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The Armed Forces Special Power Act Must Go Pushkar Raj

The Armed Forces Special Power Act (AFSPA) is in force in the North East of India for more than fifty years. It was on 22 May 1958 that an ordinance to this effect was promulgated by the union government subsequently endorsed by the parliament a couple of months later. It is fairly a long period for a sizeable population to live under what some critiques call a state of "martial law". It is this state of military rule that Irom Sharmila is protesting against for over ten years with an indefinite hunger strike. She has received a wide ranging civil society support from all over the country. However the state is yet to respond to her and others' demand of abolishing the AFSPA.

The government's argument that the AFSPA is in force to quell insurgency in the concerned regions suffers from many flaws. Firstly, the repressive laws have a tendency to alienate general public of a region, thereby expanding the support base of even an armed insurgency, converting it into a mass based thus becoming counter productive. Secondly, it is a common knowledge that the unaddressed and accumulated grievances of people over a long period take a form of collective assertion of which militancy could be one of the off shoots that may also have some silent community support. Using repressive laws across a large region indiscriminately would alienate a whole mass of people whose accumulated anger against the state might reach a stage of breaking point where they wish to part ways with the Indian sovereign identity. This apparently seems the case in the North East and Kashmir. So as a strategy to counter either armed or mass insurgency repressive laws like AFSPA are ineffectual.

Under the shadow of the AFSPA the acts of omission and commission by the security forces allegedly result in mass killings, rapes, disappearances and torture. In the process the state loses legitimacy and moral authority to rule. It is this situation of serious crisis and challenge that the Indian state is facing in the North East and Kashmir. The policy makers at the centre should realise that the Indian security and integrity cannot have strong base while people in the North East and Kashmir feel insecure on daily basis. One should legitimately ask whether the 'security and integrity' of India can and should be maintained at the cost of the mass human insecurity of its people where fear is rampant and a false allegiance to the state is sought under the intimidation of the gun. Repressive laws may hold a large population under the Indian suzerainty temporarily but in the long run as a policy it is bound to fail. The central government has tried for over fifty years to win integration of the people of these regions into the mainstream by using laws like AFSPA and has apparently not

succeeded. It must now experiment, as a pragmatic test case and as a value enshrined in the constitution, without such military laws in these

regions to achieve those objectives. It should replace the present policy with a policy that is based on respect for fundamental rights and freedoms

enumerated in our constitution. Such a policy must begin with the removal of the AFPSA from the statute books. □

Prabhakar Sinha's speech in the PUCL Seminar on Examining the Law on Sedition, other Draconian Laws and Human Rights Violations of Citizens under Ordinary Laws held at GPF on May 7&8, 2011:

The State of Life, Personal Liberty of the Common Man: A Critique

Prabhakar Sinha

It is a historic day for the human rights movement in the country as it is for the first time that stock is also being taken of the plight of the common man under the ordinary laws of the land. For a various reasons, so far our attention has remained focused on the attack on life and personal liberty only under draconian laws for a variety of reasons. Most of the rights organizations were formed in a particular context to meet a particular challenge, and remained so engaged that they did not realize the importance of paying attention to the fate of the common man under the ordinary laws even for protecting their rights under the draconian laws. It is important to recognize that it is only by fighting for the life, personal liberty and dignity of the weakest that the rights of the rest can be protected.

There are some important and pertinent questions which need to be asked in the context of examining the plight of the common man: Has the plight of the common man improved after he changed into a citizen of a Republic from having been a mere subject of the British Empire? Has Article 21 been effective in protecting his life and personal liberty? 3. Does he enjoy the right to equality before law and equal protection of law as enshrined in Art. 14? 4. Does democratic India have lesser number of draconian laws than under the British rule? Why should a republic have the need of more repressive laws than a foreign imperial government? Why has the common man remained so ignored? The elite who assumed power after the departure of the colonial

government did not find the Police Act, of 1861 enacted to deal with the subjects of the empire incompatible with a democratic system or unsuitable for dealing with the citizens of a democracy. The contempt for the life, personal liberty and dignity of the common man is reflected in the contempt with which he is treated by the police and the so called public servants. He cannot file an F.I.R. without greasing the police man's palm, can be arrested without a warrant at the sweet will of police Sub-Inspector (u/s 41 of Cr.P.C.), remanded to the judicial custody on the flimsiest of charges by the Judicial Magistrate (u/s 167 of Cr.P.C.) without application of his mind and remain languishing in jail because he is too poor to afford a lawyer or a bail. Poor citizens is publicly abused or slapped by a police man for no fault and must pocket the insult in utter helplessness. He is routinely abused and beaten up in the police custody on the suspicion of his possible involvement in some minor crime, and occasionally killed with impunity in course of such beatings. Despite the prohibition of the apex court, prisoners with handcuffs and a rope around the waist are made to walk to the court by the police in full view of the Executive and Judicial officers. Killing of unarmed demonstrators in police firings is routine. The policy of bullet for brickbats has become the norm. Hundreds of such demonstrators are killed every year. The police have no special right of private self defence and exercise the same right as any other citizens, but they are not required to prove before a court of law that killing was necessary for

their self defence. Their claim that they opened fire in self defence and killed people is taken at the face value which virtually has given them a license to kill.

The police stations continue to be citadels of crime, corruption and source of fear for the law abiding citizens. The common man has to suffer all these at the hands of the police because the rulers of independent India have been persisting in keeping the imperial character of the police intact and giving them a free hand to deal with the people as they like. Is not refusal to register an F.I.R. an attempt to conceal a crime? Is not protecting a criminal through vitiated investigation an act of criminal conspiracy? Is not firing at an unarmed demonstration and killing people a murder? Is not disrespect to the law abiding citizens visiting a police station an offence against the community which the police are employed to serve?

In a democracy, the police are meant to serve the community and not their political masters as under an authoritarian rule, but the rulers of democratic India have developed a vested interest in retaining and maintaining the imperial character of the police which they have been using as their handmaiden

There is unfounded complacency regarding Art.21 being an effective guarantee against deprivation of a person's life and personal liberty. According to Arjun Sengupta's report, 83 crore people in India live on Rs 20.00 (Rupees Twenty only) per day. It may be safely assumed that the number of people living on Rs 50.00 (Rupees Fifty only) or less per day would exceed 100 crores. Can a

person living on even Rs 100.00 per day be expected to meet the expense of approaching the Supreme Court (under Art. 32) or a High Court (under Art. 226) to protect his life or personal liberty? In a country where millions do not have the means to approach even the local court, expecting them to invoke Art.21 is a cruel joke. Thus for more than 100 crores of Indians Art.21 is not directly relevant.

It has also failed to save the lives of thousands of people who have been killed in fake encounters and police custody or prevent the mysterious disappearance of thousands engineered by the police and security forces.

At the same time Article 21 has proved too elastic and permissive to protect the life and personal liberty of even those who might afford to approach the apex court or a High Court. The fact that lawless laws like MISA (Maintenance of Internal Security Act, 1971), NSA (the National Security Act, 1980), TADA, Unlawful Activities (Prevention) Act, 1967, POTA (the Prevention of Terrorism Act), AFSA (the Armed Forces Special Power Act, 1958) and scores of other Central and State draconian laws passed the test of constitutionality proves its ineffectiveness as the protector of life and personal liberty. Its ineffectiveness should not be a surprise. The framers of the Constitution intended to limit the protection only against unlawful deprivation of life or personal liberty and not against deprivation under laws regardless of their repressive and draconian provisions. Indira Gandhi Government did claim during the emergency that since the right to life and personal liberty and the right to move the Supreme Court were suspended, the State was free to do with the life and personal liberty of the people as it wished and the victim had no legal remedy against it. The apex court accepted the position (now on account of an amendment Art.21 cannot be

suspended even during an emergency). Though her opponents within the political class did not share Indira Government's extreme position on this issue and amended the constitution to undo the judgment of the apex court because they had themselves been its victims. However, now the difference between them is like the difference between Twindlum and Twindulee

In 1980s and 1990s of the last century, 76000 persons were arrested under TADA all over the country even where terrorism was non-existence. About 19000 were detained only in Gujarat, where there was no trace of terrorism in 1980s. In any real democracy detention of 19000 innocent persons under a law enacted to control terrorism should have brought the government down, but it was not even made an issue by the political class of the country. TADA was repealed due to its admitted misuse against innocent persons, but the rulers suffered no moral compunction, and it did not deter the succeeding governments from enacting draconian laws which could victimise innocent persons. It was followed by POTA, which was even more draconian. A large number of people (who are not terrorist) including Vaiko an M.P. from Tamil Nadu and Raghuraj Pratap Singh, an M.L.A. from U.P. were also detained, but there has been no debate within the political class that while enacting laws care should be taken to ensure that innocent persons do not suffer, or if they sometimes do, they are compensated for and the person responsible for misusing the law punished.

The right to equality (before law and equal protection of law) exists in law but not in fact. The common man constituting more than 90% of the population may be arrested without warrant, kept in illegal detention for more than 24 hours, abused and humiliated in the police custody, but it takes the Supreme Court to exercise its power to get one Hasan

Ali arrested or A. Raja prosecuted. If the law had been uniformly applied, a large number of the political class, big business and bureaucrats would have been arrested without warrant and been behind the bar like anyone of us. The laws are the same for all, but their application is blatantly discriminatory: the privileged are more equal than the commoners.

Jessica Lal's case only established before the court the pro-privileged character of our criminal justice system. It also revealed the mindset of the media and the middle class. It appeared from the outrage expressed that Jessica Lal's was a rarest of rare cases in an otherwise honest, impartial, just and effective criminal justice system. The fact is that there was nothing rare in the miscarriage of justice in her case, it is a common phenomenon all over the country. Since most of the victims are poor, they have no choice but to suffer in silence. Since there is nothing sensational in taking up their cases, the media are not interested.

We have reached a stage where two kinds of truth exist side by side: Truth and Judicial Truth. The former is the fact which is common knowledge and the latter is the fact which has been established before a court of law. The Truth is that the overwhelming politicians (who are or have been in power), bureaucrats and big business are corrupt, but the Judicial Truth is that barring a few who have been caught, the rest are absolutely clean (because their guilt has not been proved before a court).. More than 1000 persons who had assembled at Jallianwala Bagh, at Amritsar to protest against the Rowlatt Act were massacred on the orders of General Dyer. The whole country rose as one against this black law, which did not allow the accused the assistance of a lawyer or the right to appeal. However, the Act provided that the case would be initiated only by the local (provincial) government and would be heard by a bench of three High Court judges.

This excluded the possibility of miscarriage of justice for the accused. Under the Rowlatt Act, 35,000 persons could not be detained in one go as was done under MISA, thousands could not be detained as was done under TADA or POTA. While comparing the Rowlatt Act with the draconian laws of India, one is compelled to admit that the Imperial British Government had more respect for the personal liberty of its subjects than the Government of India, specially, because the Rowlatt Act was meant to deal with the revolutionaries challenging the empire with arms.

Prima facie it appears that the British rulers were far less ruthless to their rebellious subjects in India (The Rowlatt Act was enacted to control the revolutionary movement for freedom) than are our rulers to their own people. If there were killings in fake encounters, or the police custody or mysterious disappearances or discovery of mass graves as is prevalent in the country in our time, it is not in public knowledge. Even the law for Preventive Detention was enacted only during the First World War (1914-1918), i.e. more than 50 years after India became part of the British Empire. It is notable because the British had to fight a bloody war with the Indians in 1857 yet refrained from acquiring the power of preventive detention of their subjects. The government of India enacted the Preventive Detention Act, 1950 within a month or two of India declaring herself a Democratic Republic. Since then, we have had a succession of draconian Central and State laws more and more repressive having less and less accountability.

The law of preventive detention and the other draconian laws contain specific provision to protect the officers against prosecution even if they have misused the law but has no provision for compensation to the victims. Thus, even if the detention

of a person is held to be against the law of preventive detention and is quashed by the competent court, the victim is not entitled to compensation for the loss of his personal liberty and the financial loss he might have suffered due to his detention. In a genuine democracy, the right of the citizen against such injustice by the State is recognized and his losses are compensated for.

A democracy needs an imperial system of policing and unbridled power without accountability only when it degenerates into an oligarchy while retaining its outward democratic form.

The chapter of the Indian Penal Code, 1860 pertaining to offences against the State is revealing of the anti-democratic mindset of the rulers. S124A makes creating hatred and contempt for or disaffection against the Government of India an act of sedition punishable with imprisonment for life. The law is incompatible with democracy in which anybody who is dissatisfied with the government has the right to create disaffection against it and seek its removal at the next election. In fact, it is the legitimate right of every citizen to expose the misdeeds of the government it disapproves of, create disaffection and disloyalty among the people and work for throwing it out of power. Disloyalty to a government is different from disloyalty to the State.

It is natural for an imperial government or any other form of authoritarian government, which does not concede to the people the right to dislodge it to criminalize expression of unfavourable opinions. Thus, it was logical for the British government to make any act creating hatred or contempt for the 'British Government' (u/s 124A of the I.P.C. of 1860) an act of sedition, but for the government of democratic India to retain it by merely substituting for 'British Government' the 'Government of India established by law', raises question regarding the

democratic credential of our rulers. The conviction of Mahatma Gandhi and Lok Manya Tilak for sedition for creating disaffection against the British Government is logical and understandable, but convicting a citizen for sedition for creating disaffection against the Government in democratic India is incomprehensible and can only be attributed to the anti-democratic mindset of the rulers.

How slavishly the rulers of free India adopted the imperial laws is revealed by their decision to retain sections 125, 126 and 127, which deal with the offences of 'Waging war against any Asiatic Power in alliance with the government of India', 'Committing depredation on territories of Power at peace with the Government of India', and 'Receiving property taken by war on depredation mentioned in section 125 and section 126 respectively. There is no such entity known as an Asiatic Power now nor is India in alliance with any power as such. India has been a leader of the Non-alliance Movement in the world, yet such monstrosities continue to find place in our law.

In fact, the chapter of the I.P.C. pertaining to the offences against the State needs drastic amendments, Sections 124A (on sedition) and Sections 125, 126 and 127 should be repealed as being incompatible with a democratic system or being anachronistic and irrelevant. New provisions should be made to deal with the people holding public offices, bureaucrats, the big business, and the others who rob the nation of its wealth in one way or the other. Stashing away of black money in foreign banks or causing loss to the nation as done by the people like A. Raja and other politicians is a crime against the nation, which should be punished with long imprisonment and confiscation of property. Similarly, adulteration of food, making and distributing spurious medicines etc. should be declared a crime against the society and be punishable with

long imprisonment and confiscation of property.

The root cause of the Indian State's acquiring more and more unbridled power and turning more and more repressive can be traced to its choosing to violate the mandates under Art.38(2) and Art.39(b &c) of the Constitution. Recognizing that vast inequalities in income and in status are antagonistic to democracy, the Constitution mandates that 'the State shall strive to minimize the inequalities of income and eliminate the inequalities in status, facilities and opportunities'. To achieve this goal Art.39(c) directs the State to ensure that 'the operation of economic system does not result in concentration of wealth and means of production to the common detriment' and Art.39(b) directs the State to ensure that 'the ownership

and control of the material resources of the community are so distributed as best to sub serve the common good'. The State has chosen to violate the constitution and move in the opposite direction. *The vast inequalities in income and status created by the policy of the government has resulted in vast disparity in the value of life and personal liberty of the citizens. It is the value of the life and personal liberty of a person which determines the treatment he receives from the State. This also explains the contempt with which an honest law abiding citizen is treated and the respect that the high and mighty white collar criminal are accorded .*

This difference in the value of the life and liberty also helps the State in repressing popular protests against its policy of serving the interest of a few at the cost of the

multitude. Since the protesters' life and liberty are cheap, they can be dispensed with easily without effective opposition.

The State is also emboldened in pursuing its policy of repression by the indifference of the middle class. The middle class does not identify with the common man because it is yet to internalize equality of man' as a value. For him, the common man belongs to the class of 'They' and not 'Us'. This mindset is the product of the collective consciousness of a society in which man is born unequal and is destined to die unequal, and is resistant to internalizing equality of man as a value. The Western education instead of helping in demolishing the barrier dividing society has itself become a barrier to identifying with the common man. All these dividing lines need to be erased from the mind to protect human rights effectively. □

Pushkar Raj's speech in the PUCL Seminar on Examining the Law on Sedition, other Draconian Laws and Human Rights Violations of Citizens under Ordinary Laws held at GPF on May 7&8, 2011:

Personal Liberty, Rights and Law: The Present and The Future

Pushkar Raj

Two developments in recent times have impacted the rights and liberties all over the world. First is victory of liberal capital globalisation forces in the world in late nineties of the last century which made the capitalist of every colour and size everywhere in the world stronger in relation to poor people. And the second is the 9/11 that made the western democracies particularly USA and Great Britain enact laws in their countries which impinged upon the civil liberties of their citizens. In the process the state as an institution became stronger. These two developments had serious implications in the rest of the world that is almost uni-polar economically and militarily too. India was no exception to this wider phenomenon. So in the contemporary India we are confronted with a stronger state and equally a stronger capitalist. The interests of both are same: to keep themselves entrenched in the comfort while people remain poor

and disempowered. It is in their interest that the people remain silent. This can only happen if more and more of people's rights and freedoms are limited. And this is exactly what is happening in the country more than earlier. Some of our well known, recognized, accepted and practiced rights are being questioned, limited and curtailed by the state.

People are stopped from protesting when they are not paid their agreed wages and they wish to strike; farmers are told to vacate their land at a price fixed by the state and when they protest they are fired upon defying the norms prescribed under the law and no accountability is fixed on security forces; forest dwellers who are mainly the indigenous people are asked to clear off the forests for commercial mining purposes. Millions of people are affected as they are uprooted against their will and without just compensation. They lose their livelihood, liberty and their biosphere. This all is done under the

ordinary law of the country that effects majority of our people.

The laws of arrest and mob firing are being used against the people in a rampant fashion with an impunity inbuilt in it. Hundreds of people are dying in police firing and tens of thousands people are arrested every year, majority of them arbitrarily, handicapping their freedom for the rest of the life. the apathy of government is evident from its flip flop on notification of amendment to section 41 of cr. pc effecting the arrest power of the police officer.

Another set of people is hauled under UAPA and state specific security laws. A large number of states have enacted the state specific laws to keep the leash of coercion nearby to be used at will. Strangely a large number of people arrested under these laws are perceived innocent or just guilty of feeling much more strongly that they live in a democracy and that they have even right to speak on behalf

of those who are sufferers of injustice. Discriminatory reason of the state has blurred to a great extent in relation to these people. These people- human rights defenders- are a persecuted lot as they elude justice forever as police enjoy practical impunity against any wrong doing those results in their incarceration. It is a sad case of justice seeker for the society handed over injustice. The crop of human rights defenders is under severe attack from the state that has been acknowledged in several reports and events in recent times.

Those who are left out - the ideologues - face sedition law. This law is dated and its postulates are based not on democracy but on colonialism. The law is based on faulty premise that the interests of the state and the government are the

same. The law is based on presumption that people are not trust worthy; a position that is at odd with the democracy as an institution. The law actually has no place in a democracy like us as it cuts at the root in many ways that promote a society of controlled thoughts- the very anti-thesis of human. As it is law is overtly and stretchable and prone to proven extensive misuse and therefore defies civilized reasoning and logic.

These laws- on arbitrary arrest, anti-terror and sedition have made the Indian state very strong. This has manifested in laks of cases filed against people every where. Most of these people are people connected with people's movements. However at the same time one is heartened to note that these movements are also growing in several ways

including in numbers. They are involved in massive socially constructive work. It is estimated that there are about 1.2 million Non-profit organisations. Among these most of them are small and rural organisations in India and approximately engage about 20 million people.

These groups and movements are building a fertile ground where roots of democracy sustain themselves. It would be very difficult for the state to stem the tide of these movements for long, howsoever these draconian laws are used against the people.

I hope that in next two days we will discuss more on utility or otherwise of these laws and their use or abuse. We will also endeavour to devise a road map to continue to register our opposition against such anti-people policies and laws. □

Call for Nationwide Protest: Repeal AFSPA, Free Irom Sharmila May 22-August 18

Dear friends,

Perhaps you are aware that the hunger fast of Irom Sharmila Chanu has crossed 10 years, with a demand for repeal of AFSPA (Armed Forces Special Powers Act, 1958). She has been force fed through her nose by the Government, arrested with charges for attempt to commit suicide, criminalised as a high security prisoner, denying her access to family, friends, supporters and the media. It is regrettable that in this land of Gandhi, a non-violent protester has been subjected to such humiliation for more than ten years. Globally, in the history of non-violent resistance, this struggle is unmatched in terms of its resilience and sustaining power.

The draconian act of AFSPA has been implemented in North eastern

states of India since 1958 and in Jammu and Kashmir since 1991. It was on May 22, 1958, that the AFSPA was promulgated in the north east as an ordinance. This law is more draconian than its predecessor ordinance used by the British to suppress the Quit India Movement. It gave extraordinary powers to members of the armed forces, to arrest without warrant and shoot to kill on the basis of suspicion; and no legal action can be taken up against the armed forces without prior sanction from the Centre. After a brief discussion, the Parliament endorsed the ordinance an Act on August 18, 1958, despite stiff resistance from various quarters who challenged it as a martial law. Needless to say, that with the pretension of controlling insurgence, this Act has only

intensified the insurgency in the region and legitimised thousands of gross human rights violations like rape, torture, murder and "disappearances" of innocent people in the north east. The democratic movements in the north east have consistently demanded the repeal of the Act for decades. In solidarity, the People's Union for Civil Liberties (PUCL) hereby calls to all democratic forums, human rights groups and people's movements to initiate various public protest actions from May 22 to August 18, demanding immediate repeal of AFSPA, in solidarity with Irom Sharmila.

AFSPA is not only opposed by the civil society groups but also by the Government's own commissions and committees appointed to look into the matter. For example, the

2011 Gwangju Prize for Human Right, Binayak Sen

Dr. Binayak Sen has been given 2011 Gwangju Prize For Human Rights. The prize was announced on 21st April 2011. Its is South Korea's most prestigious human rights prize which carries an award of 50,000US dollars and is awarded each year to a person or organization who has made significant contributions in the field of human rights and democracy.

- Pushkar Raj, General Secretary

Committee to Review the Armed Forces Special Powers Act, headed by Justice B. P. Jeevan Reddy in 2005, the Administrative Reforms Commission headed by Dr. Veerappan Moily in 2007 and several others have recommended its repeal. Internationally, the UN bodies including the Committee on the Elimination of Racial Discrimination and the UN High Commissioner for Human Rights and recently the UN Special Rapporteur on Human Rights Defenders have consistently urged for its repeal. However, all these went to the deaf ears of the Government.

We hereby strongly condemn the use of our tax payers' money for the militarisation of the civic spaces within the country. We recognise that if the struggle of Irom Sharmila fails, it will be a failure of the entire democratic movements in this country as well as a deep scar on Indian democracy for generations.

Bihar PUCL:

PUCL Enquiry Report on the Incidents at Sheikhpura Madhya Vidyalaya in Patna Town

Introduction:

Newspapers dated March 5th 2011 carried the headline on Page 3 that 'School kids clash with BMP jawans' 'Students objected to cops occupation of classrooms and the raunchy songs they played at school time" (Hindustan Times 5 April).

It was reported that trouble began at around 11.30 when the jawans allegedly thrashed two children Ritesh class VI and Mohammad Wasim Hussain class VII after bolting them inside a room. Over a hundred students in the age group of 8 to 12 fought a pitched battle with hardened jawans of the Bihar Military Police (BMP)-9 on Friday and even girls joined them.

The students reported that the BMP personnel stationed in the school used the basic amenities like drinking water and toilets which is meant for children. They misbehave

Therefore, in the wake of the 54th year of imposition of AFSPA, we appeal to all human rights groups, social and political activist groups, people's movements and NGOs to initiate the following public protest actions demanding the repeal of AFSPA in solidarity with Irom Sharmila, during May 22 to August 18, 2011:

1. Public protests, dharnas, relay hunger fasts in your area
2. Organise public meetings and seminars on AFSPA and Irom Sharmila demanding the repeal of AFSPA
3. Organise performances of the one woman play 'Le mashale' on Irom Sharmila by Ojas S.V.
4. Organise painting exhibitions on Irom Sharmila. The exhibition can be downloaded from: http://www.e-pao.net/epGallery.asp?id=1&src=AFSPA_Related/Neogene201102
5. Organise film screening programmes on AFSPA and Irom

Sharmila. Copies of the video films are available from: email: insafdelhi@gmail.com or phone: 011-26517814

6. Initiate public signature campaigns and send them to the Prime Minister, the Defence Minister, the Law Minister, the Home Minister and the National Human Rights Commission
7. Initiate statements by well known writers, intellectuals, film personalities, theatre people, musicians and other artists
8. Any other form of action that you may find appropriate to strengthen the democracy of this country

We request you to publicise your action through the internet and mass media and send the reports of your actions to: contact@iromsharmila.org

Pushkar Raj, National General Secretary, *People's Union of Civil Liberties* (PUCL). □

with children if anyone goes there, most of the time the jawans keep playing cards and play raunchy Bhojpuri numbers. They even make obscene remarks, alleged the girls. Later all the boys and the girls of the school assembled in front of the BMP's rooms and clashed with them. The agitated students skipped their classes and blocked the busy Danapur-Patna Bailey Road and disrupted vehicular traffic for more than two hours.

Similar news of police highhandedness and retaliation by the children of the school was given in the other newspapers like Hindustan and Prabhat Khabar. Prabhat Khabar carried the picture of the girl who had a swollen right eye allegedly on account of being beaten by the police on the day of the incident.

PUCL decides to hold enquiry

In the weekly meeting of PUCL on March 6th 2011, some members raised the issue of the happenings at Sheikhpura situated Rajkiya Madhya Vidyalaya as reported in the newspapers. The matter appeared to be serious specially after the Right to Education Act in which to receive education is the right of every child and because of the claim being made by the Government that rapid progress was being made in the field of school education, specially in the development of the school infrastructure. If the classrooms are still being occupied by the police that in itself calls for strong condemnation, what happened on the day just goes to show what the situation is on the ground. It was unanimously felt that an enquiry should be done on the entire incident and the enquiry team was

constituted. The team consisted of the following members: Vinay K Kantha, Nageshwar, Nandkishore and Daisy Narain and it was decided to hold the enquiry as soon as possible.

Enquiry by the PUCL team on March

The four member team reached Rajkiya Middle School at about 9.30 am. The school is situated on the Patna – Danapur Bailey Road just after the Sheikhpura More. It is a double storied building with a long verandah and a strip of land in front where the children gathered for morning assembly and prayers. On the right is an empty space which could have been developed into a playground but it lay barren, a picture of utter neglect. On the southern side behind a wall, four toilets had been constructed in a row, which were in very poor condition, some without doors. A new toilet had been constructed, which was dirty and almost unusable. The source of water was a single hand pump on the north eastern side of the ground and the distance between the toilets and the hand pump would be about 50 metres and therefore water was not used in the toilets. The toilets were being used by both the students, teachers and the jawans. The girls of the senior classes and lady teachers availed of the toilet on the first floor.

The toilets and the hand pump on the ground were the sites of conflict. Some of the team members tried to inspect the toilets but could not go close and wondered how these toilets were being used by the students specially the girls. It has often been opined by academics that girls are forced to leave school in the absence of proper toilets, but is anybody listening? Near the hand pump lay a heap of fly infested stale rice and dal adding to the dirtiness of the place.

On the western side of the field, there were three rooms meant for holding the primary classes where the jawans were staying. The doors

of the last room lay broken, the rooms were filthy and depressing. On the opposite side had been constructed a platform which was being used by the police for cooking their meals and in one corner lay a broken brick made oven (chullah)

As the team walked in curious students collected, fresh and innocent faces of children from classes 1 to 6. The school began from 10.30 but the students had come to attend the classes being organised by Kilkari, Bal Bhavan. The Kilkari instructor met the team members and said that about nine jawans were occupying the class rooms meant for three primary classes and that they were there for several months. They were using all the basic facilities, which was inadequate even for the students of the school. She said on the day of the incident Ritesh Kumar had come to drink water and got into a verbal duel with the jawans. This, she said, was a regular affair, the jawans would sit around playing cards (jua), using the hand pumps and the toilets, passing comments on the students. When Atish reacted the jawans took him to the last room on the southern side, bolted the door and began to beat him up. Hearing the noise the other students gathered, they broke the door open and ransacked the rooms of the jawans and even dented their motorcycles. She said that the jawans did not behave properly passing comments on the lady teachers and the students. The Principal, she said, did his best to pacify the students but the students were in sizeable number and matters had reached a breaking point. She said that an FIR has been lodged by the jawans against the Principal and she thought the whole school should be with the Principal of the school in this hour of crisis

Meeting with the Principal

The team members met the Principal Sri Kamleshwar Prasad Singh who was visibly very upset over the incident. He had asked the higher authorities earlier to remove the

police unit from the school but to no avail. He showed the letter that he had sent to the DSE, Patna on 10.11.08 signed by the Chairman and Secretary, Vidyalaya Shiksha Samiti. In which he had spoken about the shortage of space in the school requesting the removal of the police unit. He had mentioned in the letter that the school has one Office room and seven rooms in which classes from Std I to Std VIII are held. The total number of students enrolled in the school is 612 and there are 11 lady teachers and 3 male teachers. Another letter was shown by him addressed to District Magistrate, Patna dated 5.2.2009 sent through DSE-cum-DPC, Patna in which the request was reiterated.

He was visibly upset over the fact that Ramlagan Paswan of 'C' company of BMP (9) Jamalpur had lodged an FIR against him and the PUCL team procured the copy of the FIR. Earlier the Principal had also filed an FIR in which he had stated what had happened on the particular day.

He said that of the 16 teachers in the school, eight had gone on census duty and while the number of teachers were less the number of students was going up resulting in acute shortage of space. When the team checked up on the number of students present a day before that is on March 8th they found that the no. present was 411. Obviously that indicated that attendance in the school was good and that there was shortage of space. Even if that was not the case, there was absolutely no justification for posting police unit in the school campus and keep it there continuously for the past 8 to 9 years. It was even more ludicrous when the team noticed that there existed a full fledged police station just on the other side of the Sheikhpura More. The team went to the police station, found it be quite well constructed but even at about 10.30 am the place looked abandoned. One wondered why the police unit could not have been

stationed at the police station.

The School Principal was a very senior person and enjoyed the confidence of the teachers. The team talked to some of the teachers and all of them spoke about the bad conduct of the jawans. They sat around the whole day, playing jua and listening to bawdy bhojpuri songs. They said when the jawans took their bath in the open they were usually in barest of clothing (katchas) and it was difficult for the senior girls and lady teachers to go towards the ground. Their indecent behaviour, provocative remarks had virtually made the western part of the school inaccessible to both the students and teachers alike.

Members of the team spoke to Ritesh Kumar of Std VI who said that about 7 to 8 jawans had beaten him in the closed room with sticks and butts of guns. The girl who was beaten on the face, whose picture had come out in Prabhat Khabar also met the team. Her face was still swollen and eyes were red .She was a whiff of a girl coming from a poor family, her father was no more and the mother somehow managed to make ends meet .Meanwhile all the teachers had come in and all of them were of the firm opinion that jawans were at fault, that this had to happen and that the principal had been falsely implicated by the police.

Interview with the Inspector of Airport police station and the BMP -9 jawans

The version of the police force was gathered both from the FIR filed by Mr Ramlagan Paswan and the interview with the P.S. in charge.

The FIR states that under a preplanned conspiracy the Principal had assaulted him and caused damage to government property with a view to get the school vacated. It was alleged in the FIR that the Principal had personally led a group of students and outsiders causing serious injuries to him and mild ones to another literate constable deputed with him. The FIR goes on to allege that the Principal was carrying an iron

rod and after beating him up incited others to damage two government motorcycles parked there bearing numbers BRO 8B 6081 and BRO 8B 6079 . The outsiders were also carrying iron rods and lathis. Further FIR adds that they also damaged five chairs, one table, government tent, utensils of government mess, two glasses, office files and his personal TV. They broke open his attaché and took away Rupees five thousand five hundred only and a 5 gram gold locket. A case was registered on the basis of FIR at the Airport Police Station, the case no. being 29/2011 dated 4.3.2011 u.s 147,148,323,342, 379,427 and 504 of IPC.

The place where the school was located comes under the jurisdiction of Hawaii Adda(Airport) Police station. The team met the P.S. in charge Inspector Mr Mithilesh Kumar Jaisawal and asked him to give his version on the incident that had happened in the School at Sheikhpura. What the Inspector said was similar to what had been reported in the police FIR against the Principal. He said that the Principal was to blame and that he instigated the students and allowed outside elements to come in. The Principal did all this with the motive of removing the police force from the school.

When asked whether police units should be placed in schools he firmly said that police units should not be placed in school buildings.

Meeting the Jawans of BMP-9 who were residing in the school before the incident

The BMP jawan unit had been shifted to the police station behind the IAS Guest House near the Airport. They were shifted in the evening of March 4 itself at around 6.00 pm. Mr.Ramlagan Paswan, who had filed the FIR , had been sent on duty elsewhere. The team met the other members of the unit Satish Chandra Singh, Sakshar havaladar, Hemant Oraon, Jivas Paswan, and Sunil Kumar Malabar the cook. They were willing to give their statement but all

of them said the same story which sounded as if they had planned what had to be said. Mr. Satish Chandra Singh did most of the talking. He said that the incident had occurred between 12 and 1.00 pm. The boy Ratish, he said, would be around 15 to 20 years of age and should have been in college at his age and not in a school. He said that the Subedar had asked the boy on that day not to stand and look at girls but to go and attend his class. This led to the scuffle. About 150 persons gathered some students but mostly outsiders whom he described as anti social elements. They started beating up the jawans, ransacked their rooms, broke the furniture and started beating with broken pieces of furniture. They took away a locket, watch, a mobile charger and about Rs.3000/- which one of the jawan had kept in the trunk which was broken open. They tried to show some scars on their body which was barely visible and could just be body marks. They took the team outside and showed two motor cycles which had been damaged by the students. When the team asked whether it was proper for a police unit to be placed in a school, they said that they were just following orders of the Superintendent of Police but yes they agreed police units should not be stationed in schools.

Here another point needs to be noted. According to newspaper report SSP Patna had given a statement the day after the incident that the police unit in the stationed in the school had checked the occurrence of crime in that area and that the anti-social elements of the neighbourhood along with school authority had stage managed the incident so that the police force is removed. It may be noted that the Senior SP has recently been posted to Patna.

Observations and Recommendations:

1. It is highly objectionable that schools and colleges are being used as camps for Police force

for unreasonably long periods causing interference with the normal functioning of the institutions. Generally speaking occupation of schools and colleges by force should be avoided even during the period of elections, but should it be unavoidable due to inavailability of alternative accommodation, it may be done for the minimum period and without causing any disruption in the normal functioning of the institutions being used. Now that Right to Elementary has been made a fundamental right and we have a legislation in this regard, it is gross violation of the letter and spirit of the law to allow the force to occupy a school for months and years. This practice must stop forthwith.

2. It is a sad commentary on the functioning of the police department and the state that despite the existence of a full fledged wing of Police Building Construction headed by a senior cop, even in the capital city of the state the police force should be occupying schools or stadium causing unfortunate incidents now and then. We are conscious of the subhuman degrading conditions in which the constabulary is made to live, which among other things may be a significant contributory factor for the brutalization of the force. Urgent attention should be paid and necessary action

initiated to rectify the situation.

3. We are anguished by the mindset of police to defend the force, whatever be the incident. It was wrong on the part of SSP to give an opinion without proper enquiry, if he did so, to cover the failure of the administration to find an alternative accommodation to the BMP unit. Apparently not much credence was given to the complaint of the Principal, while readily a case was registered against the hapless Principal based on the FIR lodged by the police personnel.

4. The team is of clear opinion that the police version of the story is concocted and unreliable. It is highly objectionable that false FIRs are lodged by police to browbeat the common man, and the higher functionaries are so permissive about it. That the Principal was carrying an iron rod and was in some way responsible for the breaking open the suitcase of some police man is carrying the story too far, as even a preliminary enquiry can reveal. After all hundreds of students were involved in the incident. The team met and talked to the children and found no reason to disbelieve their collective account of the story. The case instituted against the Principal should be quashed following whatever legal procedure that may be necessary.

5. RTE 2009 lays down that every school will adhere to certain norms and standards in terms of infrastructure. It does not even allow a teacher to give corporal punishment to a child, nor even subject him to mental harassment. Juvenile Justice Act 2000 likewise treats a child, meaning thereby all persons not having completed the age of eighteen years, differently. At worst he or she can come in conflict with law, for which he/she will be produced before a Juvenile Justice Board. Incidents like the one taking place in Sheikhpura Madhya Vidyalaya make a mockery of these legislation. It is time the functionaries of the government start appreciating the meaning and import of these legislations and honor them in letter and spirit, lest they are held guilty of gross violation of rights of child, to which India has committed itself in 1992 after the Convention of Child Rights 1989. More specifically, now that there is a full-fledged legislation on the right to education of a child conferring on him/her specific rights, it is the duty of state to respect them fully and unequivocally.

Vinay K Kantha, Former President; **Nageshwar**, Secretary; **Dr. Daisy Narain**, Vice President; **Nandkishore**, Member, State Council, Bihar State PUCL □

Andhra Pradesh State Council Meeting Report:

AP Judge Ask Rights Activists to Redefine Their Priorities

Hyderabad: Andhra Pradesh High Court Judge Justice L Narasimha Reddy suggested the rights activists to redefine their priorities and approaches in view of the fact in recent times power is being concentrating with certain people, who are not accountable.

Inaugurating the 14th biannual conference of the Andhra Pradesh

unit of People's Union of Civil Liberties (PUCL) at Hyderabad on April 23rd, 2011, he recalled that legislations failing to bring such people into its coverage.

Hinting out the ills of post-liberalization era, he said normally if unsocial elements come to their way people were able to fight and revolt against such forces. "But now

people who are becoming rich overnight. For ordinary people there is no way but to surrender before such forces", he observed.

The Judge expressed concern as a result of such policies; villages together have been encroached by such people. "When government itself surrendering before such forces, who will come to the rescue

of common people", he asked. He deplored that we have been facing difficult situation under the same constitution where some people are able to accumulate thousand of crores of rupees worth properties and acquiring thousands of acres of lands. "When village after village agricultural lands are being turned into barren lands, no one is there to ask what they will do with that land and what is their contribution to the nation", he added. He cautioned that this has been leading to threatening food security. Lamenting that such excesses have been dividing our society vertically and ordinary people are unable to cope up with the changing scenario, Justice Narasimha Reddy suggested to have a comprehensive and holistic view of society at a time the economic benefits are benefiting only a few, but making lives of large number of people horrible. In this regard, he pointed out the phenomenal difference between the approaches of western and Indian

thought. While west is based on individual approach, he said the Indian thought is based on social approach. "Indian approach emphasizes to bring broad based solutions where everyone is happy. Justice Narasimha Reddy said that mere enactment of laws will not bring change. Stating that ethos and values are not distant from life, he advocated need to enforce human values. "A true state power is to protect weak from the strong", he said. **Bad development model: Pushkar Raj** Speaking as chief guest, PUCL national general secretary Pushkar Raj deplored that nowadays human rights are being branded as giving support to criminals or Maoists. He alleged that distortion of human rights is very systematic approach by the government. Finding fault with the present capital incentive development model of the government, he asked for whom development? Expressing concern

that as a result basic needs like land, water, education and health are being privatized and going away from the reach of the vast number of the population. This is very bad development mode, he asserted. When the people started questioning these policies and articulating their grievances, he said that the government using police, killing people and resorting to extra judicial killings. Calling for the need of balanced approach, he said the civil society should come to the rescue of such people and fight against such policies of the government. High Court advocate and senior dalit leader Bojja Tarakam, senior journalist K Srinivasa Reddy, revolutionary writer Nikhleswar also spoke. PUCL state president K Chandrasekhar presides. Earlier, PUCL state general secretary Mrs Jaya Vindhyala presented a report detailing activities of last two years. *Courtesy: merinews.com* □

A.P. PUCL:

The Andhra State Council meeting was held on 24 April in Hyderabad. The meeting elected the following new office bearers for next two years.

The state conference elected the following new Executive Committee.

President: Mrs. Jaya Vindhyala, **Vice Presidents:** Ch. Narendra, Iqbal Khan, Mutyalu yadav, **General Secretary:** D Prakash, **Joint Secretaries:** Masaiah, Raghunandan Reddy, A Mahender, **Treasurer:** B Dasaratham. **Executive Members:** Aslam, Panga Srinivas, Feroz Khan, Krishna Prasad, Kancharla Linga Swamy, Bujji Babu, Hanuman Shastri and T China Masthan Valli.

Jaya Vindhyala, General Secretary, Andhra Pradesh PUCL □

Report of the PUCL Karnataka State Council

The meeting of the State council of PUCL-Karnataka was held at the premises of Fatima Retreat, Mangalore, on 14-5-2011, from 10.00 am to 2.00pm. P.B. D'Sa, President, PUCL-K, presided over the meeting. Dr V. Lakshminarayana, General Secretary, welcomed the gathering. The deliberations was attended by 17 state council members hailing from Bangalore, Mysore, Mangalore, Shimoga, Chamarajanagara and Koppala districts of Karnataka. Report of each units were presented by their respective representatives. After elaborate discussions on the contemporary issues the following

resolutions were unanimously adopted.

1. Government of Karnataka had appointed Justice Somashekar commission to investigate regarding the attack on Churches in Karnataka. The commission in its interim report had observed that Sangha parivara was involved in the attacks on Churches. However, in its final report it exonerates Sangha parivara from the charges and observes the issue of conversion acted as provocateur/motive for the attacks. PUCL-K rejects the

observations of the Somashekar commission and urges the Government to immediately institute CBI investigation into the attack on Churches.

2. The Government of Karnataka led by Mr Yedurappa has been sanctioning huge grants to Hindu religious mutts, even without any solicitation from them. PUCL-K is of the opinion that it is a gross misuse of tax payer money and urges the Government to stop this kind of endeavors.

3. Of late Human rights(HR) activists in Karnataka have been systematically persecuted by the police e.g. filing of section 124A against Dr E. Rati Rao, editor of PUCL-K news bulletin. Filing of attempt to murder case against Mr Bokkali Nanjundaswamy, who has been in forefront of the movement opposing sand mafia which has been indulging in illegal sand mining on the banks of Kapila riverbeds in Nanjangud Tq. And inclusion of Mohammad Kabeer, secretary, PUCL-Mangalore, in 'Rowdy sheet' at Ullal police station. PUCL-K considers these as attempts to suppress human rights movement and to harass the activists. It urges the Government for unconditional withdrawal of all the cases against the HR activists.
4. On 08-05-2011 on national highway no13, at kokanapalli village of Koppala Tq., in a road accident 12 casual laborers, all under 18yrs were killed on the spot. They were poultry farm workers who were being transported on an illegal vehicle. Till date no compensation has been paid either by the Government or the private contractors/ parties. PUCL-K urges the Govt. to release compensation to the victims' families.
5. The electronic media in Karnataka is extensively propagating paranormal, obscurantist, religious dogmas & unscientific episodes thus promoting blind beliefs & pseudo science. This is in gross violation and in contradiction of the scientific temperament promotion as enshrined in the constitution of India. PUCL-K urges the media to observe self restraint in these matters and uphold spirit of constitution.
6. In the name of development and industrialization illegal mining of natural resources like Iron ore, sand, granite etc is going on unabatedly along with land acquisition. People are displaced, pauperized. The ecological destruction is going on unchecked. PUCL-K urges the Government to publish at the earliest a white paper on these issues.
7. In recent months attacks on the Christian charity institutions like orphanages by the communal forces are on an increase. They are targeting these institutions alleging either conversion or human trafficking. PUCL-K considers these as the new strategies of the communal forces and urges the Government to take strong action on these forces.
8. PUCL-K urges the Government to fulfill the legitimate demands of regularization of the Bagair Hukum land cultivators in Esoor village in Shimoga district.
9. PUCL-K urges the Government to stop police harassment of especially the sexual minorities the Hijras. Criminalizing, either poverty or sexuality of a community is against the fundamental rights and freedoms constitutionally guaranteed.
10. The PUCL-K state council expresses strong dissatisfaction at the functioning of the NHRC and Karnataka-SHRC. There are many instances to show that these commissions while passing judgments are favoring the bureaucracy and the police.

The following members have been nominated for the National council of Karnataka State PUCL:
P.B. D'Sa, President;
Dr. V Lakshminarayana, General Secretary; **Ms. Arati Chokshi**, **Sarja Shankar**, **N Nanje Gowda**.
 – **Dr. V Lakshminarayana**, *General Secretary, PUCL-Karnataka* □

Press Release:

Fact Finding Report of the Chintalnar Massacre, Chhattisgarh

A 13 member fact finding team visited the Chintalnar Area of Dantewada district in Chhattisgarh to probe into the incidents of atrocities perpetrated by the *Salwa Judum* and the state forces on the adivasis living in this area between 11th and 16th of March 2011.

The incidents was propagated by the police as an 'encounter' between the CRPF and Maoists in which according to the police 36 Maoists have been killed while 3 SPOs got killed and 9 other SPOs were injured. The police had celebrated this incident in the media to prove their dominance over the Maoists in this region. However, media persons and fact finding teams were restricted to go inside on the pretext that it is 'war

zone' and the so-called war between the state and the Maoists are still going on hence it is risky for any outsider to go inside.

The fact finding team which comprised of various civil and democratic rights activists and other individuals, went inside this area on the 26th and 27th of March 2011. We spoke extensively to the villagers and the victims of the incident. We were shocked to find that once again the police version propagated by the state is completely hoax and far from reality.

What exactly happened?

On 11 March a huge contingent of 300 paramilitary and *Salwa Judum* forces attacked Morupally Village in the Chintalnar area after they got a

prior information that a big meeting of adivasis will be held there. In Morupally village they burnt 33 houses, raped two women: Ilme Mude and Marvi Bimey. They also brutally assaulted another woman Lakke along with her father Marvi Bhima. Marvi Sula, an old adivasi was also killed.

From Morapally, the forces advanced towards Timmapuram, on 13 March, after ravaging Morapally village. On the way, the next day Maoists came and tried to stop them. In the armed clash, that lasted for two hours, one villager Bhima alias Sudarshan was killed while two other got injured. 3 SPOs were killed while 9 others got injuries, of which one died later.

The CRPF and *Salwa Judum* SPOs

were forced to retreat after the prolonged encounter. They came to Timmapuram village and took shelter there. They made bunkers inside the village to quell probable Maoist attack. Before leaving the village they set fire on 55 houses. Bursey Bhima was picked up by these forces from Pulampad village on their way to Timmapuram. After setting the villages on fire, they hacked Bursey Bhima to death with an axe. This is probably due to the fact that Bhima was an eye-witness of their entire carnage. From Timmapuram on their way back, they entered Tadmetla village and it became their next target. In Tadmetla, they burnt a total of 207 houses. These houses were simply gutted to ashes. They raped Marvi Jogi and beat her till she lost consciousness. When she came back to senses, she found her cash and jewellery worth Rs. 12,000 missing. Around 20-25 other people in Tadmetla were beaten up including children as young as 12 years old. Marvi Anda and Marvi Ayita of this village were picked up by police and are still missing. They have not been produced even in police station.

People of Timmapuram have identified several *Salwa Judum* members who led this carnage. They saw, Mantam Bhima alias Ramesh (from Jannaguda Village), Telem Anda (of Lekapor Village), Wanjan Peva (of Charpan Village), Dasaru (from Villampally Village), Mara (of Monipally Village), Ramial (of Bodikal Village), Keche Nanda (of Korapad), Kartam Dula alias Surya (of Mismam Village), an SPO and one woman SPO Payake from Timmapuram itself. This clearly shows that the *Salwa Judum* is active and functioning like always. The state's branding of them as 'Koya Commandos' is bogus. Despite the Supreme Court directive to disband *Salwa Judum* it is fully functional and actively promoted and sponsored by the state.

This one-sided ruthless attack by the state forces and *Salwa Judum* on innocent unarmed adivasis were propagated in the media by the police as 'ongoing encounter with the Maoists'. The rampage of the *salwa judum* and state forces continued for

almost five days. Two people were murdered cruelly, while 3 women were raped. Almost three hundred homes were set on fire and completely gutted down. They looted everything the adivasi people had including domestic animals like goats, cows, chicken and pigs along with their money, jewelleryes and other belongings. More than fifty people have been grievously injured that includes children as young as 12 years old and women.

We spoke to the affected villagers like the rape victim from Tarmetla village Marvi Joga. No case has still been registered against anyone and not even a medical test has been done. Two people from Tarmetla Muchaki Anda and Muchaki Ayita have gone missing and villagers claimed they have been taken by the forces but are yet to be produced. These rampages were done with full consent and active support of the state. In the middle of these unilateral atrocities, the state air-dropped rations and other food supply to the forces while taking away the dead and the injured.

On 24th March, the SDM had visited these villages with some relief material. But even after he directly spoke to the villagers and saw the evidences of the atrocities, no case has been registered against anybody. Even now instead of taking action against the perpetrators of these atrocities, the state is still stopping civil rights activists and individuals to visit the area. People in Morupally and Timmapuram are living in utter dire condition. People in these two villages have received no relief from the state. They said that they have got some interim relief from the Maoists. Many of them are staying under trees. After the fact finding team left, one local newspaper reported of six starvation deaths in Morupally village which needs to be confirmed. We have been inside these areas for two days, only to see that there was no 'encounter' with the Maoists as claimed by the police, which is nothing but a myth propagated by the state to justify these atrocities.

The attack by the state forces and the *Salwa Judum* was heinous and the attack on the innocent adivasis

has been done persistently by the state and its mercenaries in the name of 'Operation Green Hunt'. These villages were particularly targeted as they have done alternative development works like digging ponds, distributing lands among the landless, making irrigation facilities which the state has failed to provide in all these decades. As we saw these areas are still the most underdeveloped regions of the country and all that the state has done is to violate the rights of autonomy of the adivasis, denied them of their basic means of livelihood and life and now they are perpetrating such monstrous atrocities by *Salwa Judum* and paramilitary forces.

We condemn these outrageous acts of state violence and demand:

- Registering the cases of rape, murder, atrocities and kidnap against the CRPF and *Salwa Judum*
- Exemplary punishment for the perpetrators of the crime.
- Immediate providing of medical facilities to the injured and medical tests of the rape victims
- Compensation of the people according to their specific losses
- Allowing more civil rights organisation and media persons to go inside the area.
- As per direction of the Supreme Court the *salwa judum* must be disbanded immediately and functioning of the *Salwa Judum* in the name of 'Koya Commandos' must be stopped.
- Operation Green Hunt must be stopped immediately

Members of the fact finding team:

C.H. Chandrashekhara, V. Chitti Babu, R. Rajanandam, V. Raghunath, G. Ravi, K. Viplav Kumar, K. Sireesha (Andhra Pradesh Civil Liberties Committee - APCLC); R. Murugesan, CPCL (Centre for Protection of Civil Liberties); Ashish Gupta, CDRO Convenor (PUDR Delhi); U. Sambasivarao, Dalit Bahujan Social Activist; Banojyotsna Lahiri, Democratic Students Union, JNU; Chandrika, Research scholar and activist, Wardha University. □

Delhi PUCL:

Banning Pilots Strike is Unjustified

It is really disturbing to read from newspapers reports that the Delhi High Court has directed the striking pilots of Air India to discontinue their agitation and resume work. We fail to understand as to under what law such an order can be passed. Peaceful demonstrations are part of the fundamental rights of free speech and also of the right of assembly which are guaranteed under article 19 (a) and (b) of the Constitution. The Supreme Court as long back as in 1962 in the matter of Kameshwar Prasad Vs. State of Bihar has held that demonstration is a visible representation of the feelings or sentiments of an

individual or group and is part of fundamental right of free speech. (AIR 1962 SC 1166). Any prohibition or restriction of the right of citizens to hold peaceful demonstration to express their feelings will prima facie be violative of the fundamental right to free speech. Only violent demonstrations can be restrained.

Further, strikes and lockouts are weapons in the armoury of labour and management in the process of collective bargaining all over the world. These rights have been recognized under the Industrial Disputes Act. Right to strike or lockout can only be controlled or regulated by industrial legislation,

and not by courts. As stated by the Supreme Court in the matter of Gujarat Steel Tubes Ltd. Vs. Gujarat Steel Tubes Mazdoor Sabha {(1980)(1) LLJ 137} seeking to restrain the strike on substantial and righteous demands often leads not to industrial peace but to seething unrest and lawlessness.

Giving directions/injunctions to employees to join duty is also violative of the settled law under which contract of personal service cannot be enforced by courts except under certain statutory exceptions.

N.D. Pancholi,

President, Delhi PUCL □

Press Note: 04.04.2011

People Oppose the Dam: Let Pinder River Flow Free: Chamoli, Uttarakhand

"There is no place like our Pinder valley. What is Rs. 10- 20 lakhs to us? Have you ever thought about the lakhs worth of salt and grains that you have eaten from this land? I pray to all my friends, brothers and sisters to not join the company in turning this valley into a monstrosity!" These are the powerful words by Narmada Devi from Village Padmallah that marked the favour of a peoples' public hearing on the Devsari HEP. This public hearing on the 3 April 2011 saw a strength of 2000 people from all proposed Devsari HEP affected and surrounding villages of the pinder valley. The hearing was organized by Bhu Swami Sangharsh Samiti and Matu Jan Sangathan and took place at the Sangam Maidan of Block Deval, Tehsil Tharali, District Chamoli, Uttarakhand. Today's public hearing at Deval was a peoples' response to the project proponent hearing at Chepdu on 20 January 2011.

In Chepdu the project proponent SJVN declared the hearing successful even though the public was not allowed to enter, take stage or express their views, but were instead barricaded from the hearing area. To reclaim their right to a fair

hearing, around 2000 people, mostly women from the different Gram Panchayats like Sunao, Suna, Dewalgwad, Tharali, Pthani, Silodi, Pengadh, Chepdu, Kail, Talor, Devsari, Purna, Sarkot, Garhkot, Cheranga talla, Lausri and many others attended the hearing with banners and slogans, demanding that the Pinder river flow free! We want development not destruction. Several groups marched in from various corners of the hearing ground, all shouting slogans and bearing banners, one group brought a black banner as a symbol of their opposition to the dam project. Women from Kail village brought two big traditional water pots filled with Pinder River water. Many villagers brought medicinal plants to show the biodiversity of the area. They emphasized that the Pinder is the only tributary of the Ganga that remains un-damed and they pledged to keep it so.

Mr. K. D. Mishra, founder member of Bhu Swami Sangharsh Samiti gave a warm welcome to all those at the hearing and began the proceedings! Mr Dinesh Misra introduced the panel and explained the need for a peoples' public hearing. The

esteemed panel consisted of Prof. Shekhar Pathak, Prof. Mehar Engineer, Prof. Sanjay Kumar, Prof. Sudha Vasani and Mr. Manoj Misra, and was welcomed by the local women who presented them with flowers and herbs from the Pinder valley. Prof. Mehar Engineer chaired the panel. People were invited to either speak to the panel or then hand in written submissions.

Madan Mishra conducted the Peoples' "Public Hearing". First he invited Vimal Bhai of Matu Jansangathan to begin the hearing. Who gave an outline of the Devsari HEP and history of all the public hearings held on the matter. He said, " The first public hearing at Tharali on 13 October 2010 was a sham. People were not informed of the process of the hearing, and sat in dharna and so it was suspended, while false charges of disruption were put on 10 people directly and anonymously on 60 people. Cases are still pending. The second hearing at Deval on 22 July 2010 had the police and administration working together to do anything in their power to conduct a public hearing, even if it was false. Thus, people opposed the Public Hearing process, and their

demands led to its' postponement. At the third public hearing at Chepdu on 22 January 2011, the project proponents paid people to speak in support of the dam, and others were barricaded away from the stage. On the 3rd of April, today. we are organising this peoples' public hearing so that those from affected areas can express their views on the project. We don't want the dam, so we don't want another public hearing, let Pinder River flow free!"

Mr Kundan Parihaar, from Sodhing village, spoke on the issue of employment in the region. He explained, "Since time immemorial whenever the policies of the government have tried to dispossess people of their livelihood, people have come together in strong protest. The protest against the British Forest Laws in 1917-18 and the Chipko Andolan are examples of this. Our forests will be affected and peoples' right over them will be affected. They will lose access to forest produce and will lose food security. The people engaged in collecting and selling sand, limestone used for whitewash, drift wood and catching fish from the river and the river bank will lose their source of livelihood. In actuality, dams don't provide sustainable employment; instead they snatch permanent sources of income."

Mr Dinesh Misra from Haat Kalyani spoke on Pinder Valley's cultural heritage. He said, "There are only two places according to Hindu mythology where the Bhramakapaal Shila stone can be found- Badrinath, and Deval. The Bhramakapaal Shilas are sacred stones where people perform death rites. 'Pinder' means the pind, a place where death rites are performed. The sangam at Deval is the spot where pilgrims must bathe while on the Nanda Devi (goddess) Raajraat Yatra, also called the Maha Kumbh Yatra (pilgrimage). This is the only north flowing tributary of the Ganga. We cannot allow this rich heritage to be destroyed."

Neema Behan from Phaldia declared that, "We need schools and teachers in schools. We need a bigger hospital, not a dam. We want development, not Destruction! People will be respected only when

the dam is not built."

Ramchandra Uniyaal from Tharali said, "The SJVN has adopted the East India Company's tactics of divide and rule. They have created a divide! Amongst us there are families where elder brothers are against the dam, while the younger brothers are paid off by the company and they support the dam. The Government is promoting the 2013 Rajraar Yatra that takes place in the pinder valley, but it does nothing when asked why the project proponents are digging the mountains without any clearances. "

Rajendra Prasad Devradi from Soona said," The 17 km long proposed tunnel will pass 30 m below our village. In the event of an earthquake, since we are in Zone V, our houses will fall into this tunnel. Even our elected leaders in the state government are supporting the dam. When they come to your house for votes, kick them out!"

Bhairav Dutt from Village Poorna had an important point to make. He said "I have brought these local herbs to show you the rich herbal wealth of our region. These are expensive herbs used in a variety of medicines, and I picked them from the side of the road on my way here. Dam proponents claim that there are no medicinal plants in this area, this is completely untrue. The dam project will destroy all this and hence, I oppose it."

After an overwhelming response from the above mentioned, Nanda Devi; ex-block head of Deval, Ramchand Purohit, Pansingh Parihar, Mamata Shah, Heera Devi, Munni Devi, Mahipath Singh Kathaith, Maheshi Devi; block head of Tharali, Balwant Agri, Mahesh Trikot, Bhopal Singh, Rakesh Devrani and Kedar Dutt Joshi, Pushpa Devi, Harish Panday, Balvant Singh from Silodi, Jashoda Devi, Mahvir Singh Bist, Surendra Parihar, Rajendra Singh from Pangarh, Hukam Singh, Kunwar Singh, Raghubir Singh and many others the panelists were asked to present their objective understanding of the testimonies.

Prof. Shekhar Pathak, Indian historian, writer and academician from Uttarakhand, spoke of the rich

cultural heritage of the region, peoples' attachment to their homeland and the local sense of identity. He said that the preservation of their way of life and the conservation of the identity is the basis of this struggle. He added that while the government does not bring schools or hospitals for Pinder Valley's development, they are bringing a dam in the name of peoples' development.

Mr Manoj Misra, Ex-Chief Conservator of Forest, Chhattisgarh and now convener of Yamuna Jiye Abhiyan, Delhi said that while enthusiasm and commitment to oppose the project were necessary, the awareness regarding the project must go hand in hand with it. Thus, the Pinder people should look to alternatives and the kind of future that they are demanding, in addition to their opposition to the dam.

Prof Sudha Vasani, Associate Professor of the Sociology Department, Delhi University, was greatly impressed by the quality of comments by women at the public hearing, which she said addressed the crux of the peoples' issues.

Prof Sanjay Kumar of St. Stephen's college, Delhi University, said that while people are given the right to vote in this country, money tends to influence our government, our policies, and our future. He thus said that this is a struggle of 20, 000 people against the might of money.

Prof Mehar Engineer, Ex-director, Basu Vigyan Mandir (Science College, Calcutta) and current Chairperson, Indian National Social Science Congress and Teachers and Scientists against Mal development, spoke of similar struggles in Bengal. He explained that he was reminded of the small fishing village of Haripur, where people opposed the nuclear power plant proposed there.

The hearing ended in slogans of strength and unity, where people said that they will fight to keep the Pinder flowing freely and will not allow any dams on the river!

We will continue our struggle against the dam in the Pinder Valley!

Vimalbhai, *Matu Peoples' Organisation* □

Justice for Niyamat Ansari

We condemn in the strongest possible terms the recent murder of NREGA activist Niyamat Ansari in Kope Gram Panchayat (Latehar District, Jharkhand), as well as a similar attempt - the same day - on the life of his associate Bhukhan Singh.

Briefly, this murder was the culmination of a series of acts of harassment, including at least one earlier attempt on Bhukhan and Niyamat's lives. Bhukhan and Niyamat fearlessly continued to fight for the rights of NREGA workers and to stand up against the nexus of corruption and crime in the area. Niyamat was killed just a few days after he and others exposed a flagrant NREGA scam in Rankikalan Gram Panchayat.

We are dismayed by the insidious allegations that have been made about Niyamat in sections of the mainstream media, attempting to project him as a "criminal" to divert attention from the real issues and culprits. These reports were factually incorrect and the concerned publication carried an apology the

following day.

We are most disturbed to learn from reliable sources that the murder was executed by a local Maoist squad. In fact, the South Latehar sub-zonal committee of the CPI (Maoist) itself claimed responsibility for it and attempted to justify the murder by making absurd allegations such as Niyamat and Bhukhan being police informers. Are we to understand from this incident that there is truth in the rumors of a nexus between the local Maoist squad of that area and corrupt contractors involved in the loot of NREGA funds?

We demand immediate arrest of the prime suspects (named in the FIR), compensation for Niyamat's family, protection for Bhukhan Singh, and a CBI enquiry into Niyamat's murder.

We also demand an apology and explanation from the Central Committee of the CPI (Maoist), and a guarantee of safety for Bhukhan Singh who is still "wanted" by the sub-zonal committee. No explanation, however, can justify the brutal murder of a defenceless person, let alone someone who was

bravely fighting for people's rights. This is a wholly reprehensible act and all those responsible for it must be punished.

Signatories: Aruna Roy (Mazdoor Kisan Shakti Sangathan); Arundhati Roy (writer); Bela Bhatia (human rights activist); Cedric Prakash (human rights activist); Gautam Navlakha (People's Union for Democratic Rights); Harish Dhawan (People's Union for Democratic Rights); Harsh Mander (Aman Biradari); K.N. Panikkar (historian); Nandita Das (actress), Nikhil Dey (National Campaign for People's Right to Information); Jean Drèze (Allahabad University); Kavita Srivastava (People's Union for Civil Liberties); Nandini Sundar (Delhi School of Economics); Rajinder Sachar (People's Union for Civil Liberties); Reetika Khera (IIT, Delhi); Satya Sivaraman (freelance journalist); Shabnam Hashmi (ANHAD); Shashi Bhushan Pathak (People's Union for Civil Liberties); Swami Agnivesh (human rights activist); Vrinda Grover (Supreme Court lawyer). □

Attacks on Churches were Sponsored by State, says Saldanha Report

The attacks on churches in Karnataka in September 2008 and the others that subsequently occurred were "pre-planned" and "State-sponsored" by the Bharatiya Janata Party (BJP) led Government, according to a report by Michael F. Saldanha, retired judge of Karnataka High Court. Mr. Saldanha released it here on Tuesday.

The report was the outcome of a public inquiry conducted at the instance of the People's Union for Civil Liberties and Transparency International India (TII), Karnataka Chapter.

Speaking on the occasion, Mr. Saldanha said that when Karnataka appointed Justice B.K. Somasekhara Commission to inquire into the attacks, Christian organisations had told Chief Minister B.S. Yeddyurappa that his candidature "did not inspire

confidence".

"We, therefore, decided to have a people's inquiry which would be free, frank and unbiased," Mr. Saldanha told a press conference. The incidents in Karnataka "are representative of the hidden agenda of the party in power, the BJP. Every one of the attacks and incidents were instigated and pre-planned. They were State-sponsored and not only supported by the State but were covered up by the State. The responsibility of this devolves on Home Minister V.S. Acharya and Mr. Yeddyurappa," the findings conclude.

The report also indicts the State police force for "coercing" the perpetrators of violence and allegedly even guiding assault in some places. In one instance, "the police storm[ed] the church at Pemannur, obstruct[ed] and stopp[ed] the Mass, assault[ed] the celebrant priest, and standing on

top of the altar, direct[ed] the assault," the report alleges.

"As far as the saffron activists are concerned, the Bajrang Dal leader and the leader of the Sri Rama Sene have at all times boldly and openly admitted that it was their organisations which had undertaken all the attacks. The evidence clearly established that as far as Dakshina Kannada and Udupi districts are concerned, the RSS [Rashtriya Swayamsevak Sangh] was involved," the report states alleging "total collusion" between the BJP Government and these organisations.

Mr. Saldanha said that he visited 431 places and spoke to over a thousand witnesses, besides collecting material from journalists, and from press clippings and television footage.

Cardinal Oswald Gracias said the people of Karnataka had called for a probe by the Central Bureau of Investigation. He said the guilty must be brought to book and compensation to victims must be given at the earliest.

"It is time for us to stand up for a cleaner society. The credibility of the country and inquiry commissions is

at stake. Mistakes have to be rectified," he said. Christian NGOs condemned the Somasekhara report for being "biased" against Christians and for being "a sham to whitewash the crimes of the BJP Government and protect the Hindutva brigade." They demanded expunging the "false allegations" on conversion and misuse of funds against Christian

organisations.

"The Karnataka riots are part of a wider plan of radical Hindutva elements targeting the Christian community after the Muslim community. You have seen this in all the BJP-ruled States," Joseph Dias of The Catholic Secular Forum said.

Courtesy The Hindu □

Is Jailed Dalit Activist another Binayak Sen?

Krishna Pokharel

For over 15 years, Sudhir Dhawale, a Mumbai-based activist and journalist, worked in India's western state of Maharashtra to highlight human rights violations against Dalits, the oppressed group considered lowest in the Hindu caste hierarchy. He is himself a Dalit.

On Jan. 2, state police arrested 42-year-old Mr. Dhawale for supporting India's banned Maoist rebels, who are active in the state as well as in parts of central and eastern India, and accused him of sedition and declaration of war against the state. According to Mr. Dhawale's wife, Darshana Dhawale, the police are yet to bring formal charges against him, but are holding him while they investigate.

Calls to police in Wardha district, where Mr. Dhawale was arrested while he was traveling through there on his way home after attending a Dalit gathering, went unanswered, while police in Mumbai said they were not aware of the case. Praveen Dixit, principal secretary in the Maharashtra state government's home department, said the "sessions court found sufficient evidence against him to reject his bail application." Mr. Dhawale is presently in Nagpur Central Jail, in a city about 900 kilometers southeast of Mumbai, his wife said. The arrest came after another man, who the police say is a Maoist rebel, said during an interrogation that he had given his computer to Mr. Dhawale, according to a supporter of the activist. A day after Mr. Dhawale's arrest, police took away a computer and 87 books from his

home in Mumbai, according to Mrs. Dhawale.

But his supporters and some human rights activists are questioning the arrest.

Anand Teltumbde, a civil rights activist with the Committee for the Protection of Democratic Rights in Mumbai, attributes the police action on Mr. Dhawale to the "hypersensitivity of the state about Maoism."

"A modus operandi of slapping one case after another case has been used against him," said Mr. Teltumbde, who also wrote about the case in the Feb. 5 issue of India's Economic and Political Weekly, alluding to the fact that police have charged Mr. Dhawale with a series of offences.

India's Prime Minister Manmohan Singh has said that the Maoist insurgency is the biggest threat to India's internal security. The rebels say that India's democracy has been elitist and hasn't embraced those at the bottom like the Dalits and the country's tribal population.

Mr. Teltumbde said in his piece that the police had the right to question Mr. Dhawale, as they would anyone, but that an arrest should have come after a proper investigation, not solely on the basis of what one person said during an interrogation, which is what he says appears to have happened. The police could not be reached for comment.

He also said the arrest points to a worrying broader trend.

"The bogey of Maoism is being unscrupulously used to repress the incipient democratic dissent of dalits

and adivasis [tribals]," said Mr. Teltumbde. "Most people arrested as Maoists in Maharashtra are dalits. The Maoist label overshadows their caste identity and renders them helpless."

Mr. Teltumbde compares Mr. Dhawale's case to that of Binayak Sen, a medical doctor and human rights activist, in Chhattisgarh. In December, Dr. Sen was convicted of sedition for having allegedly ferried letters from a jailed rebel to someone outside the prison. Last week, his appeal to the High Court of Chhattisgarh for the suspension of his life sentence and for bail was denied.

Supporters of Mr. Sen link his arrest to the fact that he was an outspoken critic of a state-supported anti-Maoist people's militia in Chhattisgarh state, considered the heartland of the Maoist rebellion. Human rights groups say the militia has been accused by many villagers in the state of using extremely violent methods against those suspected of being Maoists or of having provided food or shelter to Maoists, even if under duress.

Mr. Dhawale's case, taking place far from the media hub of New Delhi, hasn't yet got the sort of attention that Mr. Sen's has. Nobel laureate Amartya Sen has publicly batted for the health activist, and the editorial pages of national papers denounced his conviction.

But supporters of Mr. Dhawale are trying to draw attention to his case and have circulated an online petition on his behalf, which about 400 people have signed.

"Sudhir Dhawale has tried to bring the issues of injustice and atrocities against Dalits in the public domain so as to make democracy a

substantive force," says the petition, which demands that all charges against him be dropped. "He has tirelessly worked, within the

democratic framework, towards ensuring justice."

Courtesy: Wall Street Journal □

Fake Encounter Specialists Cops Deserve Death: Supreme Court

NEW DELHI: In a chilling message to cops specializing in fake encounters, the Supreme Court on Friday said they were cold blooded murderers who deserve one punishment -- death penalty.

"Cases where a fake encounter is proved against policemen in a trial, they must be given death sentence, treating it as the rarest of rare cases," said a bench of Justices Markandey Katju and Gyan Sudha Misra.

The bench made this observation while rejecting bail to Mumbai policemen involved in the fake encounter at Nana-Nani Park at Versova, which involved "encounter

specialist" police inspector Pradip Sharma and others.

Justice Katju, writing the judgment for the bench, said: "Encounter philosophy is a criminal philosophy, and all people must know this. Trigger happy policemen who think they can kill people in the name of encounter and get away with it should know that the gallows await them."

No policeman can take the plea of "being ordered by the superior officer" to hide behind the fake encounter crime, the bench said.

"In the Nuremburg trials, the Nazi war criminals took the plea that 'orders are orders', nevertheless they were

hanged. If a policeman is given an illegal order by any superior to do a fake 'encounter', it is his duty to refuse to carry out such illegal order, otherwise he will be charged for murder, and if found guilty sentenced to death," the court said.

"Fake encounters are nothing but cold blooded, brutal murders by persons who are supposed to uphold the law. If the offence is committed by policemen, much harsher punishment should be given to them because they do an act totally contrary to their duties," it said.

Courtesy Times of India, 14 May 2011 □

Land Acquisition: Supreme Court Bats for Aam Aadmi

Rakesh Bhatnagar

In a ruling that questions the state's sovereign right to acquire land for 'public purpose', the Supreme Court on Monday ruled that any attempt by the state to acquire land for a 'public purpose' under the colonial era Land Acquisition Act, that is then handed over to benefit a particular group of people or to serve a particular interest at the cost of the interest of a large section of people, especially the aam aadmi, "defeats the very concept of public purpose". In such circumstances, courts can and must quash the acquisition order, a bench of justices GS Singhvi and AK Ganguly said while scrapping the Uttar Pradesh government's acquisition of fertile land belonging to a group of farmers for the construction of district jails at Shahjahanpur, Azamgarh, Jaunpur and Moradabad. The acquisition had been ordered by the then UP chief minister Mulayam Singh Yadav.

The ruling says that courts must examine the legality of acquisition very carefully when "little Indians lose their small property in the name of mindless acquisition" at the instance of the state.

The ruling assumes significance in view of the fact that the State often uses the Land Acquisition Act to acquire land for 'public purpose' that is later handed over to influential individuals or companies for their private benefit. This has especially been seen with regard to Special Economic Zones (SEZs).

The application of the concept of 'public purpose' "must be consistent with the constitutional ethos" and especially with Fundamental Rights and Directive Principles in the Indian Constitution, the court said.

Recently, Congress general secretary Rahul Gandhi had met Prime Minister Singh to draw his

attention to the misuse of the land acquisition law by Mulayam Singh Yadav's successor, Mayawati, and sought suitable amendment in the law.

The Land Acquisition (Amendment) Bill, 2007, that seeks to bring changes in the controversial Land Acquisition Act, is being withheld because of strong opposition by railways minister Mamata Banerjee, who heads the Trinamool Congress, a key UPA ally.

The bill redefines "public purpose" as land acquired for defence purposes, infrastructure projects or for any project useful to the general public. As per the bill, a social impact assessment study must be conducted for any acquisition that may result in large-scale displacement.

Courtesy: DNA, 9 March 2011 □

Constitution of the PUCL

1. Name:

The name of the organisation shall be the **People's Union for Civil Liberties (PUCL)**.

2. Aims & Objects:

The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India, irrespective of any differences which they may have in regard to political and economic institutions suitable for the country.

The aims and objects of the organisation will be:

- | | | |
|---|---|---|
| <p>(a) to uphold and promote by peaceful means civil liberties and the democratic way of life throughout India;</p> <p>(b) to secure recognition to the principle of dignity of the individual;</p> | <p>(c) to undertake a constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles;</p> <p>(d) to work for the withdrawal and repeal of all repressive laws including preventive detention;</p> <p>(e) to encourage freedom of thought and defend the right of public dissent;</p> <p>(f) to ensure the freedom of the press and independence of mass media like radio and television;</p> <p>(g) to secure the rule of law and independence of the judiciary;</p> <p>(h) to make legal aid available to the poor;</p> <p>(i) to make legal assistance available for the defence of civil liberties;</p> | <p>(j) to work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities;</p> <p>(k) to bring about prison reform;</p> <p>(l) to oppose police excesses and use of third degree method;</p> <p>(m) to oppose police discrimination on the ground of religion, race, caste, sex, or place of birth;</p> <p>(n) to combat social evils which encroach on civil liberties, such as untouchability, casteism, and communalism;</p> <p>(o) to defend in particular the civil liberties of the weaker sections of society and of women and children;</p> <p>(p) to do all acts and things that may be necessary, helpful, or incidental to the above aims and objects.</p> |
|---|---|---|

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PEOPLE'S UNION FOR CIVIL LIBERTIES MEMBERSHIP FORM

The General Secretary, People's Union for Civil Liberties

Dear friend,

I subscribe to the aims and objects of the *People's Union for Civil Liberties* and agree to abide by its Constitution. Please enroll me as a member.

I remit herewith Rs. 50/- (**yearly**) / Rs. 1000/- (**Life**) / Rs. 2000/- (**Patron**) membership fee. [See Clause 3(c) and (d) of the Constitution].

I also remit herewith Rs. 100/- at concessional rate as the subscription of the *PUCL BULLETIN* (optional).

I am not a member of any political party/ I am a member of(Party).

Name :

Address :

.....

.....

State : Pin Code :

Signature

Note : Please send money in the name of the '**People's Union for Civil Liberties**', preferably by **DD/MO**. In case of **outstation cheques, please add Rs. 70/-**. Normally, send the form to the State/local branch. **National Office:** Dr Pushkar Raj, General Secretary, PUCL, 270-A, Patpar Ganj, Opposite Anand Lok Apartments (Gate-2), Mayur Vihar-I, Delhi-110091 (Ph.: 011-2275 0014)

3. Criteria of Membership:

- (a) Every adult person shall be eligible to be a member of the organisation if he/she believes that civil liberties must be maintained in India, now and in the future, irrespective of any economic and political changes that may take place in the country.
- (b) Members of the political parties will be entitled to be members of the organisation in their individual capacity if they subscribe to its aims and objects. They will have all the rights of membership except that:
 - (i) The President, the Vice Presidents, the General Secretaries, other Secretaries, and the Treasurers of the organisation or any of its branches shall not be a member of any political party.
 - (ii) At least one-half of the members of the National Council and the National Executive Committee and of corresponding bodies at the State and local levels, shall be person who are not members of any political party.
 - (iii) Not more than 10% of the members of the National Council and the National Executive Committee, and of corresponding bodies at the State and local levels, shall be members of one political party.
- (c) The membership fee will be Rs. 50/- per year, to be collected once a year. Student members and non-earning members who are below the age of 25 may pay Rs. 10/- per year as member's fee. The Executive Committees at every level will be entitled to admit persons from economically weaker sections of society, like workers and peasants, at a membership fee of Rs. 10/- per year.
- (d) Those who pay Rs. 1000/- in a lump sum will be Life members.

Those who pay Rs. 2000/- will be Patron members of the organisation.

- (e) The National Council will have the right, by a two-third majority, to refuse membership to any person or to remove any person from membership. The Council of a State branch will have a similar right in the respective State.

3(A). Institutional Members:

In addition to individual members there may be Institutional members also. All voluntary groups and institutions (but not political parties or groups affiliated to them) which agree with the objectives of the PUCL and desire to join it will be entitled to become Institutional Members in accordance with the Supplementary Rules laid down by the National Executive Committee.

4. National Convention

- (a) A National Convention of the organisation will be held once in two years.
- (b) The National Convention will review the work of the organisation and lay down policies and programmes for future.

5. National Council:

- (a) The National Council will meet at least once a year. (Amended in place of 'twice a year' by the National Council on 4th September 2010)
- (b) The National Council will determine the policy and programme of the organisation, in conformity with the policies and programmes adopted by the National Convention.
- (c) The National Council will elect the President, one or more Vice Presidents, one or more General Secretaries, one or more other Secretaries, and Treasurers for the ensuing term, as laid down in Clause 7(2).

(To be continued in next issue)

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