is impossible for a handful of persons to take care of these exclusively. While PUCL needs to be strengthened to play a larger and meaningful role, the activities of many others will need to be appreciated, even if direct support is not lent to them. In deed in a plural vast society like ours,

supporting a democratic structure of government, both society and state plagued with so many marginalized sections of society, they should be welcome regardless of the mode and style of work.

Role of PUCL

The foremost role of an organization like PUCL can be termed as educative- of course, educative in the broadest sense of term, keeping its eyes focused on human rights issues. In the first place people need to be told the truth behind violations of human rights after appropriate study or enquiry. This inevitably entails the need of studying a variety of situations including policies and action of the state and its actors, processes bureaucratic as well as political and more. The dignity of an ordinary person is hardly a matter of concern in the society or by the state actors, and a constant reminder at every step is necessary. PUCL therefore has to address all sections of society for one reason or the other, often by creating occasions. The task thus is unlimited and challenging. There is no grand success immediately, and there are no failures either. The interventionist role of the PUCL is the second role which is relevant even for making the educative task effectively performed. From the point of view of possible intervention civil and political rights tend to occupy us most, and this commitment cannot be diluted under the prevailing conditions. Yet time has come to spare time and energy for other things like social, cultural and economic rights, which are indivisibly linked with the first set of human rights. In these areas generally direct interventions may not be possible, but the educative tasks may be more demanding. If issues relating to development are taken up then the area of concerns become still more open and wide.

From my own experience of Bihar PUCL I have learnt that

continuity and consistency of work combined with an openness and transparency is the best recipe for making an organization like ours meaningful and relevant. We can not afford to relax and remain inactive for long if we want to play our role effectively. We expect National PUCL to be more vibrant and afford regular opportunity for debate and discussion so that in this vast land we can appreciate human rights issues in the national

perspective and educate ourselves adequately for dissemination of relevant and important ideas. Occasionally we may also plan to act in unison for making ourselves heard better.

PUCL is in a better position than any other organization, including NHRC, to work for human rights in India because of historical and strategic reasons. It has nearly pioneered the movement, enjoys high level of

credibility and is not saddled by any linkages which may constrain its activities and progress. Given its privileged position all that is needed is to make it strong, active and broad-based, and we surely have the will to do it.

(The writer is the president of Bihar PUCL. Views expressed here are his personal and not the position of Bihar PUCL as such.)

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Gujarat PUCL:

Report on Gujarat's Education: Predicament & Direction

Primary Education has now emerged as a Human Right. PUCL advocates that education has to be a means of Human Right and human development. In this context the present condition of education and its future trend is a cause of concern. In Gujarat State's interior and tribal areas there are some pockets which are quite deprived and whose children do not have even primary education. Moreover, with expansion in educational field, increase in number of educational institutions and increased strength of students, various types of problems related to educational, academic, administrative, financial and human relations, discipline and managerial nature have cropped up. Resolution of these indeed is a matter of paramount importance.

To review the present condition of education and to suggest necessary reforms, the PUCL appointed a Committee of eminent educationists.

The members are: Dr. B.A. Parikh (Chairman), Former Chancellor, Vir Narmad University, Surat; 2. Dr. Vidhyut Joshi, (Vice Chairman), Former Chancellor, Bhavnagar University; 3. Dr. Mahendra Chotaliya, Educationist, Sardar Patel University, Vallabh Vidyanagar, (Dist. Anand); 4. Prof. Ramesh B. Shah, Educationist & Former Editor,

Dristhi, Ahmedabad; 5. Shri Gulabbhai T. Jain, Managing Trustee, Sister Nivedita Educational Campus, Rajkot; 6. Shri Sukhdev Patel, Children's Educationist, Gantar', Ahmedabad; 7. Shri Gautam Thaker, (Co – coordinator), Secretary, PUCL, Gujarat.

The Committee based its agenda for actions on the following objectives:

1. To establish law-abiding systems in the educational administration.

2. To formulate the educational syllabus in conformity with qualitative and quantitative human resource needs.

3. To make the educational system truly autonomous.

4. To establish education as a basic human right.

The Committee under the chairmanship of Dr. B.A. Parikh, former Chancellor, Vir Narmad University and a renowned rationalist discussed about the salient points of the report and divided among all concerned the task to be performed. PUCL prepared this report after arranging about 10 discussion sessions, held consultation with people concerned in many parts of Gujarat like students, teachers, professors, owners of Educational institutions Intellectuals, and educationalists. Members of the Committee traveled at their won

expense and prepared this report. PUCL is indeed thankful to all these eminent experts for their genuine concerns and for their write-ups.

Before writing the report and general recommendations we sent the executive summary (Draft Report) to about one hundred educationists, teachers, leaders of political parties, reporters and the activists of Gujarat with a request to provide required information and valuable suggestions.

One letter seeking appointment with the Minister for Education and the Education Secretary, Gujarat Govt. was also sent to them through Speed Post. Draft Report was also sent to them requesting them to clarify the Govt.'s stand. But so far, no response has been received from the Govt.

Brief Summary and Recommendations

With continuous progress and development, our State has truly emerged as a progressive state. But results can be achieved with confluence of natural and human resources, with harmonious functioning of the Govt., institutions, enterprises, and people at large all working in tandem. Education is the main fuel for development. If we can repair the roads and make some modifications in the engine, then we can be the top ranker by achieving considerable mileage

with this same fuel. PUCL wishes to present this report to the govt. to make the scenario of Gujarat's education even more brilliant in view of the constructive approach and the lofty aims. This report has been prepared with the contributions from the people, students, teachers, professors, managements, intellectuals, educationists and experts from many parts of Gujarat with their respective co-operation.

This report owes its origin to the Education's following apparent and latent issues, challenges and episodes and the urgent need to respond to them.

1. Education's qualitative problems and related matters of policy and economic anomalies due to explosion of education;

2. With the increase in the number of self-finance educational institutions although opportunities increased manifold but it gave rise to rampant economic exploitation, flagrant violation of educational standards, over-night rise in the number of educational entrepreneurs, increase in corruption at the State and Central level in the form of financial exploitation of students clamoring for education.

3. Exposure of detestable facts of sexual exploitation by way PTI scam of Patan and similar small and big incidents of sexual harassment in the Govt. run and self-financed institutions.

4. Meager financial allocation than needed for primary education, on account of that breach of promise for offering free education to students up to age of 14 years, much less recruitment of teachers and their exploitation by paying merely Rs.2500/- as salary.

5. Government's inaction in not recruiting teachers in granted secondary level schools, or delaying it, improper administration of high schools, located in interior places, facilitating in mushrooming of self- financed institutes.

6. Dismal management and poor facilities in Govt. colleges even at higher education level, negligible recruitment of professors, and degeneration of educational standards paving way for profit madding self-financed institutes. Complete absence of regulation of quality of education and examination.

7. Appointment of chancellor at University level under political influence, political supremacy in Syndicate and other authorities and interference in higher educational institutes make educational autonomy merely a matter of principle not to be put to practice.

8. Lack of sincere efforts in regulation of education by govt. not involving participation of intellectuals, technocrats, researchers, industrialists in the management of educational institutes.

Based on the observations and opinions received and deliberations for possible solutions, the report recommends the follows:

(1) Govt. must act as an administrator for regulation and development of education, should act merely as a Co-coordinator instead of directly interfering in education. For this, a State level U.G.C. is formed with the participation of non-official experts from various faculties, intellectuals and others so that with their co-operation, regulation and development of quality of higher education can be ensured.

(2) Students of self-financed institutions should be encouraged to evaluate working of professors and management, and to give their opinion. This work should be assigned to DIET, CTE and IASE at the district level In order that students can give their independent opinion; only 'tick-mark' should be permitted in the response sheet. There should be redressal cell at the State level where any student can register his

complaint and if the self-financed institute is found at fault, then it should be severely punished.

(3) Every self-financed institute should transfer 10 % quota to Govt. where merit based admission can be given. Thus, profit-making institutes should render charitable service and promising and yet economically weak students willing to study in self-financed institute should be offered loan or scholarship.

(4) Govt. should check rampant rise in the number of self-financed institutes by introducing rigorous controls and promoting institutions for accreditation at every three years. Such institutes should be given rating or rank and their details be notified through website, newspapers, T.V. etc. so that people can transparently know which institutes are good and where not to admit their wards.

(5) State level Gujarat Cat type tests be continued and State level qualitative tests be prepared. With this, there will be check in the excessive / disproportionate rating by certain institutes or universities. State Govt. should commence at least three more tests, such as.

(a) Gujarat GET: (Graduate Eligibility Test); where graduates of Arts, Commerce and Science can appear and their grasping power can be tested. The average of their Gujarat GET and B.A./B.Com. B. Sc. marks may be reckoned as their score for future studies.

(b) Gujarat Teach: P.T.C and B.Ed. students may appear for this. Grading from its marks and that from their mark sheets may become their merit rating, which may be taken into account for their employment or M.Ed. education.

(c) GujaratCet: Examinations for graduates of Technical, Engineering and Computer faculties.

(6) Govt. needs to be serious and strict in permitting only those professors to teach in P.T.C and B. Ed. who possess minimum three years' experience at primary or

secondary level. Those who themselves have not been directly in a particular occupation, how can they train others in that occupation. If this is not done then in next 10 - 15 years standard of primary and secondary level education will deteriorate to the bottom, as has been noticed now-a-days.

(7) For the higher education, on-the-job training must be made mandatory. For academic staff college and IASE syllabus aimed at equipping and empowering the professors should be prepared and training should be imparted on these points. Currently, such trainings are deemed to be completed by delivering lectures on any random subject, on an ad hoc basis.

(8) Due to race for percentage of marks at primary and secondary level, students are under severe tension and there have been instances of suicide due to this.

In this context:

(i) Results of annual exams. be given through 'Grade' and not by percentage marks;

(ii) Performance achieved in the quarterly, half-yearly or such other internal exam. be given due weight age in the annual exam.

Exams should not remain information based or memory oriented but by reforming the syllabuses, the exams should be made intelligence and talent based. The criteria of value system and mass-education should be taken in to account. State level talent-hunt exams. be encouraged and marks obtained therein may be considered for admission in higher education.

(9) Enough care should be taken in recruitment of teachers at every level. It is not proper to appoint a teacher merely based on his examination score. Because teaching is not a matter of mastery on a subject but is based on aptitude and disposition, State Govt. should set up Board similar to G.P.S.C for deciding the teaching eligibility which may

conduct tests like Gujarat Teach, take oral test, prepare merit list, show score on a computer and wherever a teacher is to be appointed, he/she must be given placement from this list only. Thus, the recruitment will become qualitative and corruption-free.

(10) The primary, secondary and higher education institutes should be given autonomy as a qualitative initiative. Simultaneously, control should be exercised by conducting All Gujarat level tests by the State Govt. such that institutes aiming for simplification in the guise of autonomy can be dropped.

(11) Under the framework of Govt., voluntary organizations and educational forums should be offered sanctions and facilities for experimentation and innovation. Whosoever body desirous of organizing activities supplementary to English and Science or English elocution, précis-writing, talent hunt, and special education campaign for brilliant students, experimentation etc. may be given permission at their own financial liability. This will add to the excellence and freshness in the children's education.

(12) The Gujarat Technological University Act, Vocational/Technical College Admission Act and Gujarat Knowledge Corporation Act passed by the Govt. are welcome moves. But it should not be used for governmentisation or as a platform for appointing staff at its volition. For the sake of quality of higher education and development of practicality, co-operation of scientists, experts, technocrats etc. should be solicited.

General Recommendations:

(1) Every town with a population of over 5,000 people should have a secondary school.

(2) Administration of local schools should be treated as a matter of public interest and to make it transparent, a regulatory body consisting of local citizens

and parents is necessary.

(3) There is a need to develop public as well as school administration to offer guidance and advice by measuring special talent and aptitude to help students of 10-12th standard in choosing their subjects, faculty and occupation in future.

(4) Although teachers are doing classroom supervision for the exams of secondary and higher secondary standard, there is menace of copying to quite a worrisome extent. In whichever exam. center there is a menace of copying, then the Director of that exam. center and the supervisor of the classroom be held responsible and be given punishment.

(5) There should be system of rating of professors of college and university by the fellow professors and the students. This rating should not be for punishing the professor but should be for guidance with the aim of reforming and improving their conduct.

(6) In order to root out scope for influence and corruption in the appointment of teachers and professors of schools/colleges, there should be review and rethinking about recruitment system.

(7) For the last many years, vacant posts in schools, colleges and universities are not filled up. This kind of economy or delay tactics is detrimental to the interest of education. There should be no ad-hoc approach in the educational field.

(8) Mid-Day Meal scheme should be sincerely implemented and to eradicate any scope of corruption, support of NGOs and similar volunteers be enlisted. Local community should oversee and monitor this scheme.

(9) In spite of severe criticism of private tuition, its place and necessity in our education system has become indispensable. There should be a regulatory mechanism to oversee the private tuition system. Govt. should think of the

control mechanism and how to operationalize it.

(10) In order to bring about uniformity in the management of self-financed colleges, to ensure their functioning in a well-regulated manner, and to guard against improper financial dealing and involvement of middleman, transparent system should be evolved.

(11) Prevalent tendency of declaring Top Ten Nos. in the exam. results are neither in the interest of an individual student nor the education system as a whole. Such a practice gives rise to needless competition and aggravates sense of vanity of a school. Student may be really a brilliant one, but this is the beginning of his career. Hence it should be ensured that there is no overconfidence in him. On every count, this Top Ten Ranking system is neither found useful nor

helpful and hence must be banned.

(12) Parents of the students studying in 10th and 12th standards tend to remain tense throughout the year. To remove this feeling of tension, there is a need to develop tension-less system by reviewing the tests, test result structure, choice of faculty based on marks etc.

(13) Bright and promising students experiencing financial constraints in seeking admission to self-financed colleges, against hefty fees, should be offered financial help and soft loans.

(14) To ease the needless rush of students to the Arts and Commerce faculties, and to encourage them to pursue socially utilitarian, occupational and vocational scholarly syllabuses, appropriate arrangements must be evolved. (15) In every educational institute, atmosphere conducive to

secularism nurturing of democratic values and similar programs be encouraged.

(16) There should be a public administration to check against selection and appointment with political motive and, pressure.

(17) State Govt. should have Human Resource demand forecasts of trained young employees like the one for the Five Year Plan for industrial development in coming 5 years. This information can be useful in starting of new faculties, educational institutes for coaching such newly emerging subjects.

(18) Govt. must immediately implement 'Gujarat Compulsory Primary Education Act, 1961'. – **Gautam Thaker**, General Secretary, PUCL Gujarat, 4, Sanmitra Society, Jivraj Park Area, Malav Talav, Ahmedabad-380051 □

PUCL Dumka:

Report on the Eviction of a Rickshaw-Puller from his Home

The PUCL-Dumka unit in its meeting on 15-9-08 took cognizance of an application of Mr. Sahadeo Mahto, a rickshaw puller on his plight of being thrown out by Mr. Sanjay Choudhry with the help of administration and the police. The decided to enquire into the following aspects of the case:

1. The family situation of Mr. Sahadeo Mahto; 2. Legal aspects; 3. Whether due process of law has been followed in making the eviction; 4. Whether Human right of a poor man has been violated or not.

The Enquiry:

1. The team consisting of Mr. Arvind Verma, Mr. Prbhir Choudhry, Mr. Sanjib Kumar Das, Mr. Alok Kumar, Mrs. Nirmala and Mr. Solomon visited the site on 16-09-08 and interviewed Mr. Sahadeo Mahato and his wife. The team also visited the broken house, saw the materials and

house things piled on the side of the road.

2. The team also visited the Block office on 17-09-08 to verify the plot numbers and find out the nature of the land.

3. It also visited the record office on 18-09-08 to verify the same. Through RTI the team also obtained some documents from the Municipality.

Findings:

1. Mr. Mahto and his family and been living in the plot no 655 of Jamabandi 21/2 within Dumka ward no: 7. this has been attested by his voters' identity card, and the letter 1422DNP 19.08.08 from the Executive officer Municipality

2. According to Mr. Sahadeo's application, the administration with the help of the police arrived on 10.08.09 and began destroying the house and threw out the entire family. In the process, he lost Rs.15000 worth of things, cash and some jewellery.

3. The speed with which the whole process has been completed shows partiality of the government which stands against the principle of Justice: the notice for eviction was sent on 12.08.08 and was returned on the same day saying that the person did not receive it.

4. Mr. Sahadeo is rickshaw puller earning perhaps Ra.60/- per day. His wife Renu Devi is earning by working in other people's houses. They have four children: Two girls and two boys. The eldest is a drop out 17 year old girl and the younger girl studying in class 8. The boys looked so emaciated. Throwing out a rickshaw puller with four young children with nowhere to go is a violation of human rights.

5. There should have been two months between the notice and eviction according to law of Transfer of property Act under section 106. Granting that the notice was provided and refused,

no eviction suit was the sub-judice for the eviction. The administration has failed in ensuring the justice for a poor man.

6. The administration has not fully followed the process of law: Mr. Mahto says that he was not provided any notice what so ever although there was a notice sent on 12.08.08. Probably, Mr. Mahto was not provided a notice at all. It is to be noted that at the back of the returned notice one witness has signed and the original date below his signature was 12.08.08 which has been crossed and written as 14.08.08.

7. On 18th of September the team visited the record room to check the details of the land in question; the nature of land has not been specified in the record which might have provided a pretext for the administration to help out a rich man. Our secretary had a chat with Mr. Nandlal Mandal, the ex-commissioner of ward number seven. He was told that Nandlal Mandal's grand father Sashi Mandal had given a plot of land Mr. Sahadeo Mahto's grand father, as gift in gratitude to their service to the family in the year 1923 as caretakers for a long time. The land was given in the form of *Kurfa* which was destroyed. It is pertinent to point out, that they were poor, living in a mud and *khaprail* house.

Action Taken Report:

1. On 24.09.08, the PUCL presented the provisional report to the district commissioner who called SDO on the phone and enquired the matter. The PUCL members standing in the room heard him saying, "Who ordered the demolition and how could a Municipal special officer authorize an SDO for the demolition." Our provisional report has been entered as *Jan Shikayat koshang* 1134/24.09.08.

2. PUCL received a notice to be present on 17.10.08 in front of District commissioner. The members present were Mrs.

Nirmala Murmu, Mr. Arvind Verma and Mr. Sanjib Kumar Das. The members were witness to a blame game between the officers during the hearing. The District commissioner accepted the fact that CO, SDO, or Municipal Special officer had no right to evict any person from any where. He fixed 24th Oct for final decision.

3. The October has passed but no judgment has been given by the District Commissioner. In the mean time it is heard that Sanjay Choudhry has gone to high court. He also has been regularly contacting the PUCL members pressurizing them to withdraw the case.

4. The PUCL believes that the administration has not appreciated the case in its entire dimension. Last four years Mr. Sanjay Choudhry has been harassing Mr. Sahadeo Mahto and now he has found a willing administration. The nature of the land is not specified; it is so possible that Mr. Mahto may not be having proper legal paper; but his claim that his family has been living for three generation in this place could have guided the administration to seek a good settlement for Mr. Mahto and his family. So PUCL is surprised that no political party has supported Mr. Mahto. So far administration has not taken any serious initiative to settle the Mahto family in that premises. It is sad to see the Mahto family living like refugee in front of his own broken house on drainage.

In the meantime Mrs. Renu Devi, wife of Mr. Sahdeo Mahto, has been running from pillar to post. The deputy commissioner has asked her to go to the SDO and the latter keeps giving false assurances. Five months have passed, the poor man thrown out by the insensitive administration, is still on the road, waiting for justice.

In conclusion PUCL- Dumka believes that the administration has been partial towards Mr. Sanjay Choudhry, a rich man, in

suddenly evicting Mr. Mahto, The administration also has not followed due process of law in doing so. It has violated the human rights of a poor man by denying him dignity of life. The young girls feel unsafe without any protection especially when the parents are out earning livelihood. Isn't it shameful that the administration has thrown out a poor man with two grown up daughters from the house he has been living in for three generations, and handed over the house to a rich man?

PUCL requests immediate intervention of the district administration in restoring the house to Mr. Sahadeo Mahto and ensure justice to the poor family. Yours truly.

Investigation Team: Mr. Arvind Verma, Mrs Nirmala Murmu, Mr. Alok Kumar, Mr. Sanjib Kr. Das, Mr. Prabhir Choudry, Mr. Solomon.

Copies to: 1. The Chief Minister-Jharkhand, 2. Mr. Stephen Marandi, M.L.A- Dumka, 3. Commissioner – Santal Parganas, 4. Deputy Commissioner – Dumka, 5. The National Human Right Commission – New Delhi, 6. PUCL – Jharkhand, 7. PUCL – Headquarters, New Delhi

Crossed and Crucified: Parivar's War against Minorities in Orissa - A report by PUCL Bhubneshwar & Kashipur Solidarity Group, Delhi, April 2009 - will be serialized in the PUCL Bulletin from July, 2009 onwards.

Please Note

In case of:
(1) Change of Address - Always send your old address along with your new address.
(2) Money Order - Please give instructions (if any) with your complete address in space provided for communication.

– **General Secretary**

Taliban's Terror-Jizya on Sikhs in Pakistan

Ram Puniyani

Pakistan is going through dangerous turmoil. The Taliban's capturing of Swat valley (April 2009) and other parts of Pakistan are accompanied by the news of their atrocities in the region, which not only include the brutal killings of innocent citizens, mostly Muslims, on the ground of their belonging to different sub-sect of Islam, but also there has been imposition of Jizya, on non Muslims, Sikhs. While many Muslims have been killed and abducted many on various flimsy grounds, many a Sikhs have fled from the area. The failure to pay the full Jizya has caused Sikhs dear, while some of them have been kidnapped and others' households-properties have been confiscated. Taliban's logic is that they are imposing this as per the tenets of Islam.

What is the place of *Jizya* in Islam and is it relevant today? There is a mention of *Jizya* in Koran, the tax levied on non Muslims, in the conquered territories. Interestingly there was no such tax in Medina where Prophet lived for long years. The logic of Jizya on non Muslims in the conquered areas was that the non Muslims are to be exempted from military services, they are under the protection of the rule of Muslims, so this tax. It was a negotiable tax to be paid at the end of the year; it was levied only on the earning population in exchange for state protection. There was the parallel tax, *Zakat* on Muslims, which in many cases was more than the Jizya. There are instances when the Jizya levied by Muslim conquerors on non Muslim population turned out to be lower than the earlier taxation. It was more than clear that *Jizya* is not amongst eternal norms of Islam, it is something which has to be decided on social

and political circumstances of the place and time.

We see that in later times with emergence of different political systems, *Jizya* was not much heard of. In India some Mughal rulers imposed this on Non Muslims with the similar intention. The aim of this was neither to punish the subjects nor to convert them. Mischievously the communal historiography in India tries to project that Aurangzeb and some other Muslim rulers imposed this as a means to convert the people. This argument does not hold any water. If *Jizya* was dished out as a threat to make people to convert to Islam than with conversion one will have to pay *Zakat*, which is no less. But any way the communal forces have made a good use of this to project the Muslim rulers in bad light and to demonize Muslims in current times.

Taliban is one of the most retrograde tendencies of Islam, bordering on insanity. Its action of atrocities on Women, on other Muslims is most reprehensible. Jizya on Sikhs is the latest in the series of such barbaric acts. If we go slightly back in time we see that Taliban was also responsible for destruction Buddha statues in Bamiyan. Who are Taliban and do they represent Islam?

Taliban has to be seen as a part of the politics in the name of religion, based on extremist Islamic streams, emerging in the oil rich zone, in countries like Saudi Arabia, Kuwait e.g., where the rulers have been making merry by playing hand maiden to the US designs of control on the oil wealth of the region. They have used *Wahabi-Salafi*, and other retrograde versions of Islam to keep their population subjugated and to ward off the democratic transformation of society. Their export of these fanatic versions to other countries got support in the areas at a time when United States was scheming to fight the occupation of Soviet troops by Russian armies.

The goal of US policy was to fight the Russian army by using the Asian Muslim youth. They achieved this by

picking up meanings of *Kafir* and *Jihad* from these retrograde versions of Islam, where by the original meanings and the context is sacrificed, and *Kafir* comes to stand for every non Muslim and *Jihad* stands for killing the *Kafirs*. The systematic syllabus to train and indoctrinate the Muslim youth was developed in the strategy rooms of Washington and implemented in the specially opened *Madrassas* in Pakistan. It is the students of these *Madrassas* who were the soldiers for Al Qaeda, led by Osama bin Laden. Osama was richly funded by US, through CIA and lot of this money was raised by encouraging the opium trade. While a decade ago this might have been a revelation today all this has come out through various scholarly researches. Even Asif Ali Zardari confessed so much in his *New York Times* article a couple of months ago, the article which was reproduced by many major papers in India.

Osama not only received the monetary aid he also received the armaments in huge quantities, with the help of which he defeated the Russian armies. With the power vacuum coming up in Afghanistan, the less known Taliban, duly supported by US came up to be the major force in Afghanistan, later to be undermined after the Post 9/11 US invasion of Afghanistan. They resurfaced again within no time. This cancer sowed by the US to fulfill its oil thirst survived the invasion and is currently tormenting the region, more particularly the Pakistan society. Hillary Clinton conceded as much when she said lot of the problems in the area are outcome of US policy in the region.

One should not jump to demonize Islam by the actions of Taliban or Al Qaeda. Many a rulers have used the identity of religion for expansion of their empires, to launch brutal wars, Crusades, *Jihads*, and *Dharmayudhdhas*. The beneficiary of this version of 'religion at the service of rulers', is Kings and the clergy, while average people suffer. The common theme of use of religion in politics is that such a use, *may* abuse, of religion revolves around the identity related things of that religion and not to the morality of the religion. (*on next page...*)

Remembering Dr. Y. P. Chhibbar

Dr. R.M. Pal's Condolence Message

(The following condolence message sent by Dr. R.M. Pal was read out at the Condolence Meeting held at Gandhi Peace Foundation, New Delhi on December 11, 2008 to pay homage to Dr. Y.P. Chhibbar, General Secretary, PUCL)

The news of Dr. Y.P. Chhibbar's sudden death came to me as a great shock for two reasons: one, because of the PUCL for which his death is an irreparable loss; and the other personal. I wish I could be personally present at the condolence meeting but because of my ill health it has not been possible for me to travel to Delhi.

I had known Dr. Chhibbar from my Dehradun days when I was a student at the D.A.V. College. His younger brother has also been an intimate friend of mine.

His father, the Principal of the D.A.V. Intermediate College, lived in the College campus. I had lunch at their place almost everyday. He then shifted to Mussoorie. He had to come down to Delhi for his daughter's treatment every now and then. I then suggested to him that they might shift to Delhi where his wife could easily get a job. They accepted my suggestion and moved to Delhi. His wife got back her teaching job at her old college (I.P. College), and he himself got a teaching job at A.R.S.D. College. I was already in Delhi by then. Our old connection was revived.

He first became the Executive Secretary of the PUCL and then the General Secretary. He took upon himself the responsibility of publishing the monthly *PUCL Bulletin*. He wanted an Editor. He asked me and before I could say 'Yes' or 'No', he announced my name in the *'Bulletin*. Of course, he could take this liberty with me because he knew that I would never say 'No' to him.

At that time Justice Sachar was the President of PUCL. In my writings I gave the utmost importance to societal violation of human rights caused by caste, and communalism. Justice Sachar gave me his support. In fact, he encouraged me to continue to write on the subjects. I came to be known as a writer on the subject of human rights,

thanks to Dr. Chhibbar and Justice Sachar. I do not know how the PUCL will manage to find out someone like Dr. Chhibbar whose entire life was devoted to the PUCL, and through it, to the cause of civil liberties in the country. So long as he was alive he sacrificed everything to make human life free and dignified, and even in his death he bequeathed his mortal remains to the medical science to serve the human cause. He was a humanist to the core.

I convey my heartfelt condolences to his wife, his son Prof. Vivek Chhibbar and other members of his family, his friends and admirers, and the whole PUCL family. – **R.M. Pal**, Thane, Maharashtra, 10.12. 2008 □

(from previous page...) And Taliban or Al Qaeda are not alone in this category, there are others from other religions who commit similar atrocities on people of other religions, in the name of their religion. Religion is not an abstract phenomenon as such. On one hand it reflects the social and political reality and on the other shapes the same forces. There are different streams in every religion, depending on which social reality it reflects.

One fully stands with the Sikh community in condemning the brutality of Taliban's, one also stands with the leaders of Indian Muslim community who have whole heartedly condemned this act of Taliban. The social and religious leaders of Indian Muslim community in their joint statement have not only condemned this act of Taliban they also point out that Jizya has no place in modern World. As the region in the neighborhood of India has been infested with the poisonous seeds of Al Qaeda and Taliban, one must recall the dangerous role played by the US Empire and local collaborators the Pakistan army in planting this problem in the region. Is it not its moral obligation that US compensates the region for the mess it has created here? Is it not time that United Nations ensures the preservation of Human rights of those living in this area? The Indian Muslim leaders have already condemned the Taliban-Al Qaeda atrocities. The fanatics wearing the garb of Islam must be dealt with firmly and human rights of all must be upheld to the fullest extent. □

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