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The State and the Human Rights Defenders Prabhakar Sinha

The powers that be have often been insinuating and occasionally making an open allegation/ that the human rights organizations have sympathy only for the terrorists and extremists (implying all armed political groups) and not for their victims .The allegation is absolutely baseless, as killing, maiming and terrorizing the people either by the State or anybody else are complete negation of human rights and totally unacceptable to an organization committed to human rights. . Despite this well known position, if a government makes such allegations, it can either be due to incompetence of intelligence agencies (which are expected to keep the government well informed) or a deliberate act of disinformation to cover up the acts of human rights violations by the police and security forces and undermine the credibility of the human rights organizations, which expose their heinous crimes. Either way, it is a matter of grave concern to the nation. Intelligence agencies are the eyes and ears of a government and if they are incompetent, the government is forced to act in the dark and make mistakes in assessing a situation, judging an organization or people resulting in the victimization of innocent persons. However, if it is an act of deliberate disinformation calculated to undermine the credibility of the human rights organizations, the government becomes a greater loser by losing its own credibility. The result is that even in cases in which the allegations of violation may be untrue and the State agency might have acted within the bounds of the law, very few believe the government version. The people who sympathise with the victims think that records have been manipulated to conceal the truth, and most of those supporting the government, too, believe the same, but consider the act justified for what they wrongly consider to be in the national interest .Disinformation is a double edged sword which hurts all- the government, the human rights organizations by undermining their credibility and as inevitable consequence the national interest itself.

The role of a human rights defender is complex and liable to be misunderstood by an uninformed approach .In fact, he should be viewed like a doctor. Just as the sacred duty of a doctor is to treat a patient with utmost sincerity even if he (the patient) is a hardened criminal or a terrorist a human rights' defender is duty bound to stand to protect the human rights of a person whose rights have been violated even if he might be guilty of heinous crimes; just as a doctor is not misconstrued as a supporter of the activities of his patients, a human rights defender should not be misconstrued as a supporter of the activities of a terrorist, or Maoist or anybody else whose rights he may be defending. He should be accused of some offence for his acts done in course of doing his duty only if there is irrefutable evidence against him and not on mere suspicion or to wreak vengeance

Human rights defenders do not plead for any favour to an accused and only demand that any person accused of an offence, including terrorism or Maoist violence, must be given a fair trial according to our law as was given to even Nathuram Godse, who killed Mahatma Gandhi in full view of thousands or is being given to Kasab, a Pakistani, who was arrested in Mumbai for his acts of terror. Using the State agencies to kill or turning a blind eye to their killing people in fake encounters or in police custody by subverting the

rule of law is like adding a nail to a democracy's coffin.

In a real democracy, the State and the human rights organizations cannot be in conflict since both are committed to the rule of law and the protection and promotion of human rights. In fact, it is the Member States of the UNO (in our case the Government of India) ,which., by signing the Universal Declaration of Human Rights and the various Conventions, Covenants and Protocols for transforming the declaration into a reality, have given

a solemn pledge to the world to protect and promote human rights .. The human rights organizations comprising citizens committed to work for a just and humane order by promoting and protecting human rights and the rule of law are valuable assets for our democracy and should be viewed as such. A democracy, true in form and spirit, would look at their activities as cooperation rather than confrontation. If the government opts for collision with human rights activists, there must be something seriously wrong with our democracy. □

A Brief Report:

PUCL National Executive Meeting Bangalore: 20-21 February Pushkar Raj

PUCL National Executive meeting was held in Bangalore on 20-21 February 2010.

The objective of the meeting was to take stock of the human rights situation in the country and discuss the organizational matters.

The meeting began with rich tributes to the former Jharkhand PUCL President Sh. Subroto Bhattacharjee who recently passed away. The house paid glowing tributes to his long association with the human rights movements in the country and remembered his valuable role in building PUCL in the state of Jharkhand. The meeting opened with a brief presentation by the General Secretary on the proposed agenda and issues of deliberation in the meeting.

During the discussion the following decisions emerged.

1. The state units of PUCL should ensure that the National council members should pay Rs. 1000 each annually. For this purpose the National office will send the list of all the council members to the states. This will facilitate the states to contribute to the national office collectively.
2. The state units and national PUCL will campaign to enroll

donors who may contribute one thousand to five thousand annually. The donors will be given the bulletin for free. The states are requested to send the names to the national office so that they could be approached.

3. The National convention should be held regularly. By this resolve the next National council meeting should take place by 30 October 2010 (with in one years of the last council meeting, that was held in October 2009). Thereafter, the next Council meeting has to be held in April, 2011 i.e. six months before the next National Convention, which should be held before 31.10.2011 i.e. within two years of the last Convention (which was held on 31.10.2009).
4. It is expected from all the state branches that a bank account is maintained for the state unit and transparency be maintained in account receipts and expenditure. Though it is common knowledge that we have very little money at our disposal but still this step is necessary to ward off any eventuality of allegations of financial irregularities.

5. The state units should document recording the various ways in which the state is suppressing dissent and harassing the human rights activist. A letter asking for such an exercise should go from the National office to all the state branches. The inputs received from the state units can go into a small compilation.
6. The National office should have the knowledge of the activities of the state units. For this the states should compile their quarterly reports and send it across to the National office. This will bring required cohesion between the National office and the state units. For this it is desirable that a report should be sent to the National office in the month of March- June- September and December. The report should preferably be sent 1st to 15th of the each quarter.
7. When the National office bearers travel to a state to attend some meeting it is expected of them that they inform the state/ local unit of such a meeting and participation.
8. PUCL should come out with short primers based on cases

that have gone to courts in the form of public interest litigation and have resulted in improvement in policy and governance. This might also include set of core human rights issues like education, health, food rights, land and water. This would be put together by a committee consisting of Ravi Kiran Jain, Binayak Sen, Sanjay Parikh and Suresh. Suresh will be the convener.

9. This primer could be used in conducting workshops with the lawyers. This will bring newer people in the fold of PUCL. Suresh took the responsibility to come out with a training module that can be taken among the young lawyers, grassroots workers or the students.
10. It was decided that the possibilities should be explored for a National level convention on attacks on human rights defenders. The convention preferably should be held in Delhi, highlighting the shrinking space for civil liberty practitioners and a representation to an appropriate authority be given. This should involve other like minded organisations also.
11. Given the rise in the production cost of the PUCL Bulletin, its price was decided to be raised from Rs. 6 to Rs. 10 per issue and the annual from Rs. 50 to Rs. 100.
12. It was resolved to amend Clause 5(a) of our Constitution by substituting **once** for **twice** in the following sentence:
5(a) The National Council will meet **twice** a year. This is a recommendation that will be put before the national council for the approval.
13. The National office bearers volunteered for responsibility of strengthening the various state

units where there is a potential for growth. Those who were not there are requested to volunteer like wise. However some of them who were not there were allotted some work subject to their approval.

This is as follows :

Prabhakar Sinha/Nishant Akhlesh - West Bengal, Orissa;
Ravi Kiran Jain , Chitranjan Singh - UP, MP, Uttrakhand
Kavita - Maharastra, Gujarat, Andhra Pradesh
Suresh - Pondecherry, Karnataka, Tamilnadu, Kerela
Mahipal - Haryana, Punjab, Delhi
Binayak Sen - Health, Genocide, Human Rights

Action points

1. Small booklet should be created on Human rights commissions. It should have the compilation of experiences of human rights activists/ PUCL state/ district units with the state human rights commission and the National human rights commission. This compilation could be made use of in holding public hearings aimed at making the state or the national human rights commission functional. The state units to send their experiences to the general secretary so that they could be compiled. National office to write to all the state units asking them sending their impressions on their experiences with the NHRC or state human rights commissions.
2. A representation should be sent to the home minister on the death penalty/ Suresh will take responsibility of this and work on it by March end. Suresh will circulate the format on the death penalty information to the state units.
3. Sri Lanka: a letter can be prepared and sent to the home ministry stating our demands for

the people of Sri Lanka post war. Tamil Nadu unit will prepare this letter vetted by Justice Sachar.

4. Write a letter to the home ministry on law on torture. Mail should be sent to all the state units: circulate the convention on the law on torture. Andhra Pradesh high court order on encounter killings should also be circulated amongst the state units.
5. On police reform: send all the state units literature on police reforms and impress upon them that they should lobby for a good police legislation where the law is in the process of being enacted.
6. Amendment to the section 41 CRPc. The gazette notification has come but separate notification needs to be issued for it to be effective. A short note on this can be circulated amongst the state units. We can meet Veerapa Moily and the home minister on this issue and impress upon him to notify it.
7. Demand for building a secular police force: Kavita will speak to Asgar Ali engineer what to do about it.
8. Write to all the state units to compile all the draconian laws in their state: Suresh and Sanjay Parikh will look it not it.
9. Kavita and Suresh will pen down a concept not on corporatisation, militarization of the state, with a possibility of holding a National level conference in Delhi
10. On food security: Kavita, Biraj, Suresh will pen down the letter/ write up for the proposed bill/ Act.
11. Judicial reform: cooperate and support Prashant Bhushan and circulate the related literature to all the state units. □

Cops have No Right to Kill Anyone: Chennai HC

Chennai: "Police have no right to kill anyone, even if the person concerned is involved in criminal cases." This is what the first bench of the Madras High Court had to say, 18 days after two history sheeters Dindigul Pandi (42) and Guduvanchery Velu (34) were gunned by the city police. The two were shot dead during an encounter with police on February 8.

The bench, comprising Chief Justice HL Gokhale and Justice KK Sasidharan, rejected government pleader J Raja Kalifulla's submission that the duo faced about 14 murder cases, and said: "That does not justify their killing. Police have no right to kill anybody, even assuming that the person is facing criminal charges. We feel an inquiry should be made at the highest level."

The judges were making the observations during arguments on a public interest writ petition filed by advocate P Pugalenti, seeking

registration of criminal cases against the police officers involved in the alleged encounter.

When the government pleader said the deceased had attacked a head constable and attempted to harm other personnel before being shot dead, Chief Justice Gokhale asked: "What are the injuries sustained by police? Is there any damage to their vehicles? It all happened in broad daylight."

Recording the government pleader's reluctance to accede to a probe, the judges asked: "Why you are reluctant to entrust the matter with a senior officer for inquiry. Your reluctance gives leads to suspicions."

"We were inclined to direct the petitioner to approach the director-general of police for appropriate relief. We had asked the government pleader whether inquiry could be conducted by an IAS officer. The GP declined to accept the suggestion,

and relied upon the police standing orders, which deal with procedures to handle cases of alleged torture by police or death or grievous hurt caused by police," the bench said. They then adjourned the matter to March 11 for further proceedings.

Earlier, the chief justice asked M Radhakrishnan, counsel for the petitioner, as to why they did not give any representation to the DGP in that matter. When Radhakrishnan said that it was a matter of grave human rights violation and that courts could directly take up the matter based on media reports, Chief Justice Gokhale said: "What is the difficulty in giving a representation to the DGP? One has to approach the public authority first. Every public authority should be given an opportunity (to perform). If they fail, then we are here to take up the case. You go to the authority, and if the authorities fail, then we will take up the case."

Courtesy: Times of India, 27 February 2010 □

The End of Impunity Teesta Setalvad

The struggle of man (or woman) against power is the struggle of memory against forgetting. — Milan Kundera

It was not simply the number of lives lost, though the number — perhaps 2,500 — is not insignificant. It was the cold-blooded manner in which they were taken. It was not simply that 19 of Gujarat's 25 districts burned while Neros watched, fiddled and smirked but the sinister similarity in the way they were set alight. Militias were armed with deadly training, weapons, technology and equipment; with a lethal brew of deadly intent, inspired by constructed tales of hate, using the February 28, 2002 edition of a leading Gujarati daily that urged revenge; all combined with a deadly

white chemical powder that seared to burn and destroy already killed bodies. And, of course, truckloads of gas cylinders, in short supply for cooking, were used instead to blast mosques and homes. Mobile phones and motorcycles made communications easy and movement swift.

Part of the plan was to humiliate, destroy and then kill. Another was to economically cripple. But at heart the desire was to construct a reality whereby a whole ten per cent of the population lives (and a few even prosper) as carefully whipped into shape, second-class citizens. Most incidents that racked the state, except the famed Best Bakery incident, took place in the glare of the day, not the stealth of the night.

Critical to the plan to mutilate and humiliate was to subject women and girls to the worst kind of sexual violence. Tehelka's "Operation Kalank" records victorious testimonies of rapists and murderers who claim to have received personal approbations from the man at the helm. Over 1,200 highway hotels were destroyed, more than 23,000 homes gutted, 350 large businesses seriously damaged (and are still unable to recover) and 12,000 street businesses demolished.

Genocide is about economic crippling as much as death and humiliation. The Concerned Citizens Tribunal — Crimes Against Humanity 2002 called the happenings in Gujarat a genocide, because of the systematic singling out of a group

through widely distributed hate writing and demonisation, the economic destruction, the sexual violence and also because over 270 masjids and dargahs were razed to the ground. The bandh calls on February 28 and March 1 by rabid outfits and supported by the party in power enabled mobs free access to the streets while successfully warding off the ordinary citizen.

Eight years on, it is this level and extent of complicity that is under high-level scrutiny. The involvement of high functionaries of the state in Gujarat did not begin, and has not stopped, with the violence. It has extended to destruction of evidence that continues until today, the faulty registration of criminal complaints, the deliberate exclusion of powerful accused and, worst of all, the utter and complete subversion of the criminal justice system by appointment of public prosecutors who were not wedded to fair play,

Press Statement:

justice and the Constitution — but were and are lapdogs of the ruling party and its raid affiliates. The proceedings in the Best Bakery case in the Supreme Court and the judgment of April 12, 2004 strips our legal system, especially lawyers, of the dignity of their office.

The hasty granting of bail to those involved in the post-Godhra carnage remains a scandal. While over seven dozen of those accused of the Godhra train arson have been in jail, without bail for eight years — and today face trial within the precincts of the Sabarmati jail — powerful men, patronised by the state's political hierarchy who are accused of multiple rapes and murders roam free in “vibrant Gujarat” even as the trials have resumed. The few that are in jail — ten of the 64 accused in the Gulberg society carnage, eight of the 64 accused in Naroda Patia massacre, two of the 89 in the NarodaGaam killing, eight

of the 73 in the Sardroura massacres (all the 84 accused of the massacre at Deepda Darwaza roam free on bail) are those with no political godfathers. A vast majority have lived in freedom even after committing unspeakable crimes. All this and more is being investigated under the orders of our apex court on a petition filed by Zakia Ahsan Jafri and the Citizens for Justice and Peace. For the first time in our history criminal conspiracy and mass murder are the charges, the chief minister and 61 others the accused. Will the wealth of evidence be matched by the rigour of investigation? Will the will to prosecute surmount political considerations? Will the Indian system throw a spotlight on what surely must be its darkest hour? As we stood, remembered and prayed in painful memorial, with lit candles at the Gulbarg Society this Sunday we did so in both faith and hope. □

Kobad Ghandy Chargesheet

The Delhi Police produced its chargesheet against Mr Kobad Ghandy in the Tees Hazari Courts New Delhi on 18.02.2010. This document has baselessly alleged unlawful activities against a number of individuals and legitimate democratic organisations working in the public domain. These include Dr. Darshan Pal of the People's Democratic Front of India (PDFI), Mr. GN Saibaba, a professor with Delhi University, Mr. Rona Wilson, Secretary of the Committee for the Release of Political Prisoners, Mr. Gautam Navlakha of the People's Union for Democratic Rights (PUDR), PUDR itself, the People's Union for Civil Liberties (PUCL), the Democratic Students' Union (DSU), Revolutionary Democratic Front (RDF), the PDFI, the Indian Association of People's Lawyers (IAPL), Anti-displacement Front (ADF) and the Association for Protection of Democratic Rights

(APDR; wrongly named in the chargesheet as the Association of Peoples For Democratic Rights). APDR, PUDR and PUCL in particular have been solely concerned with safeguarding democratic and civil rights in India for over 30 years, and are internationally reputed for their rigorous and scrupulous approach to these issues. Among the charges against these established and respected organisations, is the completely unfounded one that they are playing “a very important role to broaden the base of the [CPI (Maoist)] outfit”. The chargesheet has provided no evidence whatsoever to substantiate its allegations.

These individuals and organisations have been actively and openly working for democratic and civil rights and liberties across the length and breadth of country, on issues ranging from displacement, people's movements and rural destitution to issues of ethnic conflict and custodial

deaths. Today, however, they are being targeted in the chargesheet because, along with hundreds of others, they have actively and openly protested 'Operation Green Hunt' (OGH). They have been consistently engaging with violations of civil and democratic rights arising out of the conflict between the Indian state and the tribal communities that have been resisting it. The Indian state over the last few months has targeted the people protesting against OGH, as well as those who have taken up their cause. The chargesheet is yet another instance of the state's attempt to criminalise any resistance or protests against its actions in the areas covered by OGH. The allegations in it only suggest the state's intention to clamp down on legitimate protest against its undemocratic practices, and especially against its own attacks on its citizens — in fact, these allegations themselves constitute an

unprovoked and unwarranted attack on these democratic and civil liberties organisations and individuals. It aims to further cramp already restricted democratic spaces: as the Supreme Court recently observed (with reference to charges against Mr. Himanshu Kumar of being a Maoist sympathiser) in the name of 'sympathizers' and 'sympathizers of sympathizers' and so on, all criticism and opposition is being stifled. It seems the intent of the chargesheet is also to intimidate and silence all those who are engaged in protesting

OGH.

Evident in this is a 21st century, Indian version of McCarthyism: an attempt to silence independent voices that was evident in the trumped-up case against Mr. Binayak Sen, in the brutal illegality of the demolition of Vanvasi Chetna Ashram and the eviction of Mr. Himanshu Kumar – all in the name of the fear of 'Maoists'. The fear psychosis is being sought to be generated so openly now, that the union government even tried to allege that Maoists were infiltrating the

Telengana movement in Osmania University – which it had to recant in the Supreme Court recently. We collectively and unitedly condemn the state's attempt to intimidate and silence legitimate protests and affirm the democratic rights of all people. In the light of the above we also reiterate our demand that the state engage in genuine dialogue with the CPI (Maoist) instead of prosecuting war against its own people.

– PUCL, PUDR, CRPP, Jan Hasthakshep, CPDM, NPMHR, Saheli, Kashipur Solidarity Group ☐

Letter:

Letter to Home Minister on allegations on PUCL in Kobad Ghandy Chargesheet

Dear Mr. Chidambaram,

I wish to bring to you the highly objectionable uncalled for aspersions against PUCL made in the final Report of 18/02/2010 in FIR 58/2009 of 20/09/2009 under section 173 CRPC filed by Bhisham Singh ACP Special cell NDR, and forwarded by Alok Kumar Dy. Commissioner of Police Special cell Delhi. I must protest at this false and defamatory allegation against P.U.C.L.

PUCL was formed in 1976 under the leadership of Jaya Prakesh Narain Ji. It has had consistent record for upholding human Rights. Of course it has raised and will continue to raise its voice against the excesses and illegalities of the governments and public authorities.

A charge sheet has been filed against Kopad Gandhi under various sections of unlawful Activities (P) Amendment Act 2008, 419/420/468/479/120-B I.P.C. which will be answered by the named individuals, parties PUCL has no concern with it. But I am outraged at the audacious untrue allegation made at Pg. 15 of the Final Report to the effect "other civil Liberties and Human Right organization i.e.....PUCL (Peoples Union for Civil Liberties) (Emphasis supplied) also take up the issues of their outfit CPI (Maoist). These organizations play a very

important role to broaden the base of the outfit. Their outfit CPI (Maoist) has assigned codes to various front organizations to maintain secrecy. The leaders of these organizations send reports to their party/outfit in the same way." The allegation regarding PUCL is a total lie and is hereby repudiated. Similar outrageous statements have been made with regard to other organization, with which PUCL is not concerned - I am sure they will reply as they deem fit.

The whole tenor of the allegations seems to be effort to present PUCL as a front organization of CPI (Maoist) which is a total lie. PUCL is an independent Civil Liberties organization founded in 1976 by Jaya Prakesh Narain Ji. It has had as its President Mr. Tarkunde, a great believer in Human rights and Civil Liberties. Of course PUCL condemns any violation of Human Rights, by state agencies and does not accept the lame excuse by State agencies of the alleged party or individual acting prejudicially to law or security to condone State terrorism or illegality against any party or citizen of the country.

Our position in this respect has been categorically stated in the resolution adopted by the National Convention on 7 March, 1982 in Madras, which reads as follows:

"The PUCL reaffirms its faith in the democratic way of life. It appeals to all to use the utmost the agencies and methods available in an open society. Apart from other factors, violence, even for laudable objectives, will legitimize counter-violence by the State and other groups. It affirms that even those who have taken to violence are entitled to due process of law. We believe this commitment is the very faith of an open society and also that adhering to this commitment is an effective way of converting all to the democratic and peaceful way of transforming our society."

PUCL is like an open book with no secret chapters. However, in spite of this, the Special Cell of Delhi Police has in the charge sheet filed against Kopad Ghandy', in which it is stated that our organizations i.e. People's Union for Civil Liberties (PUCL), is a front organization of CPI (Maoist)

This is a total lie. Such slanderous accusation is possible only because the police are not made answerable for their conduct as is imperative under a democratic system. When such grave allegation are made by the agencies of a democratic government, it must be done conscientiously and with a greater sense of responsibility.

I hope Prosecution agency CBI will be properly advised to withdraw this defamatory observations in the FIR. If it is not done, PUCL of course will resort to all the legal avenues to proceed for defamation against CBI and the department under which it functions.

Of course PUCL will on its own take all legal courses open to it against

the state agencies for making such defamatory and slanderous allegation against it. It is in this context that I am requesting you, if you feel proper to look into this matter of violation of constitutional rights of bodies like PUCL. Could I also request you to ask the public prosecutor to look into the matter and on his own examine the matter with a view to withdrawing the allegation

which are baseless – this course will avoid bitterness and a necessary collision course because PUCL obviously cannot permit such scandalous imputations to be made with impunity by State agencies and will take necessary legal steps.

With best wishes,

Prabhakar Sinha, President National PUCL □

The Third Position Non-alignment with Violence

Sudhir Vombatkere

Maj Gen S.G.Vombatkere retired as the Additional Director General Discipline & Vigilance in Army HQ, New Delhi, in 1996 after 35 years in the Indian Army with combat, staff and technical experience. He holds a PhD degree in Structural Dynamics from I.I.T., Madras, and the President of India awarded him Visishta Seva Medal in 1993 for distinguished service rendered in Ladakh. Since retirement, he is engaged in voluntary work with Mysore Grahakara Parishat, and is a member of National Alliance of People's Movements (NAPM) and People's Union for Civil Liberties (PUCL). He coordinates and lectures a Course on Science, Technology and Sustainable Development for undergraduate students of University of Iowa, USA, and two universities of Canada, who spend a semester at Mysore as part of their Studies Abroad in South India. He is Adjunct Associate Professor of the University of Iowa, USA.

McCarthyism in India

In a charge sheet against Mr. Kobad Gandhi produced by the Delhi Police in the Tees Hazari Courts, New Delhi, on 18 February 2010, besides naming some other individuals, some organizations like People's Union for Civil Liberties (PUCL) and People's Union for Democratic Rights (PUDR) are named. Much like McCarthyism in USA several decades ago, in the present circumstances in India, governments may treat members of PUCL and PUDR as members, collaborators or sympathisers of Maoist, Naxalite or other militant groups.

This possibility needs to be examined in terms of (1) just who are militants and what distinguishes different types of militants, (2) what precisely is militancy, and (3) whether it is possible for a socially responsible position to exist, which supports neither the militancy of certain groups of people, nor the government response to militancy with the use of police and military fire-power.

Who is a Militant?

According to the Oxford Dictionary, a militant is one who is "prepared to take aggressive action in support of a political or social cause". But the

dictionary meaning does not include an economic or environmental cause, even though these are daily triggers for violence across the country. These impinge upon the daily life and livelihood of those sections of the population that are marginalized, have no political voice, and live hand-to-mouth. Aggressive action does not necessarily involve the use of physical violence, though that is the most common form observed today. Physical violence at group levels occurs for a variety of reasons. Words or deeds that are contrary to, or criticize, political or social ideas or ideals held in esteem by one set of people can cause outbreak of physical violence not merely against the person(s) who are presumed to be responsible; ordinary people who may be passers-by or vehicles or other property that happen to be in the vicinity often also become victims. In our 60-years-old Republic, such physical violence has been caused by various groups, some of which express allegiance to major political parties at centre or in the states. Just as an example, let us consider members of the Shiv Sena (SS) or the Maharashtra Navnirman Sena (MNS) in Mumbai, who openly challenge government to stop or

control them. That various governments in Maharashtra over the decades have failed to do so is well known, and so the SS, and more recently the MNS, are feared by ordinary people. Yet, even though their aggressive stance and physical violence have been for a political or social cause, groups such as the SS and MNS have not been named as militants. This is not to suggest that SS and MNS are in the same category as Maoists, Naxalites, et al. The SS and MNS challenge governments with their political power supported by muscle power, whereas Maoists/Naxalites challenge the State with their ideology supported by organized use of weapons. Also, SS and MNS target individuals or groups of people who oppose them, or do, or not do or say things their way (even for saying "Bombay" instead of "Mumbai"), whereas Maoists et al, who are also feared by ordinary people, target government forces and government apparatus. Even granting the differences between SS/MNS and Maoists/Naxalites, both qualify as militant groups, but they are not treated equally by governments. This argument is not restricted to SS/MNS.

Militancy

Today, the words militancy and terrorism are used almost interchangeably. This is not only erroneous but very unfortunate, because all terrorists are militants but not all militants are terrorists, and confusing the two results in the wrong means being used to tackle these problems. In any case, it is instructive to see how militancy has grown in India.

The militant Naxal movement began in April 1967 in one state (West Bengal), one district (Darjeeling) and one police station area (Naxalbari). And 42 years later, in November 2009, the Union Home Minister stated that Naxalism had spread to 23 states, 250 districts and over 2,000 police station areas [1]. Any thinking individual would wonder why this is so.

It cannot be ignored that a high-power committee set up in 2006 by the Planning Commission of India, ascribed growing Naxalism to people's discontent and failure of governance, and showed a direct relationship between extremism and poverty. It also recommended that "public purpose" for land acquisition should be limited to national security and public welfare. Clearly, that opinion and recommendation have found a place in the capacious waste bins of government, having been sent there by insensitive or arrogant bureaucrats, because the RR Bill and the LA Amendment Bill do not reflect those concerns.

Militancy has almost always been handled by governments using state and central police forces. However more recently, in the background of PM Dr. Manmohan Singh's statement that terrorism is the greatest internal threat that India faces, a joint operation involving the military and code-named Operation Green Hunt (OGH) has been initiated in central India, mostly in the tribal areas. The wisdom of such up-scaling is questionable. Governments saw Naxalites or Maoists – they all appear to have been clubbed under the name

CPI(Maoist) - as the threat and now, with commencement of OGH, as "the enemy". From all accounts, the CPI(Maoist) see the rapacious MNCs as the enemy and the governments as collaborating with MNCs by using the armed might of the State in favour of MNCs.

It is well known that the lands and forests occupied peacefully by tribal people are rich in minerals and that MNCs have an eye on exploiting that mineral wealth. At the same time, that exploitation, willy-nilly combined with exploitation of the occupant tribal people through their forced displacement, adds to the nation's GDP, and makes India out to be a healthy, growing economy, well on the way to becoming a "regional superpower", "economic powerhouse", "destination for investment", etc. This exploitation is nothing but economic violence being wrought upon hapless tribal people, who appear to be responding in the only way that they possibly can. It is pertinent to note that while there are no official figures, Dr. Walter Fernandes, a noted scholar, gives some idea of the magnitude of displacement. He indicates that between 1947 and 2004, about 60 million people were displaced forcibly and 40% of those of them are people of the Scheduled Tribes [1]. Compared to 50 million Africans displaced over 200 years by slave-trading Europeans, 60 million Indians displaced in 59 years and that too within and by an independent, democratic nation in the name of development is shameful beyond description.

The militancy in central India appears to be disputing and questioning the model of development and, as with any powerful body whose fundamental ideas are questioned, the State has responded with police and military force.

Other kinds of violence

Often physical violence results from some spoken or written words or sketches, cartoons, paintings, etc., that some individual(s) find objectionable. Violence begets

violence. When governments wreak economic violence upon people by displacement for industrial projects causing loss of land and livelihood, they cannot resist or respond with economic force since they have none. They protest, agitate, demonstrate and physically resist the occupation of their land by the industry. These sometimes turn physically violent since they have no other choice when their point of view is not considered or even heard. Whether the protesters or the police started the physical violence, the first cause is economic violence by government that has led to the situation. Gone are the days of quiet supplication ... these are times of angry demands for social justice and fair play from people in power.

The perpetrators of economic violence are primarily corporate interests which have enormous and proximate influence in the highest levels of governments. These interests ensure that they receive official go-ahead for their projects which, in almost all cases, involve the acquisition of land for a "public purpose", land on which poor and marginalized people subsist. These project-affected families (PAFs) have little or no means to argue or represent their case in the corridors of a geographically distant and corporate-favouring government. It is commonly observed that elected representatives, whether or not they are from the ruling party in government, rarely if ever take up the cause of PAFs. In recent times PAFs have been frequently led by some better educated members of their group or by intellectuals motivated by notions of social justice or human rights.

However, the involvement of intellectuals is not only for PAFs, but extends to social or physical violence by "upper castes" against dalits, atrocities against women, attacks on religious communities, child-exploitation, etc., under the rubric of human rights or civil liberties. There are organizations that have been formed to uphold and protect the constitutional rights and

privileges of all sections of people, especially human rights and civil liberties. These organizations have been formed under the constitutionally granted right of freedom of speech and expression and freedom to form association under Article 19(1)(a) and 19(1)(c) respectively, and they function under the constitutionally prescribed fundamental duties under Article 51A(e) to promote harmony and Article 51A(i) to abjure violence.

Speaking up against violence

Gandhiji preached and practiced non-violence and is recognized internationally as its apostle. He demonstrated ahimsa by example in his personal life, with the conviction and courage of truth (satya), often through satyagraha. He did not restrict his idea of ahimsa to the physical plane but generalized it to other spheres including the economic and political. In today's India there are people who, though they may not be followers of Gandhiji's doctrine of ahimsa, believe that violence is wrong and counter-productive. And they speak against all forms of violence – social, economic, environmental, political, physical – since ultimately it is the weak who are the victims.

It is unfortunate that governments do not understand the oft-repeated position of human rights and other social activists, that standing against violence does not mean sympathy with or support for militant groups, that there is a third position which is equidistant from both sides of the conflict, and that the position of “if-you-are-not-with-us-you-are-against-us” is deeply flawed in the common law and social senses.

Equally unfortunate, speaking against violence and in favour of peaceful negotiations is interpreted by government as opinions of misguided peaceniks at best, or as overt or clandestine collaboration with militants. Today, governments are openly adopting hairy-chested policies of up-scaling police and military fire-power based on intelligence using the latest hi-tech

from the military-industrial complexes of the world. This inevitably results in governments' intelligence agencies creating lists of individuals and organizations who oppose its policies and actions.

The “Lists”

When there are serious differences of opinion, the tendency is to make lists of people who agree and who disagree with one's point of view, to mobilize support and to counter or eliminate opposition. At that stage, the “us” and “them” get clearly defined and the mindset of “if-you-are-not-with-us-you-are-against-us” sets in. The CPI(Maoist) no doubt have their “hit lists” consisting of government officials at various levels and also local people who are suspected or known to be collaborating with the State forces, who they believe need to be eliminated. But surely governments' intelligence apparatus prepares lists in much the same manner though, of course, not all those on the lists are meant to be eliminated. And that is where McCarthyism begins to take hold. The names on these lists can be – and are – used not only in the context of militancy but also to settle personal or political scores, feuds and grudges.

The reality of such a list recently came very close when Dr. E. Rati Rao, a retired scientist and Vice-President of PUCL-Karnataka, who has been active in upholding women's and dalits' rights and communal harmony (and opposing attacks on places of worship) was served a Notice on 26 February 2010 by the Vijayanagara Police Station of Mysore (Karnataka), with questions about an in-house bulletin (named PUCL-Karnataka Varthapatra, since discontinued) which she was publishing. Along with the Notice was a FIR No.155/2007 charging her with IPC Sections 124A & 505 and Press Registration Act Sections 14 & 15. Needless to say, there is nothing even remotely seditious in the bulletins. It may be purely coincidental that Dr. Rati Rao received the Police Notice soon after

the charge sheet against Mr. Kobad Gandhi and PUCL was filed in the Tees Hazari Courts, New Delhi. But with this Police Notice and FIR against Dr. Rati Rao, the message of McCarthyism is loud and clear in Mysore.

The third position

In matters such as the militancy and terrorism that are presently rife, many people fear that governments' policy that militancy (caused by decades-long neglect and misgovernance) should be crushed by the use of police and military firepower, will make presently bad situations worse. Such people take the so-called third position, standing apart from the “if-you-are-not-with-us-you-are-against-us” position, and in favour of peace and harmony.

The opinions of people who take the third position may be summarized as follows. They (#) stand against and condemn violence of any sort by either governments or militant groups because innocent people are always caught in the cross-fire and their casualties cannot be treated as “collateral damage” as it violates their human rights, (#) strongly encourage peaceful, meaningful and honest negotiations between governments and various militant groups across the country, (#) believe that governments need to take the lead or first move in calling for negotiations with militants without pre-conditions, (#) believe that use of police, para-military or military force in the troubled (mostly tribal) areas cannot solve a political problem caused by decades of social and economic neglect by governments, and latterly, unremitting exploitation by corporate interests supported by governments in the name of economic growth and development, (#) believe that large scale hardline operations like the ongoing Operation Green Hunt can only worsen an already bad situation of human rights and social unrest in many states, (#) believe that the para-military and military forces should be immediately withdrawn, and the State Police should assume the stance of “holding operations”

while state governments should use honest political means of consultation and consensus to ameliorate the degraded social and economic status of tribal people, (#) believe that the needs of tribal and other poor people should be determined through honest processes of consultation, using the constitutional system of the Panchayat Raj all over the country, and especially for scheduled areas, (#) believe that the onslaught of corporate interests on land for

industrial activities (especially mining of minerals like coal, bauxite, uranium, etc., sand or water) needs complete review so that the economic growth of India is not predicated upon the loss of human rights and/or displacement of tribal or other already poor people, (#) believe that only honest and meaningful political steps taken to bring development of the sort desired by tribal and other poor people (not the current model of development being thrust upon them, which is obviously doing them

no good) can bring lasting peace and prosperity not only to the people affected but also to all sections of society across rural and urban India, (#) believe that there can be no real or lasting progress or development without honest consideration of human rights, social and economic justice at all levels of governance.

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Maoists Stand at Bay Kuldip Nayar

Tamar is a small Advasi tribal village in the deep jungles of Chhattisgarh. Two farmers from the village are fighting a losing battle against a young Congress member of parliament. He has forcibly built a factory on their fields, spread over 10 acres. He belongs to an industrialist scion from Haryana.

One farmer, possessing one and a half acres, is a policeman who has resigned from his job to devote all his time to get back the land. He and the other farmer, having seven and a half acres of land, often travel 400 kilometres to Raipur, the state capital, to knock at the door of top officials because the farmers have got no justice at the district headquarters, Raigarh.

Both the farmers have been dubbed Maoists who are known for their extreme left views. Prime Minister Manmohan Singh has characterised the force as the “single biggest internal security challenge” to India. The two farmers have nothing to do with the Maoists or Naxalites, a group of radicals who initiated their armed struggle in 1967 from a village called Naxalbari in West Bengal. But since the Maoists have evoked revulsion in the last few months after slaughtering 24 policemen in West Bengal, and 12 villagers in Bihar, including the two who were beheaded, the government finds it convenient to call the two farmers Maoists to divert attention from the

forcible occupation of the land. But the two farmers are not an exception. I met at Raipur this week many tribals who had been ousted from their land—and villages—to make room for industrialists of different climes, Indian and foreigners, to exploit the natural resources like coal and iron ore. The state government has signed as many as 105 MOUs. The rag-tag force of Sulwa Judum is armed private outfit that the government has constituted to drive out tribals by force.

Some of the uprooted tribals, numbering two lakh, have crossed over from Chattisgarh to the jungles in Maharashtra, Orissa and Andhra Pradesh. Many wait to be rehabilitated (40,000 are still in camps). Tribals could have used their poisoned arrows to defend themselves as they have done in the past. But they say that they trust the government which has promised to shift them to other lands where they will have facilities to send their children to schools and reach the sick easily to the health centres. Tribals have no reason to disbelieve the government which gives them one kilo rice for two rupees.

The National Human Rights Commission gave a critical report against the treatment meted out to tribals. On the basis of the report, the Supreme Court has instructed the Chhattisgarh government to rehabilitate the dispossessed

Adivasis. Every collector has been asked to rehabilitate the ousted. But there is no action yet, no land in sight. In fact, Chhattisgarh has some districts where the collector has no hesitation in admitting that his writ does not run in the entire area under him. But this is also the case in other parts of India. Out of 626, collectors of some 210 districts in the country say the same thing helplessly.

An overwhelming number of tribals, roughly 84 million, a 8.2 per cent of India’s population, are not with the Maoists in their rebellion against the State. (Home Secretary G.K.Pillai says that the Nexalites dream to take over the government at the Centre by 2050). But what option do tribals have when they find the Maoists equipped with latest weapons threatening them? Tribals are primarily victims of lack of development and corruption. In fact, they find themselves caught between the government’s neglect and the Maoists’ gun.

Tribals want to return to their old life when the forest provided them with everything they needed. They had then jal (water), zamin (land) and the natural bounty of jungle. In fact, that is their demand and they agitate to have them back. They are too innocent for the mechanizations—and brute force—of the nexus between the government and the corporate sector.

The Maoists have only made things

more difficult for them because their war cry and their violence have driven the state to adopt more fascist tactics. Unthinkingly, New Delhi has given its operation the nomenclature of Green Hunt. If at all it is a hunt, it is of the Red and it endangers whatever the green is left. The ravages of operation through the jungles can be devastating. The innocent will bear the brunt.

I also met Dr Vinayak Sen, reportedly a maoist at Raipur. He is president of the Chattisgarh's PUCL (People's Union for Civil Liberties). He is a doctor who has spent two years in jail. I did not see anything violent either in his deeds or words. Why the government took umbrage against his fight for civil rights of the suppressed tribals is not understandable. Such people should be given recognition for the good work they are doing to retrieve tribals from the Maoists' clutches.

Those who live by the gun die by the gun. How can the culture of violence be superior to the culture of peace? Bullet cannot replace ballot. The Naxalites' advantage is not the fear they evoke but the hope they generate through the promise of an egalitarian society.

The crisis of Indian politics, as I see, is a crisis of change. It reflects the widening gap between the base of polity and its structures. Both political and economic processes have brought sections of the peripheral and deprived social strata in the open without the rulers doing anything about it. There is a growing demand for purposive and principled politics and mounting anger over the neglect of public interest by political parties and leaders.

Home Minister P.Chidambaram may be able to suppress the Maoists by employing the huge apparatus the government has built in the name of

law and order, a state subject. But he should realise that some other Maoists will come up if the 70 per cent of people remain poor and if the disparities between the people and the areas do not get narrower and narrower. Chidambaram's advice to the Maoists to give up violence would go down better if he were to announce the economic package as well. He must have seen how the movement confined to a few villages in West Bengal some 50 years ago has spread to Orissa, Bihar, Jharkhand and Chhattisgarh and Andhra Pradesh.

Political parties should tear a leaf from the book of the Maoists. Today they have come to represent a socio-economic change in the country. They alone talk about such an agenda. What they do not realise is that they will be a big force to reckon with if they take to electoral politics. □

Parliament's First Priority – To Pass immediately Women's Reservation Bill

Rajindar Sachar

In Punjab we have a telling bewailing commentary by old folks when unfortunately a young bride becomes a widow soon after marriage, namely "Poor girl, a tragedy has struck her, even when 'Meandi' has not dried up". I am sadly reminded of this by the looming fate of women Reservation Bill being in danger of postponed again, soon after it was justly celebrated by all right thinking women and men as a step towards ending the commonly accepted version in India of a woman being just either as mother, daughter or wife but not as an individual with her own personality – the bill is only the beginning of a fight for gender Justice.

The passing of the Bill has generated extraordinary confidence amongst women in the country. That enthusiasm should not be allowed to be frittered away by what one is fearing of political expediency by not passing this Bill in the present session of the Lok Sabha, but waiting for the next session which will be months away.

Some weak-kneed persons in the ruling party may trot out the excuse of the danger of passing the Budget or the risk in the weakening of outside party support. There seems hardly any justification for this gloomy view — Let me remind all of the steadfast insistence of Pt. Nehru, JP, Lohia in insisting of passing the Hindu Marriage Act 1952 notwithstanding the country passing through tumultuous times and in spite of vociferous powerful opposition from stalwarts like Dr. Rajendra Prasad, the President of India and some of his colleagues. It is in time like these that the real mettle of leadership is tested. Fortunately, a last-minute corrective action by the Prime Minister and Mrs Sonia Gandhi (notwithstanding the shaky advice of their advisers) in insisting on passing the Bill in Rajya Sabha was the real knock-out blow against the opponents of the Bill.

Of course, this was made much easier by the open and correct support given by both the BJP and the Left parties. That support is still

available. Notwithstanding the bullying buster by Mulayam Singh Yadav, Lalu Prasad Yadav and Sharad Yadav, these diehard obscurantists cannot muster strength or make a cleavage in the support given by the BJP and the Left on this issue. May I respectfully remind the Yadav trio to freshen up their Lohia reading – the mentor had clearly opined that reservation for women was an instrument in social engineering – he never suggested splitting the strength of women's quota for further splitting them in sub-quotas.

Another fear put forward is that a no-confidence move by the Yadavs might tempt the BJP and the Left to make use of this opportunity. I do not see any such possibility. Notwithstanding the cleavage in their political formulations, the women electorate as such will never forgive a political party, which sought in any way to trifle the numbers and endanger the passing of the Bill in the present session.

Surely, some kind of via media can

be worked out. I know the hike in fuel price is one of the most contentious issues — each party can project its own stand, but that cannot and should not result in any danger to the stability of the government. Could not the fuel price hike differences be sorted out by these three parties by following the Lenin's slogan of "two steps forward and one step backward", say, by suspending the fuel price hike in the present scenario and taking up this issue in the next session?

It may look a little anomalous and frustrating, but the overall compulsion of passing the Women's Reservation Bill in the Lok Sabha in this very session is of so overwhelming importance that some kind of adjustment is necessary among the Congress, the BJP and the Left parties.

Let us not forget that half of the state assemblies have still to approve of the Bill before it can become a law. If the enthusiasm generated is not made use of in this very session, I am afraid the Bill may run out to become empty rhetoric and face the danger of being caught up in mutual mudslinging with uncertain prospects and might suffer a near-fatal blow, as it happened in the past. The opponents of the Bill are

projecting false fears. The argument that the women's quota will be monopolised by urban women is a red herring. There are about 200 OBCs in the Lok Sabha. It is a stark reality that it is not their public service, but merely the caste configuration that has preferred them. Similar results will follow even after reservation for women. The only difference will be a big chink in the male bastion. That is the real reason for opposition by a section of the male legislators.

Crimes against urban women are no less heinous than those against rural women. Women as a class cannot be bifurcated in the matter of injustice. The creation of artificial sub-quotas within this suppressed section is a conspiracy of male chauvinism to perpetuate its dominance.

The provision of a sub-quota for OBC women runs the risk of being held as un-constitutional. The reservation of seats is guaranteed only for the SCs/STs in Article 330. The framers of the Constitution did not intend further fragmentation of the legislatures on caste lines.

The latest Asia-Pacific Human Development Report estimates that the under-representation of women in the workforce costs the region

about \$89 billion each year — roughly equivalent to the GDP of Vietnam.

Reservation for women would check the muddy politics that their menfolk have brought about. It would bring social consciousness to political life. It will also help in breaking the criminal-politician nexus — the real danger to our democracy. In my view, the working of this law will unleash a powerful agent of social change gender respect and social reforms.

Women are not asking for grace and charity. Their contribution to the cause of nation-building exceeds that of men. An International Labour Organisation study shows that "while women represent 50 per cent of the world adult population and a third of the official labour force, they perform nearly two-thirds of all working hours, receive a tenth of world income and own less than 1 per cent of world property." Therefore, reservation for women is not a bounty but only an honest recognition of their contribution to social development.

The opponents of the Bill refuse to treat women as equals. It is this mindset that is sought to be destroyed by the Bill, which selfish politicians are resisting while pretending to fight for social justice. □

Gujarat Govt. Admits that it does not have 'Chemical Emergency Plan' itself is the Major Environmental Disaster

Rohit Prajapati

The Gujarat is facing irreversible environmental damages to its ground water, rivers, Gulf of Cambay and Modi's investment mania will further worsen the situation.

The Modi Government has made announcement that 'State Government sets up GSDM to create skilled manpower.' [Indian Express, Ahmedabad, 19-11-2009] It also made announcement that 'Govt to study disaster-prone chemical, petrochemicals units.' [Time of India, Ahmedabad, 18-11-2009]

Now the Government of Gujarat admits that they do not have 'Chemical Emergency Plan' itself is

the major disaster. The obsession of the Narendra Modi only and only for industries is once again visible in his announcement to set up 'GSDM' with an aim to create skilled manpower for industries but Chief Minister it is an urgent need to act to work out disaster management plan for irreversible environmental impact of even existing industries in Gujarat. Modi should take two days leave to read the reports of Gujarat Ecology Commission of Gujarat State which speaks for major chemical disaster of Golden Corridor of Gujarat. The term Disaster Management includes two different

yet interlinked phases of disaster and is called Disaster Response and Disaster Preparedness.

Including Modi as chairperson of the committee the Government of Gujarat has all its GSDMA members with additional charge not exclusively devoted to the task of the Disaster Management. Narendrabhai Modi actually, need exclusively devoted multisectoral and multidisciplinary team.

GSDMA's website is silent about 'Chemical emergency' and has given me in writing with reference to my RTI that they do not have 'chemical emergency plan'. Gujarat State

Disaster Management Authority should provide an infrastructure at state and local levels to plan for chemical emergencies. Chemical Industries that have spilled hazardous substances, or that store, use, or release certain chemicals are subject to various reporting requirements. All of this information is made publicly available so that interested parties may become informed about potentially dangerous chemicals around them. Disaster Management Authority must include: Emergency planning; hazardous chemical inventory reporting; public access to chemical information; toxic chemical release and detail about the trained doctors for chemical related health problems. I want to clarify that Disaster Management Authority is not just made for vague relief activity after disaster but to prevent disaster is one

of its prime task. The participation of the whole community is needed for effective disaster management and for that GSDMA should provide detail basic information on the issue which bluntly denied by the authority when demanded by us.

On one hand, the quantity of groundwater in Gujarat has reached at critical stage and on the other hand, it is also being contaminated. The groundwater of about 14 districts out of 19 and about 74 talukas out of 184 of Gujarat are critically affected by pollution. Even if we take the routine parameter like Total Dissolved Solids (TDS), Total Hardness (TS), Dissolved Oxygen (DO), Chemical Oxygen Demand (COD), and some heavy metal like Cadmium, Copper, Lead, Mercury, Iron etc. the condition of the groundwater of Gujarat is very critical that requires immediate attention.

Ahmedabad, Daskroi, Mehmedavad, Vadodara, Ankleshwar, Bardoli, Choryasi, Kamrej, Mangrol, Olpad, Palsana, Valod, Vyara, Navsari, Sanand, Dhoraji, Jetpur, Okha Mandal etc talukas are critically polluted. Amreli, Jambusar, Junagad, Mandvi, Kalol, Morvi, Upleta, Mahuva, Chorila, Dhangadhar, Limdi, Bansda, Umbergaon etc talukas are found moderately polluted. If we take Vatwa to Vapi - Golden Corridor it is clear that 80% of the groundwater is contaminated and it is going to reach irreversible level.

The Gujarat is facing irreversible environmental damages to its ground water, rivers, Gulf of Cambay and Modi's investment mania will further worsen the situation. It is high time to have fight back such an disastrous so-called development. □

U.P. PUCL:

Dharna against State Repression in Lucknow

Noted Hindi writer and theater personality Mudrarakshas was too angry. He questioned loudly in an aggressive gesture to whom this nation belongs. Samana like Magazine continuously appeals for onslaught of Muslims, and central ministers pays visits to Baal Thakare to bow down. Murderers, looters, kidnappers are roaming freely everywhere. But poor, Dalit and Adivasi communities are being targeted to serve the interest of few. From Chhattisgarh to Orissa, Andhra Pradesh, Jharkhand State governments with the concurrence of central government are waging against their own people. Imposition of Maoist label is a weapon to legitimate suppression of masses. UP government is also moving on undemocratic path pushing poor populace in more misery and further deprivation in the name of development.

By quoting great thinker Sartre, Mudrarakshas added that our words are like bullets, but we can use bullets also. To create history of

change, struggle is must. As a writer or artist, it is our duty to uphold the voices of struggles for rights and justice, irrespective of being fought with or without gun.

Mudrarakshas was addressing a Dharna organized amidst cold waves by People Union for Civil Liberties-PUCL on 13th Feb at Shahid Smarak, Lucknow to protest against arresting of Sima Azad, organizing secretary of PUCL, UP chapter. She was arrested on Feb on charges of Maoist connection when she was returning Allahabad from New Delhi after visiting a book fair. Sima Azad was arrested along with her husband Vishvviyay, an activist working among students.

Why Sima Azad was became a danger for the state. Simply because she was exposing anti people approaches of state government and was surfacing the plight of the marginalized communities deepening day by day. She prepared a booklet on Ganga Expressway, a mega project of state government. The project is posing a threat of

displacement in front of thousands people snatching. She studied the reason behind down fall of Kanpur industrial area which was once known as Manchester of India. Recently, she compiled many write ups focusing operation green hunt in a booklet. She is an editor of bi monthly magazine on social, political and economical issues.

Thus, Sima Azad was questioning the role of state- a protector or an invader of the masses. It was her heinous crime that she was indulged to make peoples opinion against anti people and autocratic policies and practices being adopted by state government. State government is led by a Dalit who is also a woman. On the contrary, the graph of atrocities on Dalits and women, particularly on Dalit women reached high breaking its previous records. Democratic and human rights are on the peril.

Protest meeting was attended by several acclaimed figures from literature, arts & culture and social activism- writer Virendra Yadav and Shaqil Siddiqi (Progressive Writers

Association- PWA), critic Anil Sinha (Jan Sanskriti Manch- JSM), story writer Ravindra Verma, poet Naresh Saxena, poetess Katyayni (Rahul foundation), theater director Suryamohan Kulshreshth (Nipa Rangmandal) and theater activist Rajesh Kumar, senior advocate Ravi Kiran Jain (PUCL), Magsaysay award winner Sandeep Pandey (Asha Pariwar), social activist Sujeet Ghosh and Ramkumar (Dynamic Action Group-DAG), Chitranjan Singh (PUCL), ex VC of Lucknow university Ruprekha Verma (Sanjhi Duniya), Arundhati Dhuru (National Alliance of Peoples Movements-NAPM), SR Darapuri (ex IPS), Tahira

Hasan (All Progressive womens association- APWA), trade union leader KK Shuka (Indian workers Union- IWU) & Ashish Awasthi (Riksha Mazdur Union- RMU), Nutan Thakur (IRDS), KK Vats (Alag Duniya), Ramkishor (forward block), RK Choudhari and Anup Sanda (BS4) and many others. The meeting was conducted by senior journalist and State President of PUCL Vandan Mishra.

Protest meeting witnessed a wider unity among pro people organizations and individuals to stand against state repression. Arresting of Sima Azad has been seen as a beginning of silencing

democratic voices, puncturing human rights and kidnapping of right to express, and obviously, put a crucial challenge for democratic and progressive forces to resist. Meeting concluded with the nomination for an ad hoc committee with tentative name Against State Repression to decide further course of action. Many organizations are planning to organize joint actions in many districts of the state. Today, in Allahabad a seminar is going to be organized on state repression with key speakers like advocate Prashant Bhushan and tomorrow, also a Dharana has been called by PUCL. Adiyog □

Human Rights K G Kannabiran

On 14 February 2010, as a preventive measure, in view of the announcement of the bandh, the State Government deployed a large contingent of paramilitary forces around the Osmania University campus, to us it appears, designedly and held large numbers of students. These students are licensees on the premises, which would include the entire open area and the built ones in what is known as the campus of the University.

By posting the police force in this fashion the State held the entire student population who are lawfully present in wrongful confinement and under wrongful restraint. There was no free ingress/egress to the Campus. In the evening they were not allowed to go out and they were brutally lathi-charged. The police late in the evening burst teargas shells and they fired rubber bullets, which also caused physical injuries. The question is, can the police fire bullets [even if they are rubber bullets] without the presence and permission of a magistrate?

The Human Rights Commission is set up for the protection of human rights of the citizens against governmental violations and infringements. It is a result of prolonged struggle and campaigning against human rights violations in the

country. This was assured to the World Conference on Human Rights to which K.G. Kannabiran was also one of the several invitees and he was witness to the assurance extended by the present Prime Minister (then the Finance Minister) that the Indian Government will install a National Commission quite independent and a not so easily removable Chairperson of the Commission. This Commission was constituted to look into the grievance of human right violations and recommend punishments for such violations.

This power, in our respectable submission, enables this Commission to issue preventive orders as well. Our submission is this Commission has an international dimension and has the jurisdiction of taking cognizance of crimes under the Rome Statute of the International Criminal Court as well. This Commission is not a traditional court in the sense ordinarily understood but a new institution devised specifically to provide redress and remedy for modern wrongs. It may not be a Court and it is not. But the Commission has the onerous responsibility of protecting human rights recognised by the international body, which this country in its sovereign capacity volunteered to recognize and by a statute affirmed

these human rights as part of the legal scheme. Human Rights is an aspect of the Sovereign powers of the State.

The HR this Commission also has inherent powers to do things necessary to discipline governance to conform to the International Conventions and Declarations of the International Body from time to time. It has the sovereign and Constitutional Duty to protect Human Dignity, the prime constitutional value.

This Commission is not a mere Commission appointed under the Commissions of Inquiry Act but performs certain Sovereign functions as a delegate of the State. It is our belief and understanding of the Constitution and the law that protecting human rights is an aspect of a state's sovereignty and it would be travesty of understanding institutions and their nature to think of this Statutory Commission as a mere standing enquiry commission. The meaning of Sovereignty is settled and does not admit of any narrow or strict construction. If we take the definition of inherent power a representative or a delegate of sovereign in power, the fundamental obligation set out as Directives are an inventory of sovereign's obligations. One can come to

conclusion by perusing the meanings of “inherent power” and “sovereignty”. It would be wrong to assume that the Human Rights Commission has no definitive jurisdiction to decide matters merely because it has no traditional trappings of the traditional colonial courts and based on the legal reasoning of the decisions on inherent powers of the civil and criminal courts. A perusal of these expressions in any standard Law Lexicon will prima facie satisfy this Hon’ble Commission that its jurisdiction is as ample as the ordinary courts but it is an institution with an international dimension, not conferred on any other court and the lis is between the citizen and the state.

The demand for a separate state by a people is very constitutional demand, if we can so call it. Very often public disorder is caused by bad governance. While the Directive

may not be litigated about in courts it cannot be said that it can be ignored by the government. This present agitation was the direct consequence of of flagrant and culpable indifference to Article 39 (2) which reads: “The State shall, in particular, strive to minimize inequalities of status facilities and opportunities not only among individuals, but also among groups of people residing in different areas or engaged in different vocations.” Failure to perform this obligation for over a period of sixty years gives us the right to ask for a separate State. We would refer you to Article 3 which provides for the formation of a separate state. The process has to be by public demand. When there was a demand saying that formation of the Telangana State has to be conceded the rest of the administrative processes can be dealt with the Commission the very first term of the Commission is with

reference to formation of the state. Initially it was conceded and after several months the Commission set up recently announces that they would examine the desirability of conceding separate State and that has led to the unrest in this part of the state. We submit that the Government has no authority to compel people of different regions to live together. No such power is in the Government and as also in the Commission. That is the cause of unrest. Initially there appears to be no jurisdiction in the Commission to expend time on this issue. The unrest at the present stage is quite legitimate and therefore this Commission can intervene and discipline the State to take steps that will not lead to public unrest and the consequent social disorder. This Commission alone has the jurisdiction to issue directions to the State and Central Governments without inviting public unrest and mitigate human rights violations. □

Proliferation of Prisons in West Bengal with Govt. of India’s Consent

R.M. Pal

A news item in the CPM publication Ganshakti, an English translation of which is published below, according to which the West Bengal Government is planning to set up separate prisons (Jails) for Bangladeshi prisoners. The State Government wants seventy five per cent of the expenses involved from the Central Govt. and it has already approached the Home Ministry in this regard. It will spend only 25 per cent of the expenses involved. The Government has started looking for a suitable place for constructing this prison. According to the present calculation the whole project will cost Rupees one hundred crores. There are about 300 Bangladeshis in different jails in West Bengal, out of which 250 are women prisoners. I spoke about this to a well known human rights activist. He told me that the news could not be correct for how could the Govt. have separate prisons for different prisoners. But the fact is that it is happening. What is surprising is that there is no

protest by the media/opinion makers and human rights groups in Kolkata, or other parts of West Bengal.

It is generally agreed that it is important for India to maintain friendly relations with neighbours which includes Bangladesh. Is this the way to calibrate friendship?

(I am grateful to my friend Dilip Basu, former Reader in English, Rajdhani College, University of Delhi for translating the Ganshakti piece into English).

Ganshakti, Kolkata, 08 October, 2009

West Bengal Thinks Of A Separate Jail For Bangladeshi Prisoners – Our Correspondent: Kolkata, 07 October – The State Government is planning for a separate jail for illegal migrants and militants from Bangladesh apprehended here. The plan has been communicated to the Central Government. There have been a few rounds of talk between the State and the Centre regarding the way this special jail can be created adhering

to our country’s legal system. Originally, a piece of land in Bongaon was earmarked for constructing such a jail. The authorities of the Department of Prison then sent the information that since that piece of land is too close to the Indo-Bangla border, the necessary permission for this has not been granted.

The Bangladeshi citizens who have been in Indian prisons, especially West Bengal prisons, even when released by the court, delay going back to their country. Handing them over to the Bangladeshi authorities takes up too much time. The State prison department is thinking of a separate arrangement for keeping these released prisoners whose return home is delayed due to administrative sloth, so that they are under legal control. These Bangladeshis will be given shelter at one particular place where they will have every facility. The planned expenditure for creating this place is Rs. 100 crores, and 75 per cent of the cost will be borne by the Central

Govt., while the remaining 25 per cent will be the State's responsibility. All documents regarding this plan have been sent to the Central Government.

There are, at this time, about 3,000 Bangladeshi nationals in different West Bengal jails. Two hundred fifty of them are women. The State Government wants that as and when these captives are released, Bangladesh Government should be prompt in arranging to take them

back. They have discussed the issue with the (Central) Ministry of Home Affairs. There are about 20,000 prisoners in different jails in the State. Frequently, a large number of prisoners in some particular jail create problems. It is thus that plans are afoot to enlarge the area of some of these jails, as also to create a few new ones. Last November, a jailhouse was constructed at Kalyani that would house three hundred prisoners. At Haldia in East Midnapore, and at Tehotto in the

Nadia district, two more are coming up. New wards have been created in Alipur jail. Dibendu Sarkar, a senior official in the Prison department, says that some special work-programme has been adopted for the security guards. At Midnapore and Bankura the prisoners' security guards are getting assistance from a special police force. The State's prison department will soon take further measures to enhance the quality of security in jails. □

Letter:

Case against Dr. Rati Rao

The government of Karnataka opened an old flimsy case against Dr. Rati Rao, Vice President of Karnataka PUCL after about three years. She is charged along with other things for sedition. The charge is baseless given the fact that she just had raised some very fundamental issues pertaining to the protection of human rights of the people of the state and exhorted the state to act as per law. Following is the petition drafted by Kavita Krishnan and signed by about 300 persons that was sent to the Karnataka Governor and the Chief Minister.

To,

Shri B S Yeddyurappa, Chief Minister, Karnataka

CC: Shri Hans Raj Bharajwaj, Governor, Karnataka

Sir,

We the undersigned are writing to you in the backdrop of the fact that Dr E Rati Rao, a senior scientist, long-standing activist of the women's rights movement, Vice-President of PUCL-Karnataka and Vice President of the All India Progressive Women's Association (AIPWA) has recently been charged with sedition by the police of the state that you govern - Karnataka.

Dr. Rati Rao was Editor of an in-house PUCL-Karnataka Kannada language bulletin (called PUCL Varthapatra) for private circulation among PUCL members – and it is this bulletin (last published in 2007) that is the supposed basis for the charges of 'sedition'.

The FIR against Dr. Rati Rao accuses her of publishing the PUCL Bulletin that is "favoring naxals and Muslims and is propagating that the police are killing innocent people in the name of encounter"; that "calls upon dalits, women, minorities, farmers and adivasis to build organizations in order to fight for their rights"; that "accuses the Sangh

Parivar in Karavali (coastal Karnataka) of indulging in false propaganda and fueling communal disharmony" and "calls upon the secular forces to raise their voice against such spread of communal hate"; and "by raising such issues incite and spread intolerance, disbelief, discontent amongst the public"; that "in the name of doing good to the dalits, women, minorities, & adivasis the said bulletin is spreading false information against the casteist & communal Government...It is propagating intolerance, disbelief, and discontent amongst the Government officials."

The sections under which Dr. Rati Rao has been booked are Section 124 A (Sedition), Section 505 (False statement, rumour, etc., circulated with intent to cause mutiny or cause communal discord) and sections of the Press Act that relate to knowingly spreading false information. The PUCL Bulletin in question had discussed the attacks on the Christian community in Karnataka and had indicted the Government for failing to do enough to protect the minority community from attack.

Going by the FIR against Dr. Rati Rao, are we, the citizens of India, to believe that in the eyes of the BJP-ruled Karnataka today, it is 'sedition' to avail the basic democratic right

(and duty) of resisting communal hate campaigns and extra-judicial killings by the police; of asserting secularism; of encouraging dalits, women, minorities, farmers and adivasis to organize for their rights; and of asking why the Government is failing to prevent attacks on minorities and dalits?! Is it because the Karnataka Government itself is colluding in the attacks on women, dalits, minorities and human rights that it feels so threatened by democratic activists who take up such issues? Is the Government of Karnataka out to muzzle every voice of democracy and dissent?

We find it ironic that while the Karnataka police does not book the Sangh outfits for spreading rumours galore of 'love jihad' and 'forced conversion' etc to target Muslims and Christians, nor for violating the Constitution by indulging in communal violence – people like Dr. Rati Rao who have devoted their lives to defending constitutional liberties are accused of sedition and activists seeking to bring facts to light are booked for 'spreading rumour'!

Dr Rati Rao is a scientist and researcher specializing in food microbiology, and retired as the Deputy Director of the CFTRI (Central Food Technological Research Institute). She has a history of

several decades of democratic activism – first in the student movement, then in the women’s movement with the Samata Progressive Women’s Forum, Mysore since 1978 and as a prominent figure in the autonomous women’s movement right since the 1980s; and long associated with the Left and progressive movement and the human rights movement, especially the PUCL.

Why was a bulletin last published in 2007 dug out now, three years later, for punitive action by the Karnataka Government? We believe it is merely

a pretext to intimidate Dr. Rati Rao, who has in recent times, as National Vice President of the All India Progressive Women’s Association (AIPWA) been visiting Karnataka villages to organize rural poor women to fight for their rights, who was recently part of a fact-finding to expose the atrocities against Dalits in Chitradurga district of Karnataka, and who recently participated in a National Convention against Sexual violence and State Repression in Raipur, Chhattisgarh.

To us it is clear that the charge

against Dr. Rati Rao is part of a calculated campaign of harassment of civil liberties and democratic activists and crackdown on dissent that has marked the BJP regime in Karnataka and the ‘Operation Greenhunt’ of the central government.

We the undersigned condemn the trumped up charges against a respected member of the democratic rights and women’s movement and demand your immediate intervention to ensure that the charges be immediately withdrawn. □

Press Note: Jharkhand PUCL

PUCL Condemns the Brutal Assault on the PUCL Members Ganesh Beesra and Buran Soren

PUCL condemns the brutal assault on the PUCL members Ganesh Beesra and Buran Soren, women and their other family members in the name of Naxal combat.

PUCL also condemns illegal arrest and confinement of PUCL members both Ganesh Beesra and Buran Soren and demands their immediate release. PUCL wishes to convey that it would not be intimidated by the terror tactics of Police or State and will keep its struggle against organized State Violence and mass scale human rights violations with complete impunity and total disregard of legal norms by the Jharkhand Police.

Indian constitution in conferring fundamental rights to its citizens like

right to life with dignity does not discriminate between have’s and have not’s, poor and rich, privileged and unprivileged, organized or disorganized or on the basis of religion, race, caste, sex and place of birth.

PUCL appeals to the conscience of the Citizens of our Society to denounce all kinds of violence, be it State sponsored, White Collared Violence or Maoists sponsored Red Collared Violence.

PUCL appeals to the conscience of the People of the state to denounce and raise their voice against the Large Scale Human Rights Violations by the Jharkhand Police in the form of arbitrary arrest, torture and illegal confinements, inhuman

and immoral assaults against women, handcuffing and killing of innocent people in the name of Naxal combat.

Police in the morning raided the houses of PUCL members without any reason, provocation or any legal order. They assaulted and mercilessly beat them up before taking them into illegal custody.

It is needless to emphasize that PUCL believes in Rule of Law and any kind of violence is detrimental to Democracy and Human Rights.

for PUCL Jamshedpur – S R Nag, General Secretary, Jharkhand PUCL; S M S Hoda, Vice-President, Jharkhand PUCL; Nishant Akhilesh, and Pudan Murmu. □

Delhi PUCL: Press Statement

Arrest of N. Innaiah and others by A.P. Police Condemned

Peoples’ Union For Civil Liberties (PUCL) – Delhi, the Indian Radical Humanist Association (IRHA), the Indian Renaissance Institute (IRI) and the Centre For Inquiry (CFI (Delhi Branch) strongly condemn the unwarranted and unjustified arrest of N. Innaiah, Chairman of Center For Inquiry and executive member of the Federation of Atheist and Rationalist Associations of India and his other colleagues namely Subba Rao and Krantikar in connection with the publication of a book entitled as

“Crescent Over The World-is a boon or silent holocaust” for allegedly expressing anti-Muslim and anti-Islam sentiments. The said Book was already in circulation for about one year and was not a banned book. In an open and democratic society such issues are required to be debated openly. It appears that instead of proceeding in a lawful manner, the police have succumbed to the pressure of a few fundamentalist organizations. The action of the police is not only

selective and mala-fide but a blatant curtailment of the democratic right of the freedom of expression. We urge upon the State of Andhra Pradesh to immediately release the detained persons and withdraw charges leveled against them.

Mahi Pal Singh – PUCL; Vinod Jain - Indian Radical Humanist Association; B.D. Sharma, N.D. Pancholi, Rekha Saraswat - Indian Renaissance Institute, Jugal Kishore - Centre For Inquiry (Delhi Branch) 1st March, 2010 □

Social Activists under Attack

(In recent times several human rights defenders and social activists have been attacked in different parts of the country. Here is a compilation by Krishan Raj who can be reached at thebravepedestrian@gmail.com.)

Murderous attack on Environmentalists Sumaira Abdulali, Naseer Jalal, & TOI Journalists, Maharashtra

On March 16, the sand-mining mafia which is choking Bankot Creek – a rich mangrove habitat for migratory birds, crocodiles and marine life in Maharashtra's Raigad district -- attacked environmental activists Sumaira Abdulali and Naseer Jalal, and a team of journalists from The Times of India, when they visited the creek on Tuesday afternoon to report on the rampant illegal activities.

After a 10 km high-speed chase on a twisting ghat road, Sumaira's vehicle was rammed by an LCV as it entered the highway, and immediately surrounded by three other vehicles. In the presence of a traffic cop, 15 to 20 people smashed the vehicle's rear window, the side mirror and side window. They then tried to snatch the camera from the TOI photographer but failed. The mob threatened to kill local activist Jalal who was in the vehicle and asked Abdulali not to visit the area again... or else.

Cops reached the spot after being phoned by the TOI office, but the attackers continued to threaten and abuse the team of journalists and environmentalists; they had spent Rs 28 crore "buying the creek" and nobody could stop sand-dredging there, the mob said.

Cops then escorted the team to the Mahad police station, four kilometres away, where police officials filed an FIR and booked the accused for attempt to murder, criminal intimidation and rioting. The Mahad police registered a case of attempt to murder, criminal intimidation and rioting. Shockingly, they did not arrest the accused who were present at the police station from 3 pm to 9 pm. One of the accused, present in the mob, was the local MLA's son. At 9 pm, Sumaira and her colleagues

were hurriedly ushered out of the police station as the MLA came in. The accused are now said to be "absconding".

Police raid on the house of Journalist Dandapani Mohapatra. Orissa, March 11.

On 11th March, while Mr Mohapatra was away in some meeting, violating all procedures, the police raided his house for nearly six hours ransacking all his belongings and not even allowing his ailing wife and children to take their food. The police had not given a copy of any search warrant to his family members, nor stated any reason for the raid. As per Mr Mohapatra the police took away a number of old journals such as Ghadaghadi, Inquilab and Marga O Chinta – none of which is proscribed by the government – without giving a seizure list, which is mandatory. Strangely, the police took the signatures of Mr Mohapatra's son and that of the local Sarpanch on a number of plain sheets of paper. After raiding the house, the SDPO Chhatrapur threatened him on the same day in the evening asking him to come to the Police station by 15th of March or face the dire consequences. No criminal case is said to be pending against him under any allegation.

It is believed that the intention of the police in raiding the house of Mr Mohapatra was to terrorize him and suppress his dissent, which he has been expressing through his writings continuously for many years. He is the General Secretary of Dakhshina Odisha Sahitya Sammelani, a literary organization. He was publishing a satirical magazine called Ghadaghadi between 1984 to 1990. Currently, he has been writing for a weekly tabloid called 'Sahanamela'. The police seem to have told the media that the raid was undertaken due to suspected Maoist links.

FIR on Journalist Dr E Rati Rao, Karnataka, March 5.

Dr E Rati Rao, Vice-President of PUCL-Karnataka and Vice President of the All India Progressive Women's Association (AIPWA), a senior scientist and activist with many decades of standing in the women's movement, the civil liberties movement, and campaigns against communal violence and caste atrocities, has been charged with sedition by the Karnataka police. The FIR against her implies that in Karnataka, defending secularism, opposing atrocities against dalits and minorities or fake encounters, and organising marginalised communities for struggle amounts to 'sedition.'

Dr. Rati Rao was Editor of an in-house PUCL-Karnataka Kannada language bulletin (called PUCL Varthapatra)– and it is this bulletin (last published in 2007) that is the supposed basis for the charges of 'sedition'. The FIR against Dr. Rati Rao accuses her of publishing the PUCL Bulletin that is "favoring naxals and Muslims and is propagating that the police are killing innocent people in the name of encounter"; that "calls upon dalits, women, minorities, farmers and adivasis to build organizations in order to fight for their rights"; that "accuses the Sangh Parivar in Karavali (coastal Karnataka) of indulging in false propaganda and fueling communal disharmony" and "calls upon the secular forces to raise their voice against such spread of communal hate"; and "by raising such issues incite and spread intolerance, disbelief, discontent amongst the public"; that "in the name of doing good to the dalits, women, minorities, & adivasis the said bulletin is spreading false information against the casteist & communal Government...It is propagating intolerance, disbelief, and discontent amongst the Government officials." The sections

under which Dr. Rati Rao has been booked are Section 124 A (Sedition), Section 505 (False statement, rumour, etc., circulated with intent to cause mutiny or cause communal discord) and sections of the Press Act that relate to knowingly spreading false information.

The PUCL Bulletin in question had discussed the attacks on the Christian community in Karnataka and had indicted the Government for failing to do enough to protect the minority community.

Murderous mob attack on Muzaffar Bhat & eight others, followed by FIR & Arrest, Jammu & Kashmir, February 27

Dr Muzaffar Bhat, Convener of J&K Right to Information Movement and 8 other colleagues who had organized an RTI awareness programme in Branwar had all the tyres of their vehicle punctured during their overnight stay in that town. After they had their tyres repaired in nearby Chadoora market, they were murderously assaulted by a mob of 20 persons, and rescued in the nick of time by CRP and police personnel. However, when the activists

complained to the police, the police booked them instead, based on motivated charges leveled by Rashida Begum w/o Chaudhury Saifuddin of Branwar, who is also Halqa President and affiliated with the National Conference in the area. The activists were booked for rioting and house trespass, assault and theft (stealing gold ornaments) in FIR No. 42 of 2010 registered at Chadoora Police Station. Five activists were arrested and detained in custody over the weekend, namely Mushtaque Ahmed Mir, Abdul Rehman Bhat, Bashir Ahmed Lone, Nazir Ahmed Ganai and Mohammed Sadiq. Muzaffar, Dr. Sheikh Ghulam Rasool, Latif Ahmed and Ashik Ahmed applied for anticipatory bail. Thus, victims of the attack are being further victimized by the police, while those guilty of the attack are at large.

Detailed story: <http://blog.jkrtimovement.org/?p=1732>

Murder of Shashidhar Mishra. Bihar, February 14

On Feb. 14 in Bihar, well-known RTI activist Shashidhar Mishra was shot dead by unidentified gunmen on motorcycles at the entrance of his

home. He had been working to expose corruption in the local welfare schemes.

Murder of Vishram Laxman Dodiya. Gujarat, February 11.

Vishram Laxman Dodiya of Ahmedabad had filed an application under RTI to get details about the illegal electricity connection by Torrent Power. He could not get any information. On February 11, 2010 he was found murdered, shortly after meeting with the company officials. Three people were arrested in the case. His son is yet to receive the information under RTI.

Contact: Harinesh Pandya, Mahiti Adhikar Gujarat Pahal (MAGP) magpgujarat@gmail.com 079-26821553/0719

Murderous assault on Ajay Kumar & colleague, followed by false FIR. New Delhi, January 12.

When Ajay Kumar asked New Delhi authorities later in 2009 why Municipal councillor Satbir Sharma had authorized the construction of private houses and shops on public land, he didn't imagine the question would land him in the hospital with a fractured nose.

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Mr Kumar was stonewalled by the public information officer at the Municipal Corporation of Delhi, so he appealed to the Central Information Commission, which directed the MCD together with the police to jointly inspect the property. However, only two persons were allowed to come and inspect. Accordingly, Mr Kumar, who is General Secretary of an NGO, Public Grievance and Welfare Society, Kishan Ganj, went with his colleague Manmohan Gupta on January 12... only to find themselves surrounded by a mob.

"Neither the police nor the MCD officials helped us," says Mr Kumar, who was beaten in the head repeatedly by an iron rod, leaving him unconscious and bleeding profusely. Society president Surinder Puri said, "The police registered an FIR on January 18, after we took up the matter with the Chief Metropolitan Magistrate. But to our horror, we found that on January 12, they had filed a false FIR against us in connection with a weapon – a loaded katta (countrymade gun) supposedly found in our car."

Priyanka Borpujari & other Mumbai journalists assaulted, followed by FIR. Chhatisgarh, January 6

Priyanka Borpujari, a journalist from Mumbai, and her colleagues, were physically assaulted by locals and by police in Dantewada, Chattisgarh. Her camera was forcibly snatched away, they were detained overnight and a motivated FIR was lodged against them with charges of dacoity etc.

More details at <http://priyanka-borpujari.blogspot.com/2010/01/from-detention-drama-to-dacoit.html>
For details, contact: Priyanka Borpujari aa.priyanka@gmail.com 9820741992

Murder of Satish Shetty. Maharashtra, January 13

Social activist Satish Shetty (39), who had blown the whistle on a series of land scams in and around Talegaon, Lonavala and Pimpri-Chinchwad near here, was brutally murdered near his residence at

Talegaon-Dabhade. Shetty was on his morning walk around 7am when he was attacked with swords and sharp weapons. An anti-corruption crusader for the last 15 years, Shetty had used the RTI Act to expose the irregularities in government offices. He had exposed many land scams in and around Talegaon, besides the setting up of restaurants and marriage halls in residential zones, selling in the black market of kerosene meant for distribution through ration shops, etc. Shetty's murder is a major embarrassment for the police as he had demanded police protection after having received threats to his life.

For details, contact: Sandeep Shetty 99603 86681

Firing outside Nayana Kathpalia's house. Mumbai, January 8.

Two assailants barged into the Swastik building opposite Oval Maidan in Churchgate at 6.45am and fired a round with a country-made revolver outside Nayana Kathpalia's first-floor residence. The 65-year-old co-convenor of the NGO Citispace, who has been fighting for open spaces in the city, escaped unhurt. "The two men entered the building to kill Kathpalia. In the absence of a watchman, one stood near the gate while the other went to her house and opened fire after Kathpalia's domestic help Soma China, 28, opened the grilled security door. The panicked assailant fled immediately," said an officer from the Marine Drive police station. "While an additional bullet was found outside the house, the gun lay abandoned under a tree outside the building. The police have registered a case under section 307 of the IPC and under various sections of the Indian Arms Act."

The officer said that the dog squad, deployed after the incident, led the police to a restaurant next to the sessions court opposite the Maidan.

The NGO has been targeted for its relentless protests against Slum Rehabilitation Authority (SRA) scheme being implemented on open spaces and their opposition to hawkers. □

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