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Prevention of Torture Bill, 2010 Pushkar Raj

The Prevention of Torture Bill, 2010 was introduced in the Lok Sabha on April 26, 2010 by the Minister of Home Affairs, Shri P. Chidambaram. The Bill was passed by the Lok Sabha on May 6, 2010 and is pending before the Rajya Sabha. The Bill has been long overdue as torture is recognized as a heinous practice that needs to be criminalized. To this end the United Nations adopted the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) that was opened for signature, ratification and accession by general assembly in 1984 and came in to force in 1987. India signed the convention in 1997 pending ratification preceded by the enabling domestic legislation.

Given the frequency of torture in India there should have been a law in place against torture long back. According to National Human Rights Commission an average of 158 people died every year in police custody between 1994 to 2008. Deaths in judicial custody hovered around over a thousand per year during the same period. It is a well known fact that punishment for custody death is an exception rather than rule. If an attempt to punish a perpetrator is made at all, it takes decades. By then, either he is past active life or is dead. Judicial custody deaths are not even considered worth prosecuting as only one-sided story emerges from the four walls of the jail, protecting the perpetrators of the crime and thereby encouraging the culture of impunity. Otherwise, what is the explanation for rise in police and judicial deaths in the country year after year? For example in 1994 - 95 there were 111 police custody deaths and 51 judicial custody deaths. This number reached 188 and 1789 respectively for each in 2007-08.

It is apparent that to deal with such a wide spread menace we need a very strong law in accordance with the international standards set by the United Nations. However the government has chosen to come up with a weak and inherently flawed Bill that at best could be described as a law in name only. It will make no difference at the ground level in putting a brake on torture as widely practiced by the internal security forces. The bill is a one and half page piece with five sections dealing with a clause each on definition, punishment and limitation for cognizance of offenses. Though the statement of its intent reads "whereas India is a signatory to the United Nations Convention Against Torture; And whereas it is considered necessary to ratify the said convention and to provide for more effective implementation ...", the Bill completely omits the important provisions enumerated in the UN Convention such as ensuring that an order from a superior officer or a public authority may not be invoked as a justification for torture, ensuring that torture is an extraditable offence, establishing universal jurisdiction to try cases of torture, providing mechanisms to

promptly investigate any allegation of torture, providing an enforceable right to compensation to the victims of torture and banning the use of evidence produced by torture in the courts etc.

Torture as defined in the bill is narrow and vague. It reads, "whoever, being a public servant or being abetted by a public servant or with the consent or acquiescence of a public servant, intentionally does any act which causes - (i) grievous hurt to any person; or (ii) danger to life, limb or health (whether mental or physical) of any person is said to inflict torture." The definition does not make any reference to other cruel, inhuman or degrading, treatment or

punishment. Nor are intimidation and coercion included in the bill. The gamut of mental torture though mentioned, is left completely unaddressed.

While dealing with torture cases, UNCAT clearly states that there should not be any exceptions- not even war or a threat of war; internal political instability or any other public emergency may be invoked as a justification for torture. Yet the Bill puts a ceiling of six months beyond which no court can take cognizance of any offence under this Act. This violates the existing law under Cr. PC that does not put such a limitation in the case of grievous hurt caused to a person by any other citizen,

therefore giving preferential treatment to public officials. The situation is made worse with section 197 of Cr. PC that requires prior sanction from the government in order to prosecute public servants accused of torture and other human rights violations. It is apparent that the Bill in the present form will not be an effective weapon to fight the curse of torture as it is practiced by state agencies. The bill needs to be completely redrafted taking inputs of the civil society groups, lawyers, academicians and above all, the concerned ordinary citizens who bear the brunt of torture without an effective remedy. This is the least that is expected from a democratic government. □

Tribute to Prof. Amrik Singh

The demise of Prof. Amrik Singh has shocked and saddened the Muslim community particularly those who had the good fortune to associate with him on minority problems and human rights questions. Despite his age and weakness, he continued to participate personally in various

activities. I recall having last met him at the condolence meeting for the late Dr. Iqbal Ansari.

What has left a deep impression on us is the fact that the tragedy of Partition did not in any way obscure his secular vision, his commitment to human rights and his struggle for

friendship between India and Pakistan.

We join you are condoling his demise as a great loss to the country & to the Human Rights Movement and in praying to the Almighty to reward him for his services to the mankind. - Syed Shahabuddin □

R.P. Nene Is No More

Noted scholar and activist R.P. Nene is no more. A very active member, he had been an Organising Secretary of the PUCL and was a National Council member from Maharashtra till he breathed his last on 23rd March 2010. PUCL members pay their homage to the civil liberties and human rights activist and send their condolences to his bereaved family members and friends.

We publish below an appeal received from Comrade R.P. Nene Memorial Committee- Gen. Secy., PUCL:

Senior Marxist scholar and activist Comrade R P Nene (Pune, Maharashtra) passed away on the 23rd of March this year. This is an appeal to cooperate in putting together a volume that will recollect his immense contributions to various social and political movements. I request you on behalf of Comrade R P Nene Memorial Committee to publish this appeal in your publication.

Comrade R. P. Nene Smruti Samiti, C/o: Academy of Political & Social Studies, 216, Akshay Chambers, Narayan Peth, Pune, Maharashtra-411030 (Phone No. 020 24456694). □

Press Statement:

Monopolization of Agricultural Land by Corporate Sector

I am somewhat ignorant in many matters. But I must confess unashamedly that I am totally ignorant in matters of agriculture, which is at present the biggest

problem in our country. I am however quite knowledgeable since yesterday after reading that the grave problem facing the poor in our country and of grave shortage of pulses (staple food

of overwhelming poor) and edible oil (of the whole of India) can be solved easily by Govt. of India by encouraging Indian corporate sector to buy land in foreign countries to

grow pulses to meet domestic demand. Gandhiji's soul would yearn to come back and remind this core group of Chief Ministers of Punjab, Haryana (known all over the world as granary of India) of the boycott call of Lancashire textiles in order to encourage khadi and find employment for the poor in the rural area. I take it that, as a Marxist W.

Bengal member was a party to this decision, it must be on the slogan of workers of the world unite - so that employment in Australia, Canada population is on the same par as finding employment for the poor in the rural India.

The corporate sector should welcome this decision of not only new avenues being opened to them,

but also obliquely permitting them to keep their SEZ intact for future exploitation and also of quietly monopolizing agricultural land. It seems Bharat, with over 50 % of below the poverty line, is to be locked up in the well of oblivion so as to project shining corporate sector. - Justice Rajindar Sachar, former President of PUCL. □

Bhopal Tragedy Is Just Not Bhopal's

K.G. Kannabiran

Bhopal tragedy is just not Bhopal's; it is India's. We could not count the dead; they were all piled up and cremated. Even animal carcasses would have been disposed of with dignity. I was there the next day. It did not disturb the affluent classes for the deadly gas could not cross the lake to reach Shyamala hills colony where the affluent lived. When I reached President Hotel, that is where I was taken to by the taxi, which I had hired, I found the young gyrating to western music where the bride and groom were seated in cheap replica of thrones. The tragedy apparently did not leave marks of grief on them. The gas had killed only the poor who lived around the factory and those who were sleeping on the pavements. Scores of NGOs, Human Rights activists were there, condoling the poor alive on their bereavement. They alone promised them to fight for their rights. The living, affected and aggrieved, expected the government they had elected to power to speedily attend to their needs. The government had not yet started counting the dead. How can you be expeditious when the deaths of the poor do not diminish any of us. Gadar, the balladeer from Hyderabad, singing in every gully of Bhopal. The lines still echo in me "eh zalim kaun re iska zulm kya hai."

Our presence was vocally objected to, complaining that we were interfering in their domestic affairs by very respectable people. The Human Rights activists and

several other NGOs were discussing how this corporate cannibalism should first be punished and how it should be reined in, and the government in the meanwhile passed a law enabling the government alone to process legal proceedings for securing adequate compensation for the victims of the industrial disorder. The Indian state suddenly realized that it had, towards its people, parental responsibility to look to their interests and to fight for their rights in inland and foreign courts and protect their rights and interests and, therefore, passed a law.

This law enabling the government to be the sole representative of the affected people was questioned in the Apex Court and the state justified the law on the principle of *Parens Patriae*, as one of the sovereign functions of a State, as a guardian of the welfare of its people. As a sovereign it is the responsibility of the Indian State to punish people for this mass killing. The Constitution authored by the people is to treat equally all the people but what has happened in course of time is that 'We the People' who wrote the Constitution were pushed out and the vast majority have become 'We the other people', and as a result of the fight that the poor, who fought to secure justice for around a quarter of a century, the Indian accused were sentenced for two years, and as the sentence was pronounced, they secured bail. They were sentenced under section 304 (A) alone.

Our judiciary is very sympathetic to the affluent. This is the predominant culture of an unequal society. Justice Ahmedi is part of that culture. A lorry driver running over half a dozen people will not receive the same sympathetic sentencing. What the vast majority of the poor do not need is pity or sympathy of the affluent, but respect for their rights and dignity; they need justice even if it means punishing the affluent. Mr Justice Ahmedi has gone to the press saying that in law the liability is vicarious and they are not directly responsible for the death of over 3000 people. The point is to change it. The CBI charged them with Section 304 among other provisions. The section dealing with culpable homicide is in two parts. Part I says "if the act by which death is caused is done with the intention of causing death, or causing of such bodily injury as is likely to cause death, the punishment is life or may extend to ten years imprisonment."

As per the second part, if the act done, by which the death is caused, is done with the knowledge that it is likely to cause death but with no intention to cause death, the punishment may extend to ten years; for rash and negligent act, not amounting to culpable homicide, the punishment is two years.

Our penal laws and the procedure governing our institutions of justice are not geared to handle massacres and large-scale deaths by industrial culpable negligence. The inadequacy of our investigation

agencies and the institutions' incapacity to innovatively interpret the outmoded law, which we adapted at the time of the coming into force of the Constitution, were revealed when a few thousands were killed by the leakage of gas from the fertilizers factory of the Union Carbide, a multinational by the same name, at Bhopal where Methyl Isocyanate (MIC) was stored. On the night of the tragedy MIC leaked from the plant in substantial quantities. The result was horrendous. No one is yet sure as to how many actually died because of the immediate and direct result of the leakage, which estimates attribute to about 3000. The creeping gas killed a few thousands of poor sleeping on the ground, on the pavements, under the bus shelters, sleeping in the crowded hutments and tenements in the basties of the poor and the working class of the organized and unorganized sector. Among them quite a few were tribals who were acquainted with wild life in their forest habitats but not familiar with urban jungle terror. On December 7, 1984 Warren Anderson was arrested when he arrived in Bhopal and was granted bail immediately thereafter. He was running the undertaking (we are not concerned with high sounding corporate designations), which stored the MIC and therefore was primarily and directly responsible for the death of a few thousands and he was granted bail forthwith so that he was not inconvenienced.

We have only the Indian Penal Code to look to. Macaulay could not have dealt with Corporate Cannibalism, for he was educated by the first corporate cannibal, the East

India Company which anticipated modern multinationals, like The First Corporate Cannibal Warren Hastings was impeached. Burke said "I impeach him in the name of the people of India, whose laws, rights and liberties he has subverted; whose properties he has destroyed, whose country he has laid waste and desolate." The absconding accused, the corporate cannibal in this case is also a Warren who is absconding after securing bail with the assistance of an able Indian lawyer.

Macaulay was concerned with crimes that plague a feudal society, namely, and petty property crimes, attempts to grab land which Macaulay called trespass, robberies and crimes. Murders hurt and grievous hurt were the crimes land holders and their men committed against other competing land holders. Apart from these are unlawful assemblies and rioting that are also crimes against public tranquility. We relied on the Indian Penal Code and never visualized the possibility of large-scale violence, even after witnessing the horrendous violence during the Partition, and equipped ourselves with a legal system that could cope with such situations Nor did we anticipate Corporate Cannibalism despite the impeachment of Warren Hastings, like the one unleashed on the poor of Bhopal on the night of December 3 and 4th of 1984.

Can we successfully prosecute those who massacred the Sikhs in 1984 or the Muslims in Modi's Gujarat under the Indian Penal Code? It is not designed to handle such genocidal violence. Or can we claim we have successfully

prosecuted the wrong doers in this case? We cannot tell the people affected that under our law they can only be charged for Negligence only under 304 A and sentence them to only two years imprisonment. The charge sheet filed by the CBI was under sections 304, 324, 326, 429 of IPC read with section 35 IPC. The enormity of the crime can be understood by the summary of the facts in the judgment. The judge could have considered section 304 Part one or part two. A two year punishment for Negligence, when the facts narrated in the judgment point to culpable homicide, trivializes the tragedy where a quite a few thousands have been killed, where the community does not know even now how many more. It trivializes the Constitutional values and the system of Rule of Law. If the poor perceive the decision as unjust, their respect and confidence in the institution will speedily diminish.

The debate is now going on about the purchase of nuclear reactors. The American suppliers of the reactors do not want to be sued for recovery of damages in the event if an accident caused by gross negligence on their part. It is reported in today's The Hindu (10th.June). Will darkness envelop us if we do not go through this deal? Why should it be acquired on their terms and not on our terms. Marx in 'The Conditions of Working Class in England' writes ".... Murder has been committed if society places hundreds of workers in such a position that they inevitably come to premature and unnatural end." Are we inviting yet another decimation of people in lakhs by a nuclear disaster? □

Caste In Census 2011 - Is It Necessary?

Rajindar Sachar

The country is in a vortex of challenges, counter challenges and suspicious suggestions even amongst good friends on the desirability or otherwise of inclusion of caste in Census 2011. I feel that a

calmer discussion may clear a number of cobwebs.

It is common ground that caste system exists in our country since centuries. It is unnecessary to dilate upon the origin of caste; whether the

freezing of guild system, helped and encouraged no doubt by Brahmanical scriptural history, and the lack of Industrial Revolution (because of British occupation of India) caste got frozen in the time

frame of middle ages. The Constitution recognized evil of caste and provided for affirmative action with a view to ultimately eliminate it from our social structure - but unfortunately it remains, even stronger - affirmative action has only created a creamy layer subclass and the benefits are still being denied to the vast submerged poor in backward classes, and the poor in all the castes.

The proponents of caste census offer a strange reason that without knowing the actual numbers adequate affirmative action cannot be taken by the States. This argument assumes as if there is no reliable estimate of OBC/SC/ST number. The fact is that NSSO 61st round by Govt. of India of 2004 tells us that OBC constitute 41% of the total population of India; OBC percentage in some religious communities is e.g. Hindus 42.8%, Muslims 39.2. More important, by virtue of Article 340 of the Constitution, our Parliament passed National Commission for Backward Classes Act 1993 constituting National Commission for Backward Classes for identification of the backward classes and to make special provision relating to such backward classes. Application for inclusion of backward classes in the list maintained by the central government can be made to the Commission and its advice is ordinarily binding on the government. States also have Backward Commissions with similar power. Thus a permanent list for the country showing the number of backward classes is continuously being updated and would be readily available.

Surely that record is more authentic than the unsatisfactory one prepared hurriedly and without any parameters during the census, which even proponents of caste census concede. Also let us clear one cobweb that even if it is found in census that Backward Classes

(B.C.) are 60 - 70% it can make no difference to the strategy of affirmative actions like reservations etc which are in operation at present. The reason is that Supreme Court has mandated the maximum of 50% reservation for jobs, education etc. (23% are for SC/ST) - that leaves 27% which are already being given to Backward Classes. So the argument of exact number of people belonging to various castes like Vashist, Yadavs, Kurmis, Kapurs will serve no purpose except to create an artificial bond of kinship on one side and unnecessary antagonism to the other castes.

The argument that if sex and religion census has not led to friction why would caste census do so. A simple answer is that sex and religion are measures of identity and are not divisive in them-selves. No doubt vested interests create religious divide, but that does not justify equating caste on the same plane. Can we in the name of caste treat Yadav landowners or Ministers on the same par as Yadav labourers, or Yadav car drivers. Similarly it would be as ridiculous to treat on par a Brahmin priest, or a Brahmin Civil Servant and a Brahmin cook, or a Kapur Businessman with a Kapur peon. Do we want to go back to feudal classification and encourage raw castism. Let me immediately make a caveat - that the policy of affirmative action for Backward Classes (excluding of course the creamy layer) has my full acceptance. However, I am troubled at making caste the central point of all public policies, because this will damage the real fight in the society between haves and have-nots, the rich and the poor, irrespective of their religion and caste identities. In fact, those progressives who talk so fervently of classless society must remember that originally caste/class were synonymous in India. But now because of industrialization and emergence of the working class as a significant factor, class loyalty is

becoming more dominant as against caste loyalty. In some sectors like dockworkers, railway employees, steelworkers, coal and oil workers, should they not be classified as working class or must they be continued to be classified in feudal phraseology of the castes and sub-castes. If we do that, would it not be a sure way of strangling the strength and unity of the working class - indeed the capitalist would be very happy to have the trade unions based on caste composition rather than class. Dr. Lohia had caustically remarked, "The system of castes is a terrifying force of stability and against change, a force that stabilizes all current meanness, dishonour and lie - and that the resurrection of the real India lies in the revolt against caste."

For Dr. Lohia "It is meaningless to talk of equality while maintaining separate castes. Castes have to be abolished. Even their nomenclatures should go." That religious identity is not as strong as caste was foreseen by Dr. Lohia who said, "British rule in India had made use of the element of caste in the same manner that it made use of the element of religion. The revolt against caste is the resurrection of India and only then will India be truly and fully alive."

A patriot and progressive would look askance at the growth of parties of regional caste, even when they purport to mask themselves by putting on a radical garb. Their capacity to disintegrate should not be overlooked. They disintegrate the people. They disintegrate the mind.

I feel that as we have more authentic information from NSS Survey and Backward Commission - why muddle it with caste census, which, it is admitted by all, may suffer from lack of preparatory material and absence of proper verification. And also when this estimate would not be relied upon by the government for affirmative policies. □

Fake Encounters In Kashmir: Dangerous For The Integrity Of The Country

Mahi Pal Singh

Fake encounter killing of innocent people at the hands of the personnel of the armed forces has become customary in those parts of the country where the draconian Armed Forces Special Powers Act is in force. Rarely do such incidents come to light except when some individual members of the armed forces come forward and speak the truth out. Only recently an army jawan, Abbas Hussain Shah of 161 Battalion of the Territorial Army in Gauntmullah, Baramullah, who himself was involved in the conspiracy, confirmed the killing of three youths on April 30 at Machil sector along the LoC in Kupwara district of Jammu and Kashmir. These young men were earlier lured from their village three days ago by a former special police officer and his accomplice on April 27 in the name of providing them work with the army, and handed over to an army Major, Opinder, for the set up encounter. After the fake encounter got exposed a Colonel was removed from his command and Major Opinder was suspended. The Army officers had claimed that the three young men were Pakistani terrorists and were killed during an encounter while infiltrating into the country, though inquiries later revealed that they were residents of Nadihal in Baramullah district. They had also claimed recovery of assault rifles and ammunition from their possession, which were obviously implanted by the army personnel themselves. Last month, in a similar incident the Army had claimed killing a 70-year-old militant in a gunfight inside Rainawari forests of Handwara. However, the deceased later on turned out to be beggar. The Police later registered a murder case against the Indian Army in that case also.

In another incident two young

men from the valley were fitted with spiked boots and jackets and taken to the LoC with the help of a local SPO to be killed in a fake encounter. Fortunately, the plot became known and the local police sprung into action and saved the youths from sure death for them and ignominy for their families.

Allegations of planned and fake encounters by security forces for reward, money and promotions are frequent in Kashmir.

Some estimates put the number of Kashmiri's killed by the Armed Forces at 1,00,000 and the incidents of rapes at 20,000 during the last 21 years since 1989. According to International People's Tribunal on Human Rights and Justice more than eight thousand people have been reported missing during these years of insurgency. To a great extent they can be attributed to the impunity enjoyed by the Armed Forces under the AFSPA, which has similarly been misused in Manipur also from where similar reports pour in day in and day out.

The Armed Forces Special Powers Act (AFSPA), which has been in force for fifty-two years since 1958, is in clear violation of the letter and spirit of the Constitution and has led to an undeclared Emergency and Martial law in the Northeastern states of the country. The AFSPA has been responsible for the untold misery, death, rape and torture and the denial of civil and political rights to the people of Nagaland, Manipur and Assam. With the extension of AFSPA to Jammu and Kashmir the same culture has dawned upon the state. Extra-legal killings have become the order of the day there and people are denied their civil and political rights because the armed forces there enjoy unfettered powers over areas declared as 'disturbed area'

prohibiting the assembly of five or more people. The citizen is wholly dependent upon the whimsical and subjective satisfaction of a warrant officer or a non-commissioned officer who becomes the ultimate officer to define "order" and determines the steps to be taken to maintain "order". Under Section 4(a) of the Act if the concerned officer is of the opinion that it is necessary to maintain public order, after giving such due warning as he may consider necessary "fire upon, or use such force, even to the causing of death," and under sub-section (c) arrest any person without warrant who has, or is likely to commit a cognizable offence; and under sub-section (d) enter, and search without warrant any premises to make such arrest." And the worst part of it all is that to take such action the officer needs no permission from a superior and is not answerable to anyone.

Under Section 197 of the Code of Criminal Procedure (Cr.P.C.) no court can take cognizance of an offence alleged to have been committed by a public servant or member of the Armed Forces while acting or purporting to act in the discharge of his official duty except with the previous sanction of the central or state government whereas the permission of the central government has to be obtained to prosecute a military officer under Section 7 of the Armed Forces Special Powers Act, which practically means that people have no right to approach the court and launch prosecution for atrocities committed by any such officer. Even various commissions of enquiry appointed by the government have found security forces guilty of gross human rights violations but in most of the cases the guilty officials have not been prosecuted for the offences

committed by them. When personnel of the armed forces go even beyond the powers invested in them under the AFSPA and indulge in extra-judicial killings, the gravity of the situation and helplessness of the affected people can well be imagined. Unfortunately all this happens in the name of protecting the unity and integrity of the country.

There is no doubt that the imposition of AFSPA in Kashmir and elsewhere has resulted only in an increased violation of human rights, breeding discontent and a sense of alienation in the minds of the people and pushing the frustrated youth into taking to arms and joining the insurgents - for self-defence, freedom from unwarranted killings, rapes and brutalities and for the establishment

of a political and social order which would give them the right to live a dignified life as equal citizens of the country. Their angry, and quite often violent, demonstrations against extra-judicial custodial and fake encounter deaths should be seen and interpreted in the backdrop of these incidents. To continue to treat them the way they are being treated, as second-class citizens, can only result in further alienating them and strengthening their demand for freedom and separation from India.

Unless the draconian laws like the AFSPA (and UAPA which is in force in other parts of the country) are repealed and the army withdrawn from the state of Jammu and Kashmir and other parts of the country, a

sense of safety cannot be produced in the minds of the people. To reinforce that sense of safety the presence of the armed forces should be strengthened on the borders, which is their mandated place during war times and when there is a threat perception from across the border. During peace times barracks are their best habitat. Their arms are also meant to be used against the enemy and not against their own countrymen who they are supposed to defend. Everybody praises and respects their deeds of bravery and sacrifice during their fight against the enemy. We should not allow their image to get tarnished by posting them in areas where they wreak havoc on their own people. □

Reporting The Ajmer Blast Case: The Media Asked No Questions **Neelabh Mishra**

They say no one goes to the famous dargah sharif in Ajmer without an inner call from Khwaja Moinuddin Chishti, the 12-13th century Sufi saint whose grave and shrine it is. His devotees, therefore, may not be able to come to terms with the death of Mohammed Salim, who died in the explosion that took place in the dargah on October 11, 2007. Ignominy, worse than death, was also his portion. A piece of wire allegedly found in Salim's pocket was used by the police as a pretext to declare him a Harkat-ul-Jehad Islami (HUJI) terrorist who died in his own attempt to spread mayhem. Needless to say, Salim's family was denied the Rs 5 lakh compensation announced for those who died in the blast. When his father took the body home to Hyderabad for the last rites, he was bowed under the shame of being called a terrorist's father.

Three years on, the arrest of Devendra Gupta and his accomplices-all either Rashtriya Swayamsevak Sangh (RSS) members or sympathisers-has cleared Mohammed Salim's name.

The compensation money, though, is still tied up in red tape.

If this is the fate of a Muslim who died in a blast with which he had nothing to do, what to expect for those Muslims who were rounded up as suspects, detained illegally, and tortured for days for what the police now says was a Hindutva terror plot? Maulana Shameem of Khandela and Maulana Khushibur Rahman of Sardarshahar-both towns in north Rajasthan-were illegally detained and tortured for days. A dozen other maulvis and madrassa tutors were subjected to intense interrogation, again in illegal detention. Hundreds of Bengali Muslims in Ajmer were declared Bangladeshis with HUJI links and the slums they lived in were cleared for land sharks to move in.

Sadly, the media-through not being sceptical and asking the right questions-was complicit in these atrocities. Those arrested were immediately painted as fearsome terrorists. Fantastic stories were written and broadcast on the strength of quotes from anonymous police and intelligence sources. These

stories gathered weight from the endorsement of the HUJI-LeT theory by no less a person than Shivraj Patil, the then Union home minister.

Those who raised questions then about the human rights of the suspects who no longer are suspects were branded supporters of terrorists both by the police and the media-just the way they are now being called Maoist sympathisers when they question indiscriminate sweeps on tribals by security forces pursuing Maoist rebels.

Another loaded question is: would Islamist jihadis target mosques? They could-inter-sectarian attacks are fairly common outside India and a classical Islamist will conceivably not be especially comfortable with dargahs. Still, the question does offer a natural source of doubt. But any expression of it, or suggestion of a Hindutva angle-despite the fact that the Nanded/Kanpur bomb incidents had already come to light-was mocked at as a conspiracy theory.

Yesterday's conspiracy theory is today the establishment's truth

about the Ajmer blast, as with Malegaon. Devendra and Sanjay Gupta, Vishnu and Chandrashekhar Patidar and Lokesh Sharma, now named in the Ajmer case, have been found to have links with the RSS and some extremist Hindutva groups. As an organisation, the RSS has denied involvement with any terrorist act. But it has also admitted that some of these suspects had been its members. Now, police are investigating the link between those arrested for the Ajmer blast and Malegaon suspects Sadhvi Pragya Singh, Lt. Col. Srikant Purohit, Major (Retd) Ramesh Upadhyay, Swami Dayanand and Swami Aseemanand.

The Rajasthan police is also investigating possible links between the Ajmer, Goa and Mecca Masjid blasts: for instance, the likelihood of a SIM card being used to trigger them.

But there's a crucial difference in the coverage of these cases. The Muslims who were illegally detained and tortured were immediately profiled as terrorists; fantastic profiles of The Jehadi Terrorist, his background, upbringing, indoctrination and training were on the front pages and on hour after hour of airtime. The Hindutva extremists held in the same cases, however, are being referred to just as suspects.

Nowhere to be seen is the thriller vocabulary of 'modules', 'sleeper cells' and 'concentric circles'. No wonder the common Muslim feels discriminated against.

Therefore, a cautionary note for the media is quite in order: Do not unthinkingly accept axiomatic government handouts and join it in hounding those who speak up for human rights. Instead of beating down the doubting Thomases, ask the right questions yourself. You may well end up saving the irreparable human cost innocents-like those held and tortured for the Ajmer blasts-are forced to pay. (Courtesy Outlook) □

Prabhakar Sinha's Note for the Executive Meeting of PUCL

Dear Pushkarji,

As I have already explained, I would be unable to attend the meeting on 3 June, as I have to be in Ranchi in the first week of June to end the relative lull in Jharkhand PUCL following Mr Bhattacharjee's death. However, I would like to place the following for due consideration:

1. Mr Chidambaram appears to hold that Maoists can be suppressed by force if he is allowed to have a free hand to go the whole hog. It is significant that he has publicly expressed his disappointment at the 'limited mandate' that he has been given. He wants an unlimited mandate to go for the Maoists regardless of the innocent blood shed and massive displacement caused.

2. Home Ministry's strategy appears to be to try to intimidate the rights groups on one hand and to destroy their credibility on the other. The spate in the acts of violence by the Maoists has created a strong public opinion and now also revulsion against them (except among their followers and supporters) due to the targeting of innocent civilians; however, the general public's perception is not sophisticated

enough to appreciate that we do not speak for any person (Maoists or otherwise) who might be guilty of killing, maiming etc. but speak for the large number of innocent persons who are killed, detained or displaced in the course of the anti-Naxal operations.

3. We have to bear in mind that it is not easy to carry conviction with the people, who, bombarded with lies by the political parties and the others, have become too cynical to trust anyone. Thus, we have to be innovative in our approach. Just holding a conference to repeat what we have been saying would not suffice.

4. Nothing should be said which implies that we are demanding that the State should not act against forces whose declared aim is to overthrow the government by force. Any such suggestion is against the very concept of State as well as democracy.

5. Our principled position has been that no matter how grave the provocation or difficult the situation, the State is bound and obliged to act within the bounds of the legitimate laws of the land. No latitude can be given in this

regard on the ground that it is difficult to adhere to the law of the land in a desperate situation etc.

6. We cannot overlook the fact that all rights organizations do not share our view and hold that the State should not enforce the law of the land against Maoists, and designate the Maoists combatants etc. I have never advocated criticizing them, but have been particular about doing nothing, which may obliterate the line indicating our fundamental difference on the question of the rule of law, democracy and peaceful means (our Constitution includes them in our Aims and Objects) with them.

The State is trying to brand us as an organization, which is supporting the Maoists. We have to nail the lie by unambiguously and unequivocally stating our position.

7. If we are going to hold a Convention, it should not be limited to protection of Human Rights Defenders or centred around the Maoists. The subject should be broad like 'The State of Right to Life, Personal Liberty and Dignity in the Republic of India'. **We can discuss all aspects of the problem without being perceived as an organization only concerned with**

the human rights of the terrorists, Maoists and other violent groups as propagated by the Government and widely believed by the people.

8. It is not only as a strategy, but also to end an unintended omission of which we have been guilty. The human rights of the common man are grossly violated under the normal laws, but it has not been on our agenda.

9. We should also discuss our policy on condemnation of arrests. Should

it be done, even if we have no knowledge that the arrest is unjustified, or even if it is justified the arrested person is a PUCL member or to offer some solace to the arrested person. In my opinion, if we condemn an arrest, which may have justification, we get condemned in public opinion and lose our credibility without really being of any help to the arrested person. We also legitimize the wrong doing by the police because what is

right for us is equally right for them also. And apart from the gain or loss, it is also a question of ethics. We should refrain from doing anything which is morally wrong, and which amounts to following a double standard.

In short, we should not condemn arrests without satisfying ourselves that it is not justified.

With warm regards,

Prabhakar Sinha, President PUCL □

Minutes of the Executive Meeting of PUCL

A meeting of the executive the PUCL was convened on 3rd of June 10 in Delhi to discuss the present situation of attack on democratic rights of the people in the country. Those who attended the meeting were: Justice Rajindar Sachar, Ravi Kiran Jain, Pushkar Raj, Mahipal Singh, Chhitranjan Singh, Kavita Srivastava, Himanshu Kumar (Chhattisgarh) and Ajay TG. (Chhattisgarh).

A brief account of the meeting and decisions are hereunder:

Chhitranjan Singh, UP PUCL wanted to know why this meeting has been convened. What was the agenda, why was there an urgency to call such a meeting. Pushkar gave the background and gave the focus which was basically to build a PUCL understanding and plan of action in the present situation of the recent attacks on democratic dissent, on human rights organisations and defenders in context of hyped up anti maoist propaganda. He mentioned the home ministry public circular issued through the press that warned people against activities that might invoke UAPA.

Two notes on the contemporary situation were read out. One by Prabhakar Sinha that called for an innovative approach in our response to the present situation where the perception of our constitutional

commitments be established in the eyes of the public. In his note he emphasized that the state is trying to malign the credibility of the PUCL and trying to brand us as a front organisation of the maosits. This lie has to be nailed unambiguously and unequivocally with facts that are on our side.

However, it was also felt that many dimensions of this note needed to be discussed at length in the presence of Mr. Sinha itself, where certain points needed to be clarified.

A more detailed note was circulated in advance by Mr. Ravi Kiran Jain. The thrust of it was that the present situation was worse than the situation of emergency. He called it a one sided attack on human rights organisations and human rights defenders.

According to him a two pronged strategy has been adopted by the government, one to enact repressive laws and the other to weaken the judiciary and making it subversive to the executive with the help of the then 'committed judges', who would set the trend of upholding the constitutional validity of repressive laws enacted during this period, for a long time to come". According to him this was not the situation during the Emergency when the repressive laws were not so many and the common man was not the target. He was of the opinion that the PUCL needed to take on the Government

upfront at all levels, in terms of challenging the repressive laws and in terms of public action.

It was decided that a PUCL note which in due course could be converted into a booklet should be written out, presenting our position. Mr. Ravi Kiran ji took the responsibility of putting together a first draft.

Challenging the UAPA and also putting together the nation wide experience of its use by the various Governments was also deliberated. It was brought to the notice of all that a large number of arrests were happening due to the UAPA, the case of Seema and others was presented by Ravi Kiran Jain. Shri Jain also shared the harassment that the family and friends of Seema Azad are subjected to as she has been booked under the UAPA. The authorities' didn't even spare a young child who had gone to meet Seema with his elder sister and they were detained for over an hour at the jail, illegally.

Similarly the situation of Gujarat was presented where forest rights and cultural activists had been booked under the UAPA u/38,39,40 basically sections that were being applied to silence activists in the name of being maoists. In Chhattisgarh too this law was being used against a large number of tribals who had been arrested.

The question raised was whether we could challenge the UAPA. A serious discussion took place on this. Mr. Ravi Kiran was of the opinion that we first should challenge it through the Seema Azad case in the Allahabad High Court. It was decided that Mr. Ravi Kiran Jain would challenge the UAPA in the Allahabad High Court, through the Seema Azad case, challenging its constitutional validity. Although the misuse of the law may not be sufficient reason to strike down the law but Justice Sachar was of the opinion that we must collect the state wide data on this issues. It was suggested that all the state units should file RTI seeking information on the arrest of people under this law. General Secretary will right a letter to this effect soon to all the units.

It was also shared that PUDR had called a meeting on 23-24 July on just the use of the UAPA in Delhi. The PUDR wanted it to be a meeting that would be jointly hosted by other human rights group It was felt that PUDR must contact General Secretary and also get in touch with him regarding this convention. A decision to this effect will be taken by the general secretary after going through the concept paper and agenda.

A decision was taken that the PUCL would hold a convention on erosion of democratic values and rights and on the protection of democratic rights and civil liberties of the people. The dates decided were 28th and 29th August, 2010 in Delhi. An organising committee was constituted with Sh. Ravi Kiran ji as convener other members would include Pushkar Raj, Mahipal Singh, Chhitranjan Singh, Himanshu and Kavita.

The PUCL would send a follow up letter to the NHRC. Asking it to evolve jurisprudence for the human rights defenders and direct the Governments to adhere to it in the course of its attempt at handling law and order. Kavita took the responsibility to circulate the first

draft of this letter.

A letter from Chhattisgarh State secretary, Sudha Bharadwaj, was read out in the meeting. The state had called a state executive meeting especially before the Delhi meeting so that their issues could be brought into the proceedings of the Executive meeting. (The letter is attached). Two vice president's from the state of Chhattisgarh Ajay TG and Himanshu Kumar attended the meeting. On the first issue raised by Sudha in her letter that "Social activists, intellectuals and human rights defenders are being repeatedly physically prevented from visiting the conflict areas of Bastar division, by sponsored protests organized by the police, labeling them all, irrespective of their background, as maoist sympathizers."

They spare no opportunity to discredit and vilify our organization. An entire politics of "issuing of condemnation" is being used to do this.

It was decided that the PUCL must undertake a special visit to an area to test whether they would be stopped. It was decided that the rape of five girls by SPOs in Chintalnar area, which Himanshu brought to the notice of the PUCL should be investigated and if they stop the PUCL team from going there then it would be taken up with the judiciary. Kavita took the responsibility to put together a team for this work.

It was decided that the Pushkar would write to the NHRC presenting the list of the 135 persons who were killed by security forces, SPOs etc before and during the ongoing operation green hunt. This list had been received by the PUCL, Chhattisgarh State branch by post. Pushkar assured that he would take this up on priority with the NHRC.

Regarding the suggestion by the Chhattisgarh PUCL that the Central Government through its Governors must exercise its powers to ensure that the laws applicable to the scheduled areas be in keeping with the society and culture of the

adivasis, as a mechanism to usher in peace in the tribal areas, it was felt that the PUCL must raise the issue through illustrations showing gross violation of the rights of the adivasis in the fifth Schedule. Ajay TG told us that in the Raigarh area Jindal had entered in a big way without any of the requisite clearances needed. He documented this at length and would send the information to the PUCL urgently on this.

In response to Sachar Sahab's query on recent incidents of gross violation of the rights of the tribals in the Scheduled V area, it was mentioned by Himanshu that in three places gram sabha meetings were not held as required and people were pushed into agreeing to what the administration wanted. He mentioned Dhurli where ESSAR was given land, Luhandi Guda, where TATA was given land. A decision was taken that Sachar Sahab would work on this and the required information would be obtained either in the form a PUCL team or through existing information and legal and public action initiatives would be explored.

In Ajay TG's own case it was reported that despite about two years coming to a close since Ajay was granted statutory bail, the cases against him had not been closed. This was a gross violation of his civil liberty as he has to report every 15 days to the local police station. On the 17th of April when his application for the modification of the terms of his bail were argued in court, the judge asked the APP as to when the charge sheet would be filed. The APP came for a minute and said he knew nothing on the matter and his argument was over. However, when the order read out on the 25th April, the judge wrote that since that the PP had opposed the bail modification on grounds of the section of national security that had been imposed therefore Ajay could not be exempted from reporting to the police

and he revised the order mandating him to appear once a month.

He felt that the collusion between the Judiciary and the executive was complete and no court is willing to work autonomously and they await orders from the Government representatives. It was felt that the Chhattisgarh Government was using the case against Ajay TG as a tool of harassment and thus the issue of getting his case closed required some pressure from us on the

Government. It was felt that a letter should be written to the Chhattisgarh CM as well. Sachar Sahab said he would discuss the legal strategy with Ajay's lawyer.

Sharing his views on the present situation Mahipalji felt that it was important to regularly dialogue with the people and the PUCL Delhi was holding meetings regularly in residential areas of Delhi where more than 200 people were regularly coming to these meetings. He also

felt that in the present situation our presentation on TV had to be such that people don't misunderstand our position.

The meeting concluded on the note that dialogue on the present situation had only begun and that we needed to continue it in quick successions. We needed to get more views of others in the PUCL from different parts of the country and then reach some decisions.

Pushkar Raj, General Secretary □

Sudha Bhardwaj's Letter on Conditions in Chhattisgarh to the Executive Meeting of PUCL

June 2, 2010:

Dear Shri Sachar, Shri Prabhakar Sinha, Shri Pushkar Raj and other friends in the PUCL National Executive,

I am writing this letter on behalf of the Chhattisgarh PUCL, as resolved in our Executive Committee meeting of 1st June, 2010 held at Raipur, Chhattisgarh.

At the outset I would like to express that, the Chhattisgarh branch of the PUCL very much appreciates the timely initiative taken by all of you in holding a special meeting of National Executive on 3rd June, 2010 to discuss the present difficult circumstances of human rights activists and organisations. It is only because of very pressing reasons, and despite our best intentions and efforts, that no representative of the Chhattisgarh PUCL could join in these deliberations. Please accept our apologies. We are very much with you in spirit.

We would like to draw your attention to some indicators of the situation in our state:

1. Social activists, intellectuals and human rights defenders are being repeatedly physically prevented from visiting the conflict areas of Bastar division, by sponsored protests organized by the police, labeling them all, irrespective of their background, as Maoist sympathizers. While statements

issued by the Chhattisgarh PUCL are not even carried by the local press, which has refused the services of its press club, they spare no opportunity to discredit and vilify our organization. An entire politics of "issuing of condemnation" is being used to do this.

2. The Chhattisgarh PUCL has received by post a list of 135 persons** claimed to have been killed by security forces, SPOs etc. upto the month of March during the Operation Green Hunt, and it is not possible to verify or investigate the same. We have annexed the same hereto, and request the National PUCL to forward this list to the National Human Rights Commission for investigation and action.

3. The Chhattisgarh PUCL also expresses concern that in the Bastar Division, admittedly the Forest Rights Act has not been implemented at all in about 917 villages; and census is not being conducted in more than 700 villages. Since 2005 more than 50,000 adivasi villagers have fled to the nearby districts of Andhra Pradesh, however, despite repeated representations by the Human Rights Forum to the administration of both the States, no efforts have been made to ameliorate their miserable conditions. The Chhattisgarh government is denying this phenomenon altogether.

4. We feel that the initiative taken by Dr B.D. Sharma in writing to the President of India that the Governors must exercise their powers to ensure that the laws applicable to the scheduled areas be in keeping with the society and culture of the adivasis, and the subsequent opinion expressed by the Attorney General, must be pursued to usher in peace in the tribal areas.

5. Presently, activists of democratic movements in Chhattisgarh, particularly those working in the tribal areas or protesting widespread displacement, are facing severe repression. For instance Prakash Korram of the Ekta Parishad (Kanker), Sukhnath and Kopa Kunjam of the Vanvasi Chetana Ashram (Dantewada), Amarnath Pande of the CPI (Sarguja), Radheysham Sharma and Jayant Bohidar of Raigarh. The Chhattisgarh PUCL will organize a meeting to "Recall the Emergency, Protest the attack on democratic activists." on 26th June.

It is in the above difficult conditions that the Chhattisgarh PUCL is trying to carry out its duty of defending human rights.

We hope the deliberations of 3rd June will be fruitful, and will guide us all in this difficult time.

Sincerely yours,

Sudha Bharadwaj, General Secretary, Chhattisgarh PUCL

****List of 135 people:**

S.No.	Name	Age	Village	Block	District	Date	Remark
1	Uika Paandu	35	Korsiguda	Konta	Dantewada	02/01/2009	Shot by Andhra Greyhounds
2	Madvi Bheema	25	Korsiguda	Konta	Dantewada	08/01/2009	Caught and killed in Singavaram
3	Madvi Hirma	22	Korsiguda	Konta	Dantewada	08/01/2009	Caught and killed in Singavaram
4	Madvi Konna	30	Korsiguda	Konta	Dantewada	08/01/2009	Caught and killed in Singavaram
5	Hemala Hadma	20	Korsiguda	Konta	Dantewada	08/01/2009	Caught and killed in Singavaram
6	Madkam Deve	17	Korsiguda	Konta	Dantewada	08/01/2009	Raped and killed
7	Vekko Bandi	25	Chencham	Konta	Dantewada	08/01/2009	Caught and killed
8	Vekko Joga	20	Chencham	Konta	Dantewada	08/01/2009	Caught and killed
9	Madvi Deva	15	Chencham	Konta	Dantewada	08/01/2009	Caught and killed
10	Madkam Hidma	35	Chencham	Konta	Dantewada	08/01/2009	Caught and killed
11	Hemla Sukka	18	Chencham	Konta	Dantewada	08/01/2009	Caught and killed
12	Muchaki Ganga	16	Chencham	Konta	Dantewada	08/01/2009	Caught and killed
13	Vekko Pojje	16	Chencham	Konta	Dantewada	08/01/2009	Raped and killed
14	Muchaki Dule	18	Chencham	Konta	Dantewada	08/01/2009	Raped and killed
15	Mallam Seeti	26	Singaram	Konta	Dantewada	08/01/2009	Raped and killed
16	Karam Lachcha	30	Singaram	Konta	Dantewada	08/01/2009	Killed in Singaram massacre
17	Karam Mutta	16	Singaram	Konta	Dantewada	08/01/2009	Killed in Singaram massacre
18	Kadti Badral	18	Venjelvaya	Konta	Dantewada	08/01/2009	Killed in Singaram massacre
19	Kunjam Mangu	26	Durvandabhi	Konta	Dantewada	13/06/2009	Caught and killed
20	Kunjam Mangu	30	Durvandabhi	Konta	Dantewada	13/06/2009	Caught and killed
21	Sodi Bheema	45	Golaguda	Konta	Dantewada	08/09/2009	Caught and killed
22	Sodi Sona	55	Golaguda	Konta	Dantewada	08/09/2009	Caught and killed
23	Sodi Aayte	25	Golaguda	Konta	Dantewada	08/09/2009	Caught and killed
24	Madvi Deva	55	Golaguda	Konta	Dantewada	08/09/2009	Caught and killed
25	Madvi Deva	28	Singanmadgu	Konta	Dantewada	17/09/2009	Caught and killed
26	Dudhi Hadma	30	Palchalma	Konta	Dantewada	17/09/2009	Caught and killed
27	Sodi Sanesh	28	Palchalma	Konta	Dantewada	17/09/2009	Caught and killed
28	Tunaki Seenal	30	Palchalma	Konta	Dantewada	17/09/2009	Caught and killed
29	Dudhi Pojja	15	Gattapad	Konta	Dantewada	17/09/2009	Caught and killed
30	Padam Deva	25	Gattapad	Konta	Dantewada	17/09/2009	Caught and killed
31	Sodi Masa	21	Gattapad	Konta	Dantewada	17/09/2009	Caught and killed
32	Kawasi Ganga	80	Gachanpalli	Konta	Dantewada	17/09/2009	Caught and killed
33	Madkam Chula	60	Gachanpalli	Konta	Dantewada	17/09/2009	Caught and killed
34	Madvi Joga	70	Gachanpalli	Konta	Dantewada	17/09/2009	Caught and killed
35	Dudhi Muye	70	Gachanpalli	Konta	Dantewada	17/09/2009	Caught and killed
36	Madvi Hadma	60	Gachanpalli	Konta	Dantewada	17/09/2009	Caught and killed
37	Madvi Bajar	48	Gompad	Konta	Dantewada	17/09/2009	Caught and killed
38	Soyam Subba	22	Gompad	Konta	Dantewada	01/10/2009	Caught and killed
39	Soyam Jogi	20	Gompad	Konta	Dantewada	01/10/2009	Caught and killed
40	Madvi Suli	47	Gompad	Konta	Dantewada	01/10/2009	Caught and killed
41	Madvi Kanni	23	Gompad	Konta	Dantewada	01/10/2009	Caught and killed
42	Madvi Mutti	15	Gompad	Konta	Dantewada	01/10/2009	Caught and killed
43	Madvi Enka	45	Gompad	Konta	Dantewada	01/10/2009	Caught and killed
44	Madvi Deva	35	Bhandarpadar	Konta	Dantewada	01/10/2009	Caught and killed
45	Koram Mutta	40	Chintagufa	Konta	Dantewada	01/10/2009	Caught and killed
46	Kunjam Urra	17	Velpocha	Konta	Dantewada	01/10/2009	Caught and killed
47	Muchaki Botti	32	Nulkatong	Konta	Dantewada	01/10/2009	Caught and killed
48	Kunjam Bheema	25	Duvalkarka	Katekalyan	Dantewada	01/10/2009	Caught and killed
49	Ram Vilas Baghel	30	Kindervada	Chhindgarh	Dantewada	01/10/2009	Caught and killed
50	Madvi Sannu	25	Hiroli	Kuokonda	Dantewada	01/10/2009	Caught and killed
51	Korsa Sannu	25	Madkamgudem	Kuokonda	Dantewada	01/10/2009	Caught and killed
52	Madkam Hidma	20	Jabeli	Kuokonda	Dantewada	01/10/2009	Caught and killed

53	Sampat Nag	32	Soutnar	Darbha	Bastar	20/06/2009	Killed in Kokavada massacre
54	Dev Nag	40	Soutnar	Darbha	Bastar	20/06/2009	Killed in Kokavada massacre
55	Kamlu Nag	40	Soutnar	Darbha	Bastar	20/06/2009	Killed in Kokavada massacre
56	Lakhma Nag	35	Soutnar	Darbha	Bastar	20/06/2009	Killed in Kokavada massacre
57	Suklu Nag	35	Soutnar	Darbha	Bastar	20/06/2009	Killed in Kokavada massacre
58	Naga Nag	30	Soutnar	Darbha	Bastar	20/06/2009	Killed in Kokavada massacre
59	Muchaki Handa	40	Kunna/ Dabba	Chhindgarh	Dantewada	01/10/2009	Caught and killed
60	Kunjam Bheema	21	Hiroli	Kuokonda	Dantewada	09/04/2009	Killed in fake encounter
61	Gandam Sukhram	38	Nagalgudem	Sukma	Dantewada	08/11/2009	Killed and shown as road accident
62	Madkam Deva	20	Burgum	Kuokonda	Dantewada	20/22/2009	Killed in fake encounter
63	Madkam Mangu	25	Hiroli	Kuokonda	Dantewada	27/11/2009	Killed in fake encounter
64	Kunjam Hurra	18	Gumiyapal	Kuokonda	Dantewada	11/12/2009	Caught and killed
65	Madvi Joga	25	Gumiyapal	Kuokonda	Dantewada	11/12/2009	Caught and killed
66	Barse Somdu	30	Gumiyapal	Kuokonda	Dantewada	11/12/2009	Caught and killed
67	Midium Bhooma	35	Gumiyapal	Kuokonda	Dantewada	11/12/2009	Caught and killed
68	Midium Sukka	17	Gumiyapal	Kuokonda	Dantewada	11/12/2009	Caught and killed
69	Madvi Gutta	40	Gumiyapal	Kuokonda	Dantewada	11/12/2009	Caught and killed
70	Tati Hidma	25	Aranpur	Kuokonda	Dantewada	11/12/2009	Caught and killed
71	Madvi Hunga	20	Gundam	Usoor	Beejapur	24/10/2009	Shot and killed
72	Muchaki Kosa	25	Gundam	Usoor	Beejapur	24/10/2009	Shot and killed
73	Sodi Hunga	22	Gundam	Usoor	Beejapur	24/10/2009	Shot and killed
74	Sodi Gangi	40	Pujarikanker	Usoor	Beejapur	24/10/2009	Raped and killed
75	Aalam Pandu	25	Doordha	Beejapur	Beejapur	17/06/2009	Killed in a fake encounter
76	Emla Pandru	25	Chowkanpal	Beejapur	Beejapur	09/08/2009	Caught and killed
77	Hapka Lingu	25	Chowkanpal	Beejapur	Beejapur	11/08/2009	Caught and killed
78	Tati Aaytu	45	Etepal	Bhairamgarh	Beejapur	11/08/2009	Caught and killed
79	Oyam Sagar	30	Vechapal	Bhairamgarh	Beejapur	11/08/2009	Caught and killed
80	Karam Somli	20	Timenar	Bhairamgarh	Beejapur	07/09/2009	Caught and killed
81	Madkam Raju	20	Timenar	Bhairamgarh	Beejapur	13/09/2009	Killed in a fake encounter
82	Kawasi Sukhram	25	Keshkutul	Bhairamgarh	Beejapur	11/08/2009	Killed in a fake encounter
83	Tati Lakhmu	25	Etepal	Bhairamgarh	Beejapur	09/08/2009	Caught and killed
84	Madkam Sannu	45	Keshmundi	Bhairamgarh	Beejapur	31/08/2009	Killed in fake encounter
85	Podiyam Somlu	30	Keshmundi	Bhairamgarh	Beejapur	02/11/2009	Killed in fake encounter
86	Dirdu Madka	55	Kachanaram	Bhopalpatnam	Beejapur	08/11/2009	Caught and killed
87	Kowasi Sukalu	66	Kachanaram	Bhopalpatnam	Beejapur	--	Caught and killed
88	Two villagers	--	Kachanaram	Bhopalpatnam	Beejapur	03/12/2009	Caught and killed
89	Budhram	32	Korasad	Beejapur	Beejapur	10/11/2009	Caught and killed
90	Madkam Hunga	45	Tettemadgu	Konta	Dantewada	10/11/2009	Caught and killed
91	Madkam Hidma	30	Tettemadgu	Konta	Dantewada	10/11/2009	Caught and killed
92	Dudhi Rasal	50	Tettemadgu	Konta	Dantewada	10/11/2009	Caught and killed
93	Kartam Aytal	30	Doragudem	Konta	Dantewada	10/11/2009	Caught and killed
94	Madkam Badral	25	Dhokpad	Konta	Dantewada	10/11/2009	Caught and killed
95	Vendo Mangdu	27	Dhokpad	Konta	Dantewada	10/11/2009	Caught and killed
96	Madvi Jogal	35	Palodi	Konta	Dantewada	10/11/2009	Caught and killed
97	Muchaki Chandu	35	Venjalvaya	Konta	Dantewada	10/04/2009	Killed in encounter
98	Kunjam Rinku	20	Gedakad	Konta	Dantewada	10/04/2009	Killed in encounter
99	Punem Dasru	25	Puvad	Konta	Dantewada	10/04/2009	Killed in encounter
100	Punem Babu	30	Puvad	Konta	Dantewada	10/04/2009	Killed in encounter
101	Tati Somu	25	Pusnar	Konta	Dantewada	16/04/2009	Killed in encounter
102	Madvi Baman	11	Pagond	Usur	Bhopalpatnam	24/11/2009	Caught and killed
103	Madvi Motli	25	Kotrapal	Bhairamgarh	Beejapur	15/12/2009	Caught and killed
104	Somaru Ursa	32	Kotrapal	Bhairamgarh	Beejapur	15/12/2009	Caught and killed
105	Three Villagers	--	Pallevaya	Bhairamgarh	Beejapur	21/12/2009	Caught and killed
106	Three Villagers	--	Pallevay	Bhairamgarh	Beejapur	21/12/2009	Caught and killed

107	Three Villagers	--	Pallevay	Bhairamgarh	Beejapur	21/12/2009	Caught and killed
108	Punem Pandru	45	Vechapal	Bhairamgarh	Beejapur	29/12/2009	Caught and killed
109	Punem Motu	20	Vechapal	Bhairamgarh	Beejapur	29/12/2009	Killed in a fake encounter
110	Imla Bandi	34	Surpangudem	Konta	Dantewada	09/01/2010	Killed in a fake encounter
111	Kalmu Payaki	25	Surpangudem	Konta	Dantewada	09/01/2010	Killed in a fake encounter
112	Midiyam Gujja	18	Surpangudem	Konta	Dantewada	09/01/2010	Killed in a fake encounter
113	Ursa Hunga	20	Darbha	Konta	Dantewada	09/01/2010	Killed in a fake encounter
114	Madkam Joga	22	Kottagudem	Konta	Dantewada	12/01/2010	Killed in a fake encounter
115	Madkam Handa	25	Rangaiyagudem	Konta	Dantewada	15/01/2010	Killed in a fake encounter
116	Kalmu Chamru	30	Kaika	Beejapur	Beejapur	12/01/2010	Killed in a fake encounter
117	Kunjam Bheema	25	Korkakad	Kuakonda	Dantewada	23/01/2010	Killed in a fake encounter
118	Kunjam Motu	24	Kutrem	Kuakonda	Dantewada	23/01/2010	Killed in a fake encounter
119	Kunjam Hurra	20	Gorepara Sameli	Kuakonda	Dantewada	23/01/2010	Killed in a fake encounter
120	Kadti Bheema	25	Gorepara Sameli	Kuakonda	Dantewada	23/01/2010	Killed in a fake encounter
121	Emla Suresh	30	Paralnar	Beejapur	Beejapur	12/02/2010	Killed in a fake encounter
122	Padse Lakshmi	22	Paralnar	Beejapur	Beejapur	12/02/2010	Killed in a fake encounter
123	Punem Ungal	30	Etenar	Bhairamgarh	Beejapur	09/02/2010	Killed in a fake encounter
124	Korsa Lakhu	40	Regadgatta	Beejapur	Beejapur	03/02/2010	Killed in a fake encounter
125	Hapka Sombaru	17	Kotrapal	Bhairamgarh	Beejapur	11/01/2010	Killed in a fake encounter
126	Bhogami Raju	20	Kotrapal	Bhairamgarh	Beejapur	11/01/2010	Killed in a fake encounter
127	Emla Sukku	35	Kotrapal	Bhairamgarh	Beejapur	11/01/2010	Killed in a fake encounter
128	Korsa Munno	11	Mankeli	Beejapur	Beejapur	07/01/2010	Killed in a fake encounter
129	Kursam Pandru	20	Gornam	Beejapur	Beejapur	17/02/2010	Killed in a fake encounter
130	Punem Ayatu	18	Usnar	Beejapur	Beejapur	07/04/2009	Killed in a fake encounter
131	Hapka Badru	23	Kamkanar	Beejapur	Beejapur	27/07/2009	Killed in a fake encounter
132	Hapka Masa	17	Pusnar	Beejapur	Beejapur	25/07/2009	Killed in a fake encounter
133	Emla Somu	16	Usnar	Beejapur	Beejapur	25/07/2009	Killed in a fake encounter
134	Kodiyam Raju	18	Permapara	Sukma	Dantewada	15/01/2010	Killed in a fake encounter
135	Kunjam Shuklu	30	Mokaram	Konta	Dantewada	10/04/2010	Killed in a fake encounter □

General Secretary's Letters:

1. To State Branches for Holding Regular Elections

Dear Colleague,
This is being noticed that many State PUCL Branches have not been holding regular elections. This is against our Constitution and also affects the working and overall performance of the State/District units. In the long-term interest of the

organisation, please make sure that regular elections take place and a report is sent to the National office. It is also advisable that the National office be informed in advance of any such event being planned by the State Branch.
With regards,

Sd./-
Pushkar Raj, General Secretary,
PUCL
To All National Executive Members and All State Presidents/ General Secretaries □

2. To State Branches on Compiling Data on Arrests under UAPA

Dear colleague
This is a widely know fact that the state governments have been arresting a large number of human rights activists on various pretexts and booking them under UAPA. In large number of the cases there is no direct evidence. However the concerned activist is forced to spend time in the prison that severely

undermines right to liberty under the Constitution. I request you all to file RTI applications in your respective states to get the information on this, asking the state the number of activists arrested and charges against them and related relevant information. This will help us to compile the date and present our

case against the UAPA robustly. Once this basic research is over we can think of next line of action at several levels.
With thanks
Pushkar Raj, General Secretary
To All National Executive Members and All State Presidents/ General Secretaries □

Detained Africans Free at Last

Delhi PUCL notes with satisfaction that the five male African nationals who were languishing at the Restricted Foreigners' Detention Camp, Lampur, Delhi for the last six months after being acquitted by the trial court after their arrest on various charges and long trial lasting between four to eight years, and awaiting deportation to their respective countries after their acquittal, at last got freedom from detention at 9.00 p.m. on 4th June 2010, thanks to the long campaign for their freedom by the Delhi PUCL which got a wide support from the print media, reporters of various news

papers and news agencies. The six female detainees restricted at Nari Niketan, Nirmal Chhaya Complex, Jail road, Tihar, Delhi have also been released.

It is noteworthy that all the 11 Africans had gone on indefinite hunger strike w.e.f 1 June 2010 as a desperate effort demanding their release from illegal custody, and deportation to their respective countries after all their efforts to get the attention of officials had failed. Earlier, 14 Pakistani nationals detained at the same Camp between six months to 4 years could obtain their freedom and were deported only after a year long campaign by the

Delhi PUCL and the Delhi High Court orders.

PUCL Delhi thanks the print media, news agencies, and reporters of various newspapers, who took special interest and supported the campaign of the Delhi PUCL to secure the release of the detained foreign nationals. It would not have been possible to get them released so soon without their support. Delhi PUCL also hopes that it will continue to receive their support in its efforts to promote and protect the civil liberties and human rights of our own citizens as well as of foreign nationals. - Mahi Pal Singh, General Secretary, PUCL-Delhi. □

UP PUCL:

Statement Against Intimidation of PUCL Members by UP Police

UP PUCL points out the deliberate targeting of Muslim youths, particularly from Azamgarh. Further, PUCL-UP and its members have been subjected to intimidation by the UP police and its agencies. Since December 2007, the present team of PUCL-UP has been active in exposing illegal state violence, particularly in the name of terrorism and also has effectively intervened in many cases.

The PUCL intervention in the spate of arrests that followed the UP Courts Bomb Blasts case, Ahmedabad, Delhi and Jaipur blast cases and finally the Jamia fake encounter has invited the ire of the state establishment so much that most of the active PUCL members have been implicated in many false cases. Here, it needs to be reminded that none of the PUCL activists have had

any criminal cases against them before their stated position on the Jamia Nagar encounter and having pointed out the deliberate targeting of Muslim youth particularly from Azamgarh. Further, PUCL-UP and its members have been subjected to covert and overt threats of action from the State departments using allegations that PUCL-UP is a group of Naxalite sympathizers, apart from the allegation of protecting terrorists!

The latest in this spate of harassment happened on the 23rd May 2010, when Shahnawaz Alam, Organizing Secretary of UP PUCL, received two calls on his mobile phone from one Mr. Mallech (080-25559775) claiming to be from the Crime Branch - Bangalore, BJP governed Karnataka policeman quizzing him about his phone number being found in the 2008 call records of the sim card of

the suspect allegedly apprehended for the bomb planted in the Chinnaswamy stadium on 17th April 2010. .

The PUCL-UP unequivocally declares that the organization and all its members are willing to cooperate with the State agencies with respect to any investigation as long as the procedure established by law is followed. However, PUCL-UP condemns all attempts to bully them into silence or harass them using the Criminal Justice Process in order to stop the work that they have been involved in.

Sd/-

Ravi Kiran Jain, Chitranjan Singh, Vandana Mishra, Sandeep Pandey, S. R. Darapuri, Mohammed Shoib, K.K. Rai, Randheer Singh Suman, Rajeev Yadav, Mashihuddin Sanjari, Tariq Shafiq, Balwant Yadav. □

Jharkhand PUCL:

Nishant Akhilesh Elected Interim President of Jharkhand PUCL

Mr Shashi Bhushan Pathak, General Secretary, Jharkhand PUCL had convened a meeting of the State Council at Ranchi on 6 June 2010 to fill the post of President, which had fallen vacant due to the sad death of

Mr Subrato Bhattacharya in January 2010. Mr Nishant Akhilesh was unanimously elected as president for the interim period.

In addition, the members of the

Council had a very fruitful discussion on the ways and means to strengthen the organisation in the State.

- Prabhakar Sinha, President, PUCL □

Gujarat PUCL:

Withdrawal of Permission to Hold Dharna

Lok Andolan, Gujarat and PUCL expressed their strong disapproval of the prohibition order received by them at the last minute with reference to holding prepared Dharna to raise awareness about deterioration of Law and order in Gujarat, at Town Hall, Ahmedabad on May 10, 2010. Dilip Chandulal and Gautam Thaker have written to the Commissioner of

Police asking him for convincing explanation for withdrawing permission to hold Dharna and stating their they would be constrained to explore other methods of expressing their resentment in democratic and peaceful manner.

Leading citizens of Gujarat, Prakash N. Shah, Dwarikanath Rath,

Damayntiben Parekh, Narpatsingh Chavda, Rajni Dave, Ila Pathka, Meenaksi Joshi, Bdhidhan Trivedi and others who had gathered to support the Dharna were of the opinion that it was thoroughly deplorable that the space to democratically express dissent is being lost. - Gautam Thaker, General Secretary, PUCL Gujarat. □

A Delegation of PUCL and Lok Andolan, Gujarat Meets the Governor

Dr. Shrimati Kamlaji,
The Governor of Gujarat,
Raj Bhavan, Gandhinagar,
Gujarat

Memorandum: Re: Law and Order Situation in Gujarat

Respected Madam,

The Supreme Court of India has asked the CBI to investigate the case of the fake "encounter" done by Gujarat Police. The Supreme Court is also vigilantly monitoring the investigation. In the case most detentions were done by Gujarat Police Department of CID (Crime). This clearly indicates that the issue is not the Central Government acting against the State Government but it is of those trying to shield the criminals as against those trying to investigate the crime.

So far Gujarat Police CID (Crime) has detained 19 Police Officers while pursuing the case, which means that those officers were indulging in unlawful activities and therefore they

were taken into custody.

The party in power in Gujarat is practicing populist politics in protesting against CBI while it should have supported the law taking its course. They are trying to disturb the police life in the state by inciting the people against the order of law. Serious note has to be taken of the loud protestations of the ruling party announcing their decision to take to the street.

When an agency is working under the directions of the Supreme Court, in democracy it is not fair to take the issue to the streets. The law is taking its own course; it is not desirable to mislead people into a wrong direction and thereby disturb law and order situation.

In addition to that, we would like to inform you that we the citizens of Ahmedabad had planned to hold a Dharna on May 10, 2010, near Town Hall in Ahmedabad to express our fear and concern about the law and

order situation in the State. But the police Commissioner of Ahmedabad did not allow us to hold it under the excuse of traffic.

We would also like to draw your kind attention towards communal clashes taking place in Ahmedabad, walled city. We have an apprehension that intentionally communal tension is being created and rumors send the signal of fear to the minority community.

We humbly request your Excellency to see that peace is not disturbed. We also like to urge upon your Honour to take necessary steps to maintain law and order in the State so that communal harmony prevails here.

Yours respectfully,

Gautam Thaker and
Ashwinibhail Karia for PUCL; and
Dwarikanath Rath and Meenakshi
Joshi for Lok Andolan, Gujarat
(May 29, 2010)

□

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– General Secretary

AP PUCL:

Training Programme on Rights and Responsibilities of Human Rights Defenders Held At Hyderabad

Inaugurating the two-day Training Programme on Rights and Responsibilities of Human Rights Defenders in Hyderabad on May 22, organized by PUCL-Andhra Pradesh in association with People's Watch, Indian Liberal Group, APHRC, APSA and Resource for Legal Action, former civil servant and human rights activist K R Venugopal strongly deplored Home Minister P Chidambaram's utterances in the post-Dantewada incident of the brutal killing of armed personnel by the Maoists. Venugopal, who was secretary with three successive Prime Ministers in the PMO of V P Singh, Chandrashekhar and P V Narasimha Rao and was also National Human Rights Commission's Special Rapporteur, took strong exception to Chidambaram's 'threatening' remarks against the civil society. He said that Chidambaram made such statements without any pretensions exhibiting his intolerance and hatred of people, who question him. He

questioned Chidambaram's statement that those talking about human rights should be held responsible for the killing of CRPF jawans at Dantewada.

He asserted that civil society cannot be held answerable for the incidents like the Dantewada killing and it is only people like Chidambaram who should be held responsible because of their acts of omission and commission. He maintained that "We (human rights activists) all believe in a peaceful approach for change and do not believe in the theory that change is possible through the barrel of gun."

Venugopal criticized Chidambaram's call for a stronger mandate to use armed forces and Air Force for launching attacks in the Maoists infested forest areas against our own people.

He also stressed the need for change in the constitution of the Human Rights Commissions in the country. Wondering that even IPS

officers are being appointed as their members, besides retired judges who do not have any experience of grass-root realities. He said that at least one member from civil society should be appointed. He asked the Human Rights activists that rights should not be viewed in isolation and they should be looked at together with the duties as enumerated in the Indian Constitution.

He narrated his own experiences mentioning how several reports are lying under the dust even in the National Human Rights Commissions. He said there was no action on his reports of over 6000 tribals' deaths in the north coastal areas of AP and over 22 per cent average infant mortalities at super specialty hospitals.

Niloufer, Hyderabad PUCL, Jaya Vindhya, State General Secretary, and State Vice President Ch Narendra also addressed the participants. - Ms. Jaya Vindhya, General Secretary, Andhra Pradesh PUCL □

Orissa PUCL:

Press Release

1. **Death of Pidera Kdaisca under Illegal detention by CRPF in Raygada district.**
2. **Illegal detention of two Koya Adivasi men by CRPF in Malkangiri district.**
3. **SP Raygada's Statement calling PUCL 'a frontal organization of CPI (Maoists)' for exposing the lies regarding the illegal detention and death of Pidera Kdaisca in police custody.**

The *People's Union for Civil Liberties* (PUCL) Bhubaneswar expresses its deep concerns regarding the practice of illegal detention of poor adivasis by the CRPF and the role of the Orissa

police in this regard. In a recent fact finding of two incidents in south Orissa the PUCL is shocked to know how the CRPF and the State police are blatantly violating the rule of law, causing serious threats to individual life and liberty, particularly of poor adivasis in the interior areas where 'combing operations' and 'Operation Green Hunt' are on for hunting Maoists.

The Superintendent of Police (SP) Raygada has made a statement to electronic media calling PUCL 'a frontal organization of the CPI (Maoists)' in response to PUCL fact finding regarding the illegal detention and death of Pidera Kdaska in police custody. PUCL believes that this statement by SP Raygada is

uncalled for and motivated by design to suppress the facts of the case. This is a form of restricting the voice of the civil society so that violation of civil liberties by the police and security forces remain beyond the purview of public debate and go unquestioned.

Illegal detention and death of Pidera Kdaisca in police custody

Pidera Kdaisca, a Kondh adivasi man, aged about 35 years, of village Gerengaguda in Chandrapur Block of Raygada district died in police custody on 2nd June 2010. Pidera's death was reported in most of the local newspapers and electronic media raising doubts regarding the cause of death and the role of the

CRPF and the police. It was also reported in the media that Pidera was a Maoist. Later there were reports of protests in the area on this issue and a memorandum submitted to the District Collector asking for compensation to the victim's family and punishment to those responsible for the death of Pidera Kdaisca.

A two member PUCL team visited the area on 12th and 13th of June and spoke to the SP and ASP Rayagada district, IIC Rayagada Thana, local media persons in Rayagada, the victim's family members, the villagers, the local Sarpanch, and Mandho Majhi Jagerenga of Sarkima, who was present while Pidera was taken into detention by the CRPF.

The version of the Police Officials

According to SP Raygada, Kdaisca, a 'Maoist', was caught by the CRPF jawans on the 1st of June from a location in Chandrapur forest area. He was brought to Raygada on the 2nd. In the afternoon of the same day he complained of stomachache and was taken to the hospital where he was received dead. The SP Rayagada also told us that between 1st and 2nd June Pidera was made to walk for about 40 kilometers, as the CRPF and SOG forces had to follow

their operation plan before bringing Pidera to Raygada. The SP admitted that Pidera might have died out of sheer exhaustion.

However, the IIC Rayagada Thana gave us the following information based on the findings of the post mortem report on the body of Pidera: both sides of the heart were empty, black colour deposits found in the lungs, swollen genital and a mark of wound (of 6-7 days old and 5cm x 2cm in size) on his buttock.

The conclusion as to the immediate cause of death has been kept reserved pending histopathological test of viscera. A magisterial inquiry has been conducted (by Raygada Tahsildar) and report sent to the National Human Rights Commission.

The version of the villagers, family members and the local Sarpanch

After talking to the family members and relatives of Pidera Kdaisca, the villagers of Gerengaguda, local Sarpanch, Mandho Majhi Jagerenga of nearby Sirmika village, we reconstruct how Pidera was taken captive

On 23rd of May, Pidera had gone to the nearby forest for shooting birds

with a *desi* gun commonly used by adivasis for hunting birds and small animals. Pidera met Mandho Majhi Jagerenga of nearby Sirmika village who too had come for the same purpose and was carrying his own gun. On that day both of them were caught by CRPF 'combing' in that forest area. They were beaten up and taken to Chandrapur as 'naxals'. At Chandrapur police station they were again beaten up. Mandho Majhi was let off after being kept in CRPF camp for four days while Pidera was taken to various places till he was brought to Rayagada on the 2nd June.

Mandho Majhi and several eye witnesses attest that Pidera was brought to Chandrapur police station on the day he was caught by the CRPF. George Kdaisca, an uncle of Pidera, who lives in Chandrapur came to the police station after hearing that Pidera had been caught by the CRPF and brought to the police station. There he saw Pidera being kicked around and beaten by the CRPF people. He was asked by the local police to go away and come after an hour. Subash Majhi, the Sarpanch of Chandrapur Gram Panchayat too corroborated the fact

Contd. on page no. 20

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that Pidera was brought to Chandrapur by the CRPF on 23rd May.

Illegal Detention of two Koya tribal men from Pitakonda village in Malkangiri District

On 15th of June the PUCL team visited Pitakonda village, Kalimela block in Malkangiri District. Six people from the village had been picked up by the CRPF in the morning of 11th June. While four of them were let off the next day after interrogation, two others were kept illegally under detention. The PUCL team talked to SP Malkangiri district, IIC Malkangiri police station and villagers of Pitakonda on the incident.

The version of the villagers

CRPF had come to the village with a list of people and asked about them. The CRPF jawans broke into houses and physically assaulted the villagers. Several people including women were injured. The jawans went around the village and took 10/12 people captive. The captives were interrogated about 'naxals'. Six of them were finally taken to the CRPF camp and then to the police station. Next day, the local Sarpanch, Haribandhu Hantal along with some other people of the area went to the Malkangiri police station to find out about the six villagers. There the Sarpanch himself was arrested. However, four of the six villagers were let off on 12th June.

The two other persons, Irma Kawasi and Budura Podiami remained with the CRPF.

The version of the Police Officials

Talking to the PUCL team on 15th June both SP Malkangiri and IIC Malkangiri police station maintained that they have no information about the two people allegedly picked up by the CRPF. But on the 17th of June it has been reported in the media that both Irma Kawasi and Pudura Podiami have been arrested by the police from Chintalwada forest.

PUCL's Concerns and Questions

- Where was Pidera Kdaisca since 23rd of May when he was picked up by the CRPF till 1st of June, if not under illegal detention?
- How did Pidera Kdaisca die in police custody? Can the Rayganda SP's statement that Pidera might have died out of sheer exhaustion be believed when the post-mortem report indicates several marks of physical injury?
- Even if one accepts the SP's statement that he may have died due to exhaustion, it begs the question as to why he was made to walk nearly 40 kms to be brought to Rayagada while he could have been produced before the Magistrate in Bisamkatak and brought in remand by Chandrapur Thana for interrogation. Does it not reflect the utter disregard for rule of law on the part of the CRPF and the Police?
- Where were Irma Kawasi and Pudura Podiami since 11th June when they were picked up by the CRPF till 17th June, if not under illegal detention?

Observations and Concerns

- Since in neither case formal arrests were made, before 2nd of June in case of Pidera and 17th June in case of Irma Kawasi and Pudura Podiami, the detention of these people by either CRPF or police violates the rule of law.
- In view of the on going anti-Maoist operations by the State security forces in large parts of the tribal areas, several such detentions are made allegedly to interrogate people regarding Maoist activities. PUCL is concerned about the rising number of such detentions along with the violation of civil liberties in many such cases. It is a serious concern and dangerous trend that police authorities suppress the truth and deny responsibility in such cases.

Ms. Pramodini Pradhan,
Convenor, PUCL-Bhubaneswar
(19th June 2010) □

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