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Press Release by PUCL on Dr. Binayak Sen's Conviction

Delhi/ Raipur,
24th December, 2010

The People's Union for Civil Liberties is deeply disappointed at the miscarriage of justice reflected in the judgement of Raipur Additional District and Sessions Judge B. P Verma sentencing our National Vice President Dr. Binayak Sen to life imprisonment under charges of sedition 124 (A) of the IPC read with conspiracy (120-B IPC) along with convicting him concurrently u/s 8-(1), (2), (3) and (5) of the Chhattisgarh Vishesh Jan Suraksha Adhiniyam, 2005 (Chhattisgarh Special Public Safety Act, 2005) and u/sec 39 (2) of the Unlawful Activities Prevention Act, 2004 (amended). It is a sad day for the PUCL and all human rights defenders in the country and a black day for the Indian Judiciary

Dr. Binayak Sen was charged with being a courier of letters from co-accused Narayan Sanyal to Piyush Guha. All through the trial not a single Jail authority appearing as prosecution witness confirmed this. In fact, there was no substantive evidence to confirm any of the allegations of the prosecution.

The PUCL holds that Dr Binayak Sen is a victim of the vendetta of the Chhattisgarh government for his bold and principled opposition to state sponsored vigilante operation Salwa Judum, which has been held unacceptable even by the Supreme Court. His conviction is one more example of the state succeeding in securing the conviction of an innocent person on the basis of false evidence. It is an occasion for the nation to demand drastic reform of the criminal justice system to ensure that it is not manipulated by the state to persecute, prosecute and victimize innocent persons.

The PUCL will continue to work towards Dr. Binayak Sen release and take all legal measures in this regard. It will also work towards building public opinion against the ongoing persecution of activists and Human Rights Defenders in the country.

Prabhakar Sinha (President)
Pushkar Raj (General Secretary)
Mahipal Singh (National Secretary)
Kavita Srivastava (National Secretary) □

Tribute to Surendra Mohanji

Surendra Mohanji has been the only political leader of high standing who remained committed to democratic values and civil liberties even after the end of the Emergency and continued to play an outstanding role in the human rights movement till his last breath. He was a founder member of PUCL and made significant contribution to its growth and development by regularly participating in its activities and his balanced, principled and judicious view on important and complex issues. He identified himself with the common man and rejected the pomp and show so typical of the present political class. His humility and simplicity endeared him to all and is worthy of emulation.

Prabhakar Sinha, President, PUCL □

Surendra Mohan: An Ideal Political and Social Activist Pushkar Raj

In the death of Surendra Mohan the country has lost an eminent socialist ideologue and an ideal political and social activist. His simplicity of life and dedication to the people's cause will remain an inspiration for young generations. Politics for Surendra Mohan was an instrument to seek and effect change in society for better life for the common man rather than a ladder for pelf and power. He did not let riches and arrogance of power come near him and lived a committed life for the causes close to his heart till the last.

Surendra Mohan was an important member of the JP movement and subsequently the spokes person of the Janata Party when it came to power post emergency. He was a member of Rajya Sabha from 1978 to 84. As the politics of principles receded into the background giving rise to politics of convenience and compromises Surendra Mohan gradually distanced himself from it. He progressively transformed himself into a relentless social activist lending his voice to people's movements all over the

country. Despite his frail health he would join solidarity marches, dharnas and rallies on numerous pressing public issues like forcible land acquisition, cultural homogenization, industrial labour, development related displacement, police atrocities and corruption all over the country. Incidentally the day before his death he participated in a dharna at Delhi's Jantar Mantar demanding JPC probe into 2G Scam.

Surendra Mohan was a Gandhian socialist who lived minimally and believed in non-possession. He taught what he practiced and was a great influence on the new generation of activists. He conducted himself like an ordinary man reaching out to people through his writings betraying a sound understanding of contemporary social and political reality. Being a democrat who believed in accountability in politics, he maintained that people's movement are key to spreading of political and social awareness in people. He believed that the empowered masses would force accountability in political parties and bureaucracy and the political system would become more responsive and

accountable. He travelled extensively to different parts of the country, participating in hundreds of small struggles and wrote ceaselessly in several newspapers on issues and policies affecting common people.

Surendra Mohan was a founding member of PUCL. He participated in its almost every programme. He believed that civil society organisations like PUCL and a free press are the backbone of a democratic polity and society. He believed in people's power and its assertion in the given framework of our democratic polity. While disapproving violence as a method of grievance articulation he wanted the governments to look ``at the substance in the complaints and the protests of the people, violent or peaceful, not as defiance of their authority, but expression of mass distress." The PUCL salutes him as a torch-bearer of the socialism, civil liberties and people's movements who will be remembered for his intellectual integrity, moral uprightness and as an advocate of people's politics. □

The Judgment convicting Dr. Binayak Sen is outrageous. It is scandalous to say that he was working against the interest of the country, Unlawful Activities Prevention Act., under which he has been convicted is unconstitutional. PUCL will challenge his conviction and the Act.

Rajindar Sachar □

Press Release on Surendera Mohan

Shri Surendra Mohan, a veteran socialist ideologue and President of the Socialist Janata Party, former Rajya Sabha Member and decades old friend, sympathizer and Patron of the PUCL breathed his last this morning at the age of 84 years due to cardiac arrest. His cremation is going to take place at the Nigambodh Ghat, Delhi today, 17 December 2010, at 3 p.m.

In Surendra Mohan's sad demise, the country has lost a an

eminent public figure with exceptional qualities, the socialist movement a leader of considerable stature and PUCL one of its founding fathers. From its inception to the end of his life, Surendra Mohan remained a great source of strength to the PUCL through active participation in its activities and judicious counsel. It was a marvel and an inspiration to watch a man of active politics always taking a detached and judicious view in conformity with the aims, objects

and values of PUCL on all issues. He was a gentleman par excellence and an embodiment of modesty and decency. In his death the country has lost a great leader of the socialist movement, value based politics and a supporter of the cause of the poor and the downtrodden.

He is survived by his wife, Manju Mohan, a son and a daughter.

Prabhakar Sinha, President;
Mahi Pal Singh, Secretary □

Condolence Messages for Surendra Mohan:

K.G. Kannabiran's Statement

In Surendra Mohan's death we lost a fighter and believer in rights of marginalized and poor people and vanvasis. He was a prominent member of PUCL and an effective conveyor of messages to the people by Jayaprakash Narayan. After Ashok Mehta he was the only living and practicing socialist with a profound knowledge of Indian parliamentary politics along with Rajni Kothari. He was for a period the moving spirit of the Janata Party. I have been close to him from the time of Emergency. I recollect his visiting me during the early Emergency days - and we have been in constant touch for the last three decades. I convey my sincere condolences to his wife and family.

-Kalpana Kannabiran, daughter of KG Kannabiran, former President PUCL □

We can't tell you how deeply grieved we are at the passing of Surendra Mohan. He was a wonderful person and tireless worker and a close friend of Kannabiran's. The last I read was his reference to Laxmi Jain in the Janata. The year has been one of losses to the movement and we can only hope that many younger leaders spring up to carry on the struggle. KGK has not stopped

grieving since he was told the news. He may have sent a message through Kalpana but he has also been very frail.

Regretfully

Vasanth Kannabiran, wife of Shri K.G. Kannabiran, former President PUCL □

It is very sad to learn that Surendra Mohan is no more. our acquaintance which was instantly turned in to friendship and comradeship remained always. During emergency his statements against Indira Gandhi used to inspire us. Later as spokesman of Janata party he was always upright. After Indravelli massacre in 81 we invited him to Keslapur Jathra and we along with Kannabiran went there and in return we were arrested in Adilabad. He was Rajya Sabha member then. His simplicity integrity and unassuming personality was a rare example in parliamentary politics. He was a true socialist in that sense. During the dark days of Chandra Babu Naidu he was with us in our much chased and threatened life along with Rajni Kotari. Though I am in Hyderabad when I learnt that he was in the beginning associated with the efforts to form the committee for release of

political prisoners. Though we have our own clear and different perceptions of revolution we were friends in need. I salute him and pay my homage. Please convey my deep condolences to his wife and family members.

Vara Vara Rao, Andhra Pradesh □

I am extremely grieved to receive your news on the sad demise of Surendra Mohan.

He had been a tower of strength to the socialist movement in India and a founder member and active secretary of the Janata Party. In spite of all ups and down, he remained a torch bearer of democratic socialism. In his demise, we have lost a very high ideologue and a committed leader of the Janata movement.

As I am not well in health and under medical advice not able to travel by air or rail, I convey my heartfelt condolences to Manju and members of the PUCL.

Era Sezhiyan □

My Deepest Condolence to The Bereaved Family And PUCL Parivar

Bhagvanji Raiyani, Chairman and Managing Trustee, Forum For Fast Justice. □

Begusarai PUCL:

There were three condolence meetings held at Begusarai (Bihar) in remembrance of Surendra Mohan. at Begusarai, Bihar PUCL General Secretary & Editor of Manwadhikar Patrika Mr. Ramashray Prasad Singh said that Surendra Mohan, an Ex-MP and a veteran socialist and currently Editor of JANTA published from Mumbai passed away on 18th December 2010 at his Delhi residence. A prolific author and a leader widely respected for his simple life and political integrity, Surendra Mohan was a member of Rajya Sabha (1978-84) and the Chairman of Khadi and Village Industries Commission (1996-98). He was 84 and is survived by his wife, Ms Manju Mohan, a son and a daughter.

He was in his old age but as active as a young man. He was associated with Peoples Union for Civil Liberties ever since its foundation and was very active in promoting human rights. He was a regular contributor to this group and so was contributing immensely to identifying the issues related to the weaker section of the society as also in finding solution. Even at this age he was keeping so well that he was just about to leave for some meeting when he breathed his last in his Delhi residence. He added that his death is a big loss to the

Delhi PUCL Convention:

Prabhakar Sinha's Inaugural Speech

India: Withering Democracy and Imperiled Human Rights

The Constituent Assembly comprising of the leaders of the struggle for freedom declared India a Republic in 1950 promising the people social, political and economic justice and committing to endeavour to minimize 'inequality of income' and 'eliminate inequality of status between individuals and groups'. The people rejoiced in the hope that they would be free from oppression and exploitation perpetrated by the colonial government and would receive respectful treatment from the

community of human rights in India.

Second condolence meeting was held in Baliya sub-division of Begusarai. It was Presided by Umashankar jee District PUCL vice president and another similar meeting was held in Bhagwanpur village of Begusarai Presided by PUCL State council member Vinod Kumar.

We, Begusarai & Bihar PUCL & Manwadhikar Patrika Pariwar, pay our homage to the departed soul expressing our sympathy and support to the family.

Niraj kumar, Sub-editor, Manwadhikar Patrika & PUCL Activist ☐

I am really deeply sorry to hear this; His soul noble and good will soar I have no doubt. Unfortunately I wont be able to come to the ceremony as I am down with viral; My respects go with him and to his family. Pl convey it to them. - Maja Daruwala, Director, Commonwealth Human Rights Initiative ☐

My sincerest condolences to his family - Nayantara Sahgal, Dehradun, Uttarakhand ☐

It's shocking to learn the sad demise of the veteran leader Shri Surendra Mohan ji. Only in the last edition of Janata I read his editorial Article. He was very kind to me

personally. I always admired his writings and talked to my friends of the clear understanding, thoughts and in-depth knowledge of any subject of controversy may it be at national or international level. His writings were lucid, with clarity of thought, impressive and message giving. He was a true guide to PUCL which we could observe at Ranchi in the national convention. We pray eternal peace for the departed soul and heartfelt condolences for the family. - D.L.Tripathi President PUCL, Ajmer ☐

This is sad news. We all pray God almighty to rest the departed soul in eternal peace. We have lost an excellent worker and a strong advocate of Human Rights. We shall try to follow his footsteps to further this cause.

RK Saxena, Vice President, PUCL, Rajasthan and Consultant, Prison Reforms Programme, Commonwealth Human Rights Initiative ☐

Members of the PUCL Punjab and Chandigarh are sad at the demise of our beloved Comrade Surendra Mohan ji. A condolence meeting is being held at the residence of the President, Comrade Roshan Lal Batta, Sr. Advocate.

Rajender Mohan Kashyap ☐

shame in presiding over a country with hundreds of million of starving men, women and children .The disparity of income is not the outcome of the rulers earning their wealth in a fair competition on a level playing ground but of corruption, chicanery and worse in which they are unabashedly steeped. Winston Churchill's (the British Prime Minister) reported prediction of the character of the rulers if India were given independence allegedly made to deny us independence now appears to be deserving of attention. He had said, "Power will go into the hands of rascals and rogues, the lazy and the crazy, and the crooks and the corrupt, and the free booters. These are men of straw who will fight among themselves for their narrow and selfish gains, and India will be lost among political squabbles." India is not yet lost but her democracy is dangerously emasculated.

Churchill's description is not applicable to the leaders of the freedom struggle, but they suffered from another weakness which is responsible for the gradual subversion of democracy from within. Those who fought for independence were genuinely committed to the independence of the country and were ready to suffer and sacrifice for it, but had no genuine commitment to either democracy or the welfare of the people. To most of them, the democratic constitution was welcome but their commitment to democracy was limited to the benefit of democracy to themselves and their peers and not for all. Similarly, once the goal of independence was achieved and they came to occupy positions of power, they became rulers without any national vision or goal inevitably leading to self interest becoming their 'goal'. This explains the sudden collapse of the edifice of morals assiduously built during the years of freedom struggle and the people possessing high moral stature stooping to any depth to serve their self interest. This is the

genesis of the subversion of democracy from within while maintaining a dangerously deceptive façade.

The tell tale and irrefutable evidence of continuing subversion of democracy is too visible to be missed. The country appears to have been divided into fiefdoms of different shapes and sizes ruled by politicians' families by the rule of inheritance via election. No real democracy would tolerate a nominated Prime Minister without the following of people to win even a Panchayat election or a Chief Minister who is just literate, even politically, and whose only qualification for the post is that she is the wife of a Chief Minister who is going to jail for corruption and wants a successor who will misuse the power of the government to bail him out. Political parties which operate the democratic constitution of the country are totally anti-democratic and authoritarian and have no accountability of any kind. They are a school for producing corrupt, lawless, self seeking immoral politicians who graduate into becoming our rulers. From day one, a political worker is taught to be a parasite surviving on the means of the people and working for the leader who may employ him as his 'Dalal' (commission agent). All political parties run their affairs, including meeting the cost of elections, running into thousands of millions derived clandestinely by corrupt means. All politicians are united in ensuring that there is no law to compel them to disclose their income and its source and make them accountable with regard to their finances. The lust for power for private means without regard to the legitimacy of means was bound to lead to the nexus between politicians and the rich who could provide the black money, and the criminals who had the muscle power to rig elections. The increasing number of rich industrialists, businessmen and criminals in the Parliament and the

Legislatures of the States is the inevitable consequence of this unholy alliance.

Where the goal of the rulers is unabashed self interest, it is only natural that the power and resources of the State will be misused to serve the interest of the rulers at the cost of the people. Taking advantage of the absence of democratic traditions in the country, the rulers have been obstructing the growth of democratic consciousness among the people and have successfully misled them into believing that they are their benefactors. This mindset has paved the way for purchase of votes and exploitation of feelings of caste, religion, language or region for winning popular support. Unaware of their rights, the people feel beholden to the rulers for the little mercies and continue to swing between one set and another who are the same as far as their interest is concerned. Thus, whoever may win at the hustings, the people are always the losers.

In a democracy, the government is said to be of the people, by the people and for the people. Of the three criteria, the first two are the means and the third the end. It is to ensure that the government serves the interest of the people who are vested with the power to elect it. However, experience shows that there is no guarantee that a government elected by the people necessarily works for the people and serves them. In fact, the only real test to ascertain if an elected government is really democratic or not is to ascertain Whether it is for the people or not. The governments in independent India fail the test.

The relation between democracy and human rights is of interdependence. Human rights cannot survive without democracy and there can be no real democracy without human rights. The restraint the State is required to practice in exercise of its power against citizens is only possible under a democratic rule The civil and

political rights like freedom of thought and the right to express them with impunity, the rule of law entailing equality before the law and the right to dissent etc. are possible only in a democracy. It is also only in a democracy that 'the inherent dignity of the equal and inalienable rights' of the people may be guaranteed. The social, political and cultural rights of the people can also be promoted only under a truly democratic government since it entails employment of the power and resources of the State in the service of the people. The abject poverty of the people and the numerous repressive laws misused with abandon and impunity are the symptom of a shrinking and withering democracy. When the State pursues the goal of serving a microscopic minority at the cost of the multitude, dissatisfaction, disaffection and protest - violent or peaceful - are inevitable and so it the brutal repression via misuse of normal and black laws and blatant illegal acts like killing in fake encounters, in police custody, unaccounted disappearances, killing and maiming in police firing on unarmed protesters.

In a real democracy, the human

rights defenders can afford to confine their agenda to the issues of human rights leaving the finer points of democracy to be addressed by the political parties, but this option is not available where the democratic system exist only inform without content - a situation faced by the people of our country. However, it is unrealistic to think of accepting the challenging task of restoration of democracy on our own strength. The politicians have a much wider reach to the people which cannot be matched by organizations with concerns which do not directly address issues of life in totality. This leaves us with the only choice of raising the question of subversion of democracy with a view to make the people aware of the fraud and deception played on them by the rulers they have trusted. While taking up the cases of violation of human rights, it needs to be remembered that it is quixotic to think that violation can be stopped by taking up individual cases or relief can be given to all the victims. India is too vast a country and human rights defenders are too few in number to allow such self deception.

Ultimately, it is a battle for the mind and heart of the people against the

forces which are too powerful and strong to match. The only effective weapon against them is credibility which must be acquired by an unimpeachable integrity and character. We must present a contrast by our principled conduct by avoiding a double standard, opportunistic stands and compromises for immediate gains. It must be remembered that the people of India have learnt from experience that nobody should be trusted in a country where nobody's conduct has been above board. They have become too cynical to easily trust anyone which makes our task of winning their trust extremely difficult. However, winning that trust and making the people listen are the only options open to human rights defenders. Indira Gandhi was thrown out of power in 1977 during the emergency not by the superiority of resources of the opposition but by their credibility as defenders of democracy, which time has shown to be false. Human rights defenders must maintain their credibility now and forever if they are to succeed in winning the minds and hearts of the people whose support for human rights is the only guarantee against their violation. □

General Secretary's Report Presented before the Convention

Respected Chairman and friends,
I welcome you to this Convention of the Delhi PUCL. Our last Convention was held on 26 June 2005 and the next Convention should have been held within the next two years but that continued to be postponed for one reason or the other.

When the Convention was held in 2005, the membership of the Delhi PUCL was about 300, which has reached about 550 today, which is second to Bihar only, though in a population of more than 1.25 crore it seems too little. The credit for this goes to the fact that we did not remain confined to hall meetings but spread our work to some residential colonies of Delhi and we organized

movements along with the local residents against their oppression and exploitation by the police and other government departments and we were able to provide them succor from this oppression and exploitation to a great extent. The result is that today in the Prem Nagar and surrounding areas of Nangloi the PUCL is recognized as the largest organization devoted to the defence of human rights. Another benefit has been that more than 200 persons from that area have become members of the Delhi PUCL. Apart from that from that area we have got some enlightened and energetic comrades who possess the experience and ability to lead the Delhi PUCL today. I have full faith that

the PUCL will soon get recognition for its work in other areas of the Outer Delhi district and in other areas of Delhi also.

Most of the residents of these areas economically become to economically weaker sections of society who have built small units of residence for themselves and working in small factories, shops etc. somehow make both their ends meet. Various departments of the Delhi government are in the process of implementing the programme of demolition in those areas. On the one hand the State has failed to fulfill its obligation under the right to housing by failing to provide them houses, on the other it is depriving them of their

only shelter built with extreme hardships. This is a blatant denial of their right to housing and living with dignity against which Delhi PUCL launched a movement and it will continue till the State continues to attack this basic human right.

During its present tenure, through its intervention in the cases of violation of the civil liberties of the people, the Delhi PUCL was able to provide relief to them. Many people kept under illegal custody in various police stations, including three young Muslims who were kept under unauthorized custody for more than 20 hours in the Gokalpuri PS without any formal complaint or FIR, were got released and in areas of and around Prem Nagar, Nangloi illegal extortions from people building their houses, rag pickers and those running small shops etc. by the police by force was stopped.

Through its intervention the Delhi PUCL also got released 17 Pakistani and 11 African citizens from the Restricted Foreigners Detention Camp, Lampur, Delhi and got them deported them to their respective countries. The Pakistanis had undergone imprisonment on various charges and even after having completed their terms of imprisonment had been illegally detained in the Camp from about six

months to five years. The Africans had spent about 7-8 years in jail during the trial period and even after being acquitted by the trial court holding them not guilty of the charges on which they were arrested and tried, in had been put in the Detention Camp and would have remained there nobody knows for how many years more.

This effort of the Delhi PUCL also got support from many newspapers of Delhi. The fact finding report of the General Secretary was put on the website of the Human Rights Commission of Pakistan and many human rights activists of Pakistan praised the effort.

I think that this effort of ours must have promoted goodwill and fraternal feelings between individuals and civil liberty activists of India and Pakistan, rising above the barriers of countries and religions. Perhaps it was because of the strengthening of such humanistic ties that the human rights activists of Pakistan took upon themselves the task of getting 456 fishermen detained in the Pakistan jails released, and they succeeded in getting 442 of them released and sent back to India through the Wagah border in four batches.

The work of the human rights activists can never get reduced. As we go to new areas, new cases of human

rights violation come to light and our work will only increase. For dealing with that we shall require more new volunteers and activists. But this will follow automatically with the widening of our area of activity. The only thing we have to ensure is that we increase our reach to new areas and intensify our efforts for spreading human rights awareness in those areas.

The Delhi PUCL has undertaken a programme of going to various colleges of Delhi and interacting with the students regarding human rights and the role of the PUCL in promoting and protecting them. I am sure this will yield good results.

In the end I thank all the members of the Executive of the Delhi PUCL, especially Dr. George Mathew, the President, for their cooperation as a result of which this work could be done. I am sure that the new Executive, which will be elected today, will take forward the work of the Delhi PUCL with conviction and will devote itself wholeheartedly to the promotion and protection of the civil liberties and human rights of all individuals by strengthening the organization.

Thank you,
Mahi Pal Singh, General Secretary,
PUCL Delhi. □

Report of the Delhi Convention

PUCL Delhi Convention was held on 5 December 2010 at the Gandhi Peace Foundation, New Delhi. About 70 members including about 10 women and many members from the minority community attended the Convention. For the first time a large number of members from the weaker sections of society, whose human rights are trodden under feet every day in their day-to-day lives, attended the Convention.

The first session of the Convention, which consisted of a discussion on 'Present Challenges and the Role of the PUCL', was presided over by N.D. Pancholi and the inaugural speech

was delivered by Prabhakar Sinha, President, PUCL and addressed by (Justice) Rajindar Sachar, Chandra Bhushan and Kavita Srivastava besides others. All the speakers emphasized the role of the PUCL in spreading awareness of human rights and their propagation and protection, particularly with reference to the vulnerable sections of society.

The second session, which was the organizational session, was presided over by Ajit Jha. The General Secretary's report was presented by Mahi Pal Singh and the Income and Expenditure Report by Suraj Dev Vasant. Members took a keen interest in discussing the General

Secretary's report. Satyendra Ranjan and Dharam Vir particularly praised the work of the PUCL Delhi during the last five years because an effort had been made to reach out to the poorer sections of society whose rights need to be protected on day-to-day basis. The former said that it was for the first time that a visible effort had been made to make the People's Union for Civil Liberties a people's organization which was also clear, he said, from the social and economic background of the new members joining the organization. He also appreciated the plan to approach college students to make them aware of the human rights

situation in Delhi and the country and to explore the possibility of bringing them closer to the PUCL in an effort to enroll more and more young people in the organization.

Shivakant Gorakhpuri narrated the sufferings of the economically weaker sections that face the threat of demolition of their houses by the government agencies. Jaipal Nehra informed the Convention about the plight of these sections who face exploitation and corruption every day in their lives. Sheo Raj Singh emphasized the need to help the roadside blacksmiths, popularly known as Gadia Lohars, who live a miserable life in the absence of any kind of governmental support to them and without any civic amenities. He also talked of the condition and exploitation of cycle rickshaw pullers by rickshaw mafia and the police alike.

Many more speakers spoke about their miserable condition and the need of organizations like the PUCL because people had lost faith in the

political parties to ameliorate their sufferings. After the widely participated discussion both the reports were passed.

After this, the following new office bearers were elected unanimously. **President:** N.D. Pancholi; **Vice Presidents:** Fr.T.K. John, Satyendra Ranjan; **General Secretary:** Shivakant Gorakhpuri; **Secretaries:** Suraj Dev Vasant, Dharam Vir, Alka (Ms); **Treasurer:** Jaipal Nehra; **Executive Members:** Joseph Gathia, Sheo Raj Singh, Anand Pal, Mohd. Khalid, Mohd. Islam Najami, Raj Pal Rawat, Maharaj Singh Rana, Jai Kishan Saini, Rajesh Kumar Rathore, Pushpa (Ms), Seema (Ms).

The following members were elected for the National Council: N D Pancholi, George Mathew (Dr), TK John (Fr), Satyendra Ranjan, Suraj Dev Vasant, Dharam Vir, Alka (Ms.), Jaipal Nehra, Joseph Gathia, Sheo Raj Singh, Anand Pal, Shivakant Gorakhpuri (*Ex-officio*), One place vacant to be nominated later on.

It was resolved that besides working

for the promotion and protection of civil liberties and human rights of the people of Delhi, the Delhi PUCL would take up the cause of the poor people whose houses are being demolished by government agencies in contravention of the right to housing. It would also take up the cause of roadside blacksmiths (Gadia Lohars), rickshaw pullers and scrap pickers who collect polythene bags from the roads for recycling, and thereby help in keeping the environment clean, and make them safe from the harassment of police and various government officials. It was also resolved that more and more college students would be contacted as part of the awareness campaign regarding human rights. This campaign would also be carried out in various residential areas of Delhi.

After the presidential remarks and a vote of thanks by Mahi Pal Singh the Convention came to a close.

Mahi Pal Singh, (former) General Secretary, PUCL Delhi □

Orissa PUCL:

Press Release - November 29, 2010

Killings of Innocent Civilians in Bamunigaon, Kandhamal

PUCL is shocked to know of the killings in Bamunigaon, Kandhamal district, of five innocent civilians who were returning from the hospital in an ambulance on the night of 27th November 2010. The deceased included a three year old girl, a

pregnant woman and another patient. Going by the media reports the Maoists are behind this act. However, there is no report so far of Maoists claiming responsibility for the act.

PUCL strongly condemns this reprehensible act, whoever has done

it and whatever be the motive behind it. Such mindless violence has no place in any form of struggle and has no justification whatsoever.

Pramodini Pradhan, Convenor, PUCL - Bhubaneswar Unit □

Intern's report:

Delhi-Noida-Delhi Flyover Shubhangi Bhatnagar*

The Delhi Noida Toll Bridge popularly known as the DND flyover is the result of a PPP (Public Private Partnership). This bridge marks the shortest route between Noida and Delhi. It is 9.2 km long with 8 lanes (4 lane dual carriageways) and 31 lane Toll plaza at the Noida end and 11 lane Toll plaza at the Mayur Vihar end. It is one of the three bridges across the Yamuna River connecting Noida with Delhi and is the only one

which is tolled. In 1992, IL&FS (Infrastructure Leasing and Financial Services Ltd.), NOIDA (New Industrial Okhla Development Authority) and the Delhi Administration signed a memorandum of understanding for the construction of the Delhi Noida Toll Bridge. Under this MoU, IL&FS was recognized as the developer of the project. The development, establishment, design, construction,

operation and maintenance were undertaken by the Noida Toll bridge Company Limited (NTBCL) which was incorporated in 1996. The project was structured as a 30 year BOOT concession which means that the company builds and owns and operates a project for a contractually agreed upon period before transferring it back to the customer. Thus 1997, a concession agreement was entered into giving NTBCL the

right to commercially exploit the toll bridge by levying toll tax. The agreement provided that the concession would last until (NTBCL) recovered the total project cost plus a return of 20% per annum of the total project cost. It is also stated that at the end of the period, all of NTBCL's interest in the DND toll bridge will be transferred back to NOIDA for the nominal sum of Rs. 14. The contract guarantees return of the total cost of the project by making provision for the extension of the concession period if such cost is not recovered within the specified period of 30 years. However, the contract does not put a cap on the project cost nor does it specify which costs are reasonable. Initially the cost of the project was estimated to be Rs. 408.2 crore which was financed through an equity of Rs. 122.4 crore and debt of Rs. 285.8 crore⁵. Debts were raised in the form of term loans from various Indian banks and financial institutions up to Rs. 235.8 crores and through issue of deep discount bonds totaling Rs. 50 crores by the NTBCL⁶. This project showed that private capital can be attracted to provide public infrastructure services in India. The toll road became the only one in the country to be listed

on the stock exchange.

In the initial years of operations however, the revenue earned fell below the expected rate due to slow growth rate of Noida at the time. In fact, the first book profit made by the NTBCL was in the year 2006. Thus, the NTBCL approached its lenders for restructuring of its debts. According to the new agreement, the total cost to be recovered by the concessionaire now includes shortfalls in the recovery of returns in the previous financial years. This implies that if in a particular year the toll revenues are low, the deficit is added to the total cost which enhances the base for calculating the 20% return in subsequent years. This has indirectly increased the amount due to the concessionaire. However due to shortfalls in the returns in the initial years, the cost increased to 956 crores by 2006. This has raised various questions on the efficiency with which the available funds have been used. This increase in the cost of the bridge caused the toll rate charged to rise due to the concession agreement entered into allowing the NTBCL to recover the expenses through the toll charges. The toll rates are revised every year on April 1 for due to certain operational delays, the rate

hasn't been fixed yet⁷.

The NTBCL took loans from IL&FS in 2004-05 of Rs. 944,321,313 at interest rate of 8.5% per annum and again in 2005-06 of Rs. 124,313,383. It also borrowed 15 crore for the construction of the Mayur Vihar Link and the interest cost of the same of Rs.36,98,630 has been capitalized with the Mayur Vihar Link⁸. The term loans from banks, financial institutions have been secured by creating a charge on immovable properties of the company in Delhi, and Uttar Pradesh, all movable properties of the company in the present and the future, all the revenues and receivables of the company in the present and future. The company calculates the depreciation on the straight line value basis over the estimated useful life of the asset (both tangible and intangible). This may cause the book value of the asset after some time to become negative, a result of following the straight line method. The financial statements of the company are based on the principle of materiality and drawn in accordance to the going-concern concept using the historical cost.

Given below is the audited balance sheet of the company for the accounting year 2009-10⁹:

Statement of Assets and Liabilities (Audited)			
As at (Rs in Lacs)			
Particulars	30-Sep-10	30-Sep-09	31-Mar-10
Shareholders' fund			
(a) Share Capital	18,619.50	18,619.50	18,619.50
(b) Reserves & Surplus	23,809.10	21,621.94	23,180.14
Loan funds	14,546.88	19,355.38	16,899.73
Deferred tax liability	976.11	366.23	769.47
Total	57,951.59	59,963.05	59,468.84
Fixed Assets	58,315.73	58,783.73	58,522.24
Investments	1,166.52	2,766.88	2,244.06
Current Assets, Loans and Advances			
(a) Inventories	15.86	13.97	15.62
(b) Sundry Debtors	349.78	440.37	598.92
(c) Cash and Bank balances	1,273.65	61.91	319.38
(d) Loans and Advances	2,792.02	1,689.27	2,003.48
Less Current Liabilities and Provisions			
(a) Liabilities	(2,472.20)	(1,385.80)	(1,209.00)
(b) Provisions	(3,489.77)	(2,407.28)	(3,025.86)
Net Current Assets	(1,530.66)	(1,587.56)	(1,297.46)
Total	57,951.59	59,963.05	59,468.84

The revenue earned comprises of the toll revenue which is collected at the Mayur Vihar link and the license fee from the advertisement hoardings.

During the year 2009-10, provision amounting to Rs. 29.56 million has been created in accordance with the terms of scheme of amalgamation with DND Flyway Ltd. For repayment of loans. The company also reclassified the bridge from fixed to an intangible asset. A profit of Rs. 1,700,088,054 was also recognized as the difference between the cost of construction services rendered and the fair value of the construction services on the date of commissioning¹⁰.

The company issued Zero Coupon Bonds of Rs. 100 each for an aggregate amount of Rs. 555,422,000 and also redeemed 61.5 of the face value up to the date of financial statement¹¹. A loan taken from M/s IL&FS has also been repaid. However, a claim made by M/s AFCONS Ltd. regarding the construction of the Ashram Flyover aggregating to Rs. 19.82 million have not been accepted by the company. A plot of land in Delhi had also been acquired by the NTBCL for the construction of the bridge from the government of Delhi and DDA and the amount paid has been considered as a part of the project cost.

The DND Bridge serves as an ideal which can be looked upon in case of Public Private Partnerships in the future though the bridge has its limitations and drawbacks in the terms of accidents and traffic jams. It has taught us that potential conflicts in infrastructural projects should be identified and measures to overcome them should be developed. The project cost should be fixed and 'reasonable' costs should be defined properly. Every project teaches us new lessons helping us to tap the available resources in the most efficient manner and improving the quality of services made available to the public.

1. www.ntbcl.com
2. Sheoli Pargil, Concession for the Delhi Noida Toll Bridge, a case study
3. http://www.hochtief.com/hochtief_en/8201.jhtml?e=04
4. Sheoli Pargil, Concession for the Delhi Noida Toll Bridge, a case study
5. Sheoli Pargil, Concession for the Delhi Noida Toll Bridge, a case study
6. Sheoli Pargil, Concession for the Delhi Noida Toll Bridge, a case study
7. <http://www.indianexpress.com/news/dnd-flyway-toll-to-go-up-by-rs-4/612162/>
8. <http://www.moneycontrol.com/annual-report/noidatollbridgecompany/notes-to-account/NTB>
9. www.ntbcl.com
10. <http://www.moneycontrol.com/annual-report/noidatollbridgecompany/notes-to-account/NTB>
11. <http://www.moneycontrol.com/annual-report/noidatollbridgecompany/notes-to-account/NTB>

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The Republic on A Banana Peel

P. Sainath

It was gratifying to have the head of India's most reputed business house confirm the existence of crony capitalism in the country. True, others have believed this for 20 years but it carries more weight when Ratan Tata says so. As he put it in a television interview with admirable candour: "Yes, I can see evidence of it. I am not in a position to say a lot on it, but the evidence of it ..." Gee whiz! It exists, after all. A legendary Indian reformer also once observed ruefully that "all capitalism is crony capitalism." But since the high position he now adorns won't allow him to own up to that remark today, he shall remain nameless.

Mr. Tata rightly warns us against becoming a 'banana republic.' For "Banana republics are run on cronyism." And things don't look good for "people of lesser power" in such states. "They go to jail without adequate evidence or their bodies are found in the trunks of cars." A grisly

thought. But we can draw comfort from knowing that our captains of industry, at least, are safe. They are not, as the Radia tapes confirm, "people of lesser power." Presently, such awful fates befall, with distressing frequency, RTI activists, whistleblowers, people leading struggles against forced human displacement. Maybe they are at the wrong end of the banana, which does indeed ripen in stages from end to end and can wind up rotting the whole plantation if not cut and consumed in time.

Up to here, Mr. Tata's words would find wide agreement. The point of departure is when he sees the media as the biggest banana peel in that republic. Where he calls for "strictures on the media to not use the [Radia] tapes the way they have been using them." Maybe we're being unfair, as his only objection is to "the way they have been using them." But in the larger canvas, his worry is

misplaced. The media are mostly stenographers to power, not its banana peel. Especially to corporate power. The Radia tapes, whether in origin, content or fallout, do nothing to dampen that dictum. (Too many, though, use the terms 'media' and 'journalists' interchangeably. But that is another debate.) When, after all, have the media been disrespectful in covering Mr. Tata, for instance?

If the Radia tapes show us anything, they show us again who runs this country. Corporates. Not even the lobbyists who do their bidding - but would have much less clout without their backing. Not journalists who crave access to corporate titans or seek to advise them on how to fix the courts. It wasn't long ago that a whole session of Parliament went by in just debating the dispute between the Ambani brothers. A private spat over a public-owned resource called natural gas. Oddly enough, Parliament has never had a whole

session focussed on agriculture. Not even through the sector's worst crisis in the past decade.

Whether it is gas, spectrum, or mining, luxury private townships or other dubious land deals, the last 20 years have seen the consolidation of corporate power on a scale unknown in independent India. It would be wrong to disconnect the Radia tapes from this background. From pitching for licences, mines and spectrum using money and media power to pitching for ministerial candidates and portfolios by the same methods is not a huge leap. The same period has also seen the emergence of media themselves as major corporate entities. Today, we often have seamless movement between the personnel of some economic or financial newspapers and non-media corporations. An assistant editor goes off to Company 'A' as a PRO, returns in a more senior post to the same newspaper. Next, goes on as chief PRO, or maybe even as chief analyst or a business manager to a bigger corporate. But the newspaper's door is open for his or her return, perhaps as resident editor.

The dominant media are not pro-corporate or pro-big business. They are corporates. They are big business. Some have margins of profit that non-media outfits might envy. Media corporations are into hundreds of businesses beyond their own realm. From real estate, hotels, mining, steel, chemicals, rubber and banks to power and sugar. Even into private treaties with other corporations in whom they acquire a stake. On the boards of India's biggest media companies are also top corporate leaders. Some who find places on the Governor's Forums of the World Economic Forum. Others head private banks. And then there are top political leaders who directly own vast media empires. Who can hold ministerial portfolios (affecting these domains) while running their media fiefdoms. The dominant media are not pro-establishment. They are the establishment.

The intertwining is strewn with the corpses of Enron, Securities scam, UTI, and a hundred other scandals. Remember those sections of the media that stood by Enron to the last? One investigation that remains undone in our media: where did the

millions of dollars set aside by Enron to "educate" Indian opinion-makers go? Given this long corporate-media jugalbandhi, should it surprise us that a lobbyist for two giant business groups is able to influence which story will appear on what page of which newspaper and even who will write it?

The Indian Premier League represents an advanced merger of corporate control, political power and media stenography. The media cover the warts in that enterprise only when forced to by its internal feuds. Corporate bosses own cricket teams. The nation's most loved sport stands privatised. Media companies own IPL teams too, or are their media sponsors. Political heavyweights are the big bananas in the IPL Republic. These links are structural and not about individuals. The complex nature of media-corporate links still allows for spaces within which honest journalists can function. The somewhat anarchic nature of our politics and institutions still creates situations where things tumble out. True, the spaces are shrinking but they exist. So journalists, especially entrenched ones, can choose whether they want to be stenographers or not.

In the larger context, the Radia tapes capture corporate power at work. Yet, clubbing all these tapes together doesn't help. If you're looking for a bunch of journalists who crossed ethical boundaries they shouldn't have, did things that were plainly wrong, or played games they were unwise to, these journalist transcripts are vital. If you're looking for the guilty in the 2G scam, or who is really running the country, this is the wrong address. If we divide the dramatic personae of the larger show into lead actors (for there are no heroes), main villains, supporting cast, minor baddies (the guys who "yes boss!"), comic relief, extras, wardrobe staff and make-up artists, the journos wouldn't make it to the top three categories. Nira Radia might, to the third. If you're seeking to understand the back channels of corporate power, the tapes as a whole are an education.

The journalists were out of line, some in worse ways than others. Varying degrees of naiveté, knavery and indiscretion adorn their transcripts.

True, we don't know how many tapes are held back. And yes, almost anybody's calls taped without his or her knowledge can sound stupid. But some of the arguments in defence have been unacceptable, too. Yet lumping all the tapes together is wrong. And unfairly damaging to some while downplaying larger transgressions of others. One transcript has a strong whiff of quid pro quo. Another sounds like a waiter jotting down an order from a favoured customer (a what-can-I-get-you-today kind of thing). A third is showing off. A fourth, making awful errors of judgment that will haunt their author. Most exaggerate their importance, as journalists often do. All have damaged their vital asset: credibility.

There is a great deal for all of us to learn from here about how-not-to, why, when and what-not-to. Journalists can talk to anybody on a story. How you sift what you are told and assess who it is coming from then becomes important. Journalists do exist who are not gardeners for their sources. Who are outside the old boy's network that typically, in a state, hovers around the Chief Minister's point man. Or who attach themselves to warring corporate camps. In a fine piece on Outlook's website, Saba Naqvi makes the point that "credible journalists do know when to shut down a source or not to take some calls." Those who show independence may lose out on some stories (the source fearing they will not spin it the required way, or worse, check it out). But in the long run it works.

Some are paying the price for a form of journalism they have helped create. A charge - any charge at all - comes up against politician A or B, and the first question to him on television is: "When are you going to step down? You mean you're not going to resign?" That logic now spites its authors. The chickens are home to roost in a stifling coop. That righteous drawing-room outrage hurts when turned inwards. Audience disillusionment follows when they perceive a fall from that high perch. Meanwhile, I'll take a pass on the bananas.

Curtsey - The Hindu, December 03, 2010 □

Report on State Executive Meeting

Meeting of the PUCL Punjab & Chandigarh was held on 3rd December, 2010 under the chairmanship of its President, Shri Roshan Lal Batta. Following members were present: 1. Roshan Lal Batta, 2. Rajender Mohan Kashyap, 3. Ashok Nirdosh, 4. Geeta Sharma, 5. Bhanu Partap Gaur, 6. N. S. Sitta, 7. A. S. Khaira, 8. Ravi Kant Sharma, 9. Ram Krishan Sharma, 10. Rajeev Godara.

Resolved unanimously the following:

1. A Committee may be formed to discuss and resolve issues of the Public Importance, which was one of the major concern for Public Interest.

Shri Ravi Kant Sharma is Convener and Members are Shri N.S. Sitta, Shri Rajeev Godara, Mrs. Gita Sharma, Mrs. Madhu P.Singh. They

will meet once in a week at 2.00 PM preferably on Tuesday in the High Court Premises.

2. It is resolved unanimously after considering the report submitted by the Committee of Shri Ravi Kant Sharma and Shri Rajeev Godara that the list of 27 Members submitted by Mr. B.S. Saini for enrolling them as members of the PUCL has not been approved. Their recommendations have been considered and accepted by the Executive Committee. Resolution may be sent the Central Executive Committee.

3. It is unanimously resolved that the PUCL units in the districts of Punjab and Haryana will be formed as early as possible.

4. It is resolved unanimously that the PUCL opposes and strongly condemn the proposed Legislation being passed namely:-

i) The Punjab (Prevention of Damage to Public and Private Property) Bill 2010.

ii) The Punjab Special Security Group Bill 2010.

The Press Release may be issued and protest may be registered at the Public Forums about the curtailment of Fundamental Rights.

A delegation of the PUCL Executive Committee will meet the Governor of Punjab on 10th December, 2010 at 3.00 PM i.e. the International Human Rights Day to apprise him of the curtailment of the Fundamental Rights of the Citizens by such Draconian Bills being passed by the Punjab Vidhan Sabha.

The meeting ended with vote of thanks to all the members and the chair.

Roshan Lal Batta, Chairman □

Sharia, Fatwas and Women's Rights

Asghar Ali Engineer

Every now and then media reports fatwas issued by muftis in India, Saudi Arabia and other countries. One mufti in Saudi Arabia even suggested that if a Muslim woman has to keep a man for household work and interact with him though he is not mehram (from prohibited degree for marriage), she should suckle him from her breast to make him mehram. This fatwa was based on a hadith narrated by hazrat A'isha.

Darul Uloom Deoband, though does commendable work for peace and communal harmony, issues fatwas when it comes to women which reduce women as mere secondary to men or something subservient to them. Recently someone from Dubai jocularly typed on his computer talaq thrice He was told your wife has now been divorced and he cannot marry her until she marries someone else who divorces her and then only she can revert to her former husband who jocularly typed the dreaded word.

In Iran a middle aged woman called Sakineh was punished to death by stoning as she was alleged to have

committed adultery though Qur'an nowhere mentions such a punishment and prescribes only 100 lashes for zina and in Arabic there is only one word be it rape, fornication or adultery. More recently, Darul Uloom Deoband issued a fatwa saying that her husband said word talaq thrice on mobile and even is she did not hear it triple divorce has taken place and she must marry someone else as a necessary condition.

These fatwas are issued just because some jurist or the other had so opined hundreds of years ago keeping in view the conditions then prevailing in society. On most of these issues there is no ijma' (consensus) and many of them are even based on controversial hadith. The opinion given by jurists hundreds of years ago were based not only on Qur'an o hadith but also on social structure and social ethos then prevailing.

Most of the Ulama or jurists, when asked for fatwa consult only those medieval sources and never bother to apply there own reasoning power.

Taqlid (mechanical following) is considered as safest by all these jurists. However, even in those days many jurists had strongly condemned taqlid. Ibn Taymiyyah and Ibn Hazm both were great jurists and both have condemned thoughtless imitation.

Ibn Hazm was from Spain and used to give great importance to freedom of thought and independence of thinking in his juristic thinking. In this he was influenced by his teacher Abul Khayar. He was also of the opinion that one can be called 'Alim as long as one engages in seeking knowledge. But one who thinks he knows enough is, in fact, jahil (ignorant). And seeking knowledge is seeking truth which is possible only through intellectual process. Our Ulama and jurists, as we know, have long since stopped thinking.

Qur'an is very fundamental source for Islamic jurisprudence but Ibn Hazm, very rightly puts Qur'anic verses in three categories: 1) those verses which need no other source to understand; 2) those verses which

can be understood in the light of other verses of the Qur'an and 3) those verses which can be understood in the light of authentic hadith and authentic is one which has been narrated by most reliable and many narrators. Even if this method is followed Islamic jurisprudence, especially in respect of family laws, can be revolutionized.

Most of the jurists unfortunately rely, in matters of family laws, more on weak hadith than on Qur'an. Ibn Hazm, who apparently followed Zahiri School (but not by way of taqlid) strongly criticizes who do not think by themselves and simply resort to taqlid. And Ibn Hazm said all this in 14th century Spain. Our jurist live in 21st century and yet resort to mechanical following of their respective schools.

In fact another Spanish jurist Al-Shatibi was also very creative in his thinking about shari'ah laws. He said that one must first understand the

maqasid and masalih i.e. basic objectives and welfare of people for whom shari'ah laws are being framed. Our muftis and jurists do not at all keep these objectives and welfare of people in mind and simply consult standard books of their respective schools (of jurisprudence) and issue fatwas.

It is because of these fatwas that Islam is negatively projected in media and then we complain against media for its Islam bashing. A truly religious person should look at his/her own fault first before blaming others. As someone said we try to remove dust from mirror instead of from our own face. The mirror is going to show dust on our face in any case as long as it is on our face.

Today it is highly necessary to dust off our own face and restore dignity of Islamic shari'ah by re-thinking several issues pertaining to personal laws restoring dignity and rights of women as given by Qur'an and taken

away due to personal opinions of jurists in their own circumstances. Imitation should be thrown out of window and all eminent jurists from entire Islamic world should come together and compile corpus of laws giving equal rights to women in matters of marriage, divorce, inheritance, etc.

There is no doubt if we keep maqasid al-shari'ah (objectives) and masalih al-shari'ah (welfare of people) and resort to independent thinking and freedom of thought the Islamic laws would become not only highly just but a model to be followed by all. Ibn Hazm, for example, was of the opinion that if man is economically weak and woman who wishes to be divorced well off, it is for divorced wife to maintain her former husband, something which modern law stipulates. We must go directly to Qur'an and accept only very authentic hadith and Muslim women will be more equal than in other laws. □

Gujarat PUCL:

Press Note: 13 December 2010

10th December - Human Rights Day observed Citizens appeal to the President to take steps to Control Scandals and Corruption, through Suo Moto Initiative

Every year Human Rights Day comes on 10th December. All the freedom loving, aspiring for democratic rights, civil liberties renew their pledge to carry on the struggle for Human Rights irrespective of all kind of tyranny, oppression, exploitation and fascist onslaughts. Like 1st May Day the International workers day or 8th March the International working women's day 10th. December is assuming greater importance when there are violations of Human Rights in every sphere of life particularly in the wake of so globalisation, liberisation, and in the name of so called development. Every year the Human Rights Day bears a special significance as per the change of political- economical- social- cultural situation of the society. The fight for Human Rights is going on every hour, every minute through out 365 days in various ways. The spirit is One More Fight. Raising the voice

for human Rights, untidily, even lonely has become more important where Fascist slights, and growing hegemony of American Imperialism. In Gujarat for last 12 years the Human Rights Day is observed unitedly. All join together spiritedly to affirm the pledge to fight and stand for Justice. It is the day of celebration. There are plays, songs, speeches, exhibitions, human chains, candle lights etc. Concerned Citizens, various organizations, cultural groups join the programme. This year the Human Rights programme was held at Sardar Baug, opp. Roopali, Laldarwaja, Ahmedabad in the afternoon organized by Lok Andolan Gujarat, a platform of concerned citizens and organisation to fight for the cause of the people's problems. A large section of people from all walks of life, volunteers from different organizations, large number of women. came to attend the

programme. There is a unique spirit of camaraderie and solidarity.

The programme was presided over by one of the leading citizens of Gujarat, Mr. Prakash N. Shah. The speakers were known Gandhian Chuni bhai Vaidya, Civil Right activist eminent lawyer Mr. Girish bhai Patel, the leader of the Nav Nirman movement Mr. Manishi Jani, Convenor for Movement for Secular Democracy Mr. Dwarika Nath Rath, Secretary of PUCL Mr. Gautam Thaker, Women activist of AWAG Ms. Sarah behn Baldiwala, Ms. Meeanakshi Joshi of All India Mahila Sanskritik Sangathan, F. Cedric Prakash of PRASANT, Mr. Rahul Mehta of Right to recall, Mr. Manilal Patel a leading columnist. Leading citizens Ms. Ila Joshi, Mr. Jayant Sutaria, Mr. Vallabh Patel, Mr. Hajibhai Miraza and others.

All the speakers focused on the right to Land, Water and Forest and the

violations of Human Rights in the name of development.

The songs were presented by AWAG, Samvedan Sanskritik Manch, All India Democratic students Organisation. "Gujarat Number One" play was staged by Samvedan Sanskritik Manch. After the play there was direct interaction with the public on the so called development in Gujarat.

A mass signature campaign was launched against the scams and corruption in Memorandum addressed to the President of India requesting to take appropriate Sue Motto action immediately to stop scams and corruptions and punish the culprits & those engaged in manipulating the system to remain Scot free; so that the confidence of the citizens of our country is restored in our democratic set up inherent in our Constitution. The Memorandum addressed to the President of India was read out by Shri Gautam Thaker. As a matter of fact on 9th December Anti- Corruption Day was observed all over the country. . At the end of the Human Rights Day Programme all stood up and sang the song WE SHALL OVER COME and raised slogans on Human Rights.

Highlights of the speeches:

- About 56 % of the children in the country do not get food to eat. Leave aside the palatial bungalow of Mukesh Ambani's, but there are lacs of people in the country who do not have roof over their heads. Gandhiji who had talked about man at the lower most end, in the temple to be constructed after his name in Gandhinagar, houses of the poor have been razed to ground.
- Government is working entirely for the rich people.
- Today in the name of worship of God, 5,000 pounds of Ghee is poured out on the roads which indeed is sheer foolishness. On one hand, for pleasing the God, Yajna of 51 sets is ritualized whereas on the other hand, food is cooked in the different kitchens on the basis of different castes and creed. In the caste system is seen deterioration of

religion.

- Culprit like Ketan Desai is entering the University against whom the youths have started agitation to which all classes of the society should extend their support.
- Prime Minister of our country is more faithful to the capitalist America than to the common man. We have to change this system.
- In the democracy, instead of working in the people's interest, the Govt. is allotting lands and natural resources to the industrialists in a major way. Agitation has been going on against Nirma in Mahuva (Gujarat) and similar agitations will have to be spearheaded at different places. Hollow promises are made for giving employment. At Nirma, 1.35 lacs subsisting for their livelihood on 27,000 Veegha land have been displaced and merely 418 persons will be offered job in the cement factory.
- Officers occupying higher positions have become corrupt. The powers to sack these people should vest with the people. In the U.S.A., people can exercise their power to dismiss the District Police Commissioner under the provisions of 'Right to Recall'.
- Islam also advocates for equal rights to the women.
- Govt. has offered such a location to the Vanzara community of Vasana, where there is total absence of the basic amenities.
- Govt. is allotting lands to the industries with blind folded eyes. Is it that food grains will be reaped in the factories?
- With the launching of the NANO cars, lands belonging to the farmers of Sanand have been snatched away. Now the process is initiated for seizing the lands of Bopal situated in the outskirts of Ahmedabad, for laying large and wide roads. People occupying the position of power have become sold out. Representatives will have to be elected and installed who can work for the people.

- The nation has been trapped in the vicious circle of globalization. Education has become costlier in India. Today about 17,000 students have started movement in protest against fee rise in England. Here leaders of different nations come and go back after making weapon deals. Our leaders welcome them with much fanfare. We will have to launch movement for the human right of self-respectful living of the future generations.
- Declaration of Human Rights was at the international level on 10th December 1948 and we recognized fundamental rights of the people in the constitution in the year 1950. Today even after 62 years the position is quite pitiable. Food grains are rotting in the godowns and people are starving. We will have to keep on launching agitation keeping people's interest in the mind.
- Conspiracy is hatched for defaming the advocates / persons fighting to protect the rights of those who lost their lives, homes and livelihood in the communal riots of 2002. There is a strong need for giving all out support to the present struggle for upholding the human rights.

Street Play was performed by the college students named "Gujarat No.1", scripted by "Samvedan Sanskritik Manch". The High lights of the street play portrayed that the today Govt. is not making dialogue with the people in the matter of developmental approach. For livelihood of Adivasi, cattle breeders, fishermen and farmers all are dependent on water, lands and forests and to ensure that their human rights are not snatched away. So, it is essential to spearhead state wide and nation wide agitation. When today every one have joined the bandwagon of praising the Govt. this play send a clear message to the Govt..

Gautam Thaker, General Secretary PUCI Gujarat; **Dilip Chandulal**, **Dwarikanath Rath** - Conveners, *Lok Andolan, Gujarat* □

Report:

Sansad Gherao against Land Acquisition and Displacement Kick-Starts in Delhi; Thousands Reach Delhi to Demonstrate in Front of Parliament

22nd November 2010, New Delhi - The week-long national action against displacement and land acquisition organized by Sangharsh [1] started in the national capital today. The Dharna and demonstration by thousands of people who have gathered in front of the parliament started at 11 am with lighting of a 'Mashal' (traditional torch) amidst songs sung by Narmada Bachao Andolan and Krishak Mukti Sangram Samiti representatives. The main focus of the Sangharsh process is the participation of more than one thousand people from Assam, who are struggling against the dams in Assam and North East India and the forest communities from central India.

The key points raised by some of the prominent activists and experts included:

Medha Patkar: Two key foundational pillars of our national existence are under threat today: Democracy and Constitution. We are here in our effort to save India's democracy and constitution. People's very legitimate constitutional rights are being undermined and suppressed by this government. Our struggles are not just about resisting displacement or implementing people's forest or other resource rights, it is also about the very right to struggle. At Jantar Mantar, the designated place to demonstrate in front of Parliament, the police are telling us that we can do only 9am-5pm dharnas. This is ridiculous for our democracy that we ask desperate struggling people to do their demonstrations like going to work and returning.

Ashok Choudhury: Focus of the UPA Govt is to get these amendments passed in whatever way. This is against democratic values and against the parliament itself. UPA is trying to by-pass the Parliament and go against the recommendations of the Parliamentary Standing Committee on this. Manmohan Singh's regime is assuming the role

of a property dealer and real estate agent. In every nook and corner of the country, corporate / company mafia is created with active government collaboration to grab land. Even the Central armed forces and state police are being used as private militia of corporations. Before bringing on any law on land, two things should be kept in mind by the government: 1) they have to account for the already grabbed land and provide the citizens of this country with a white paper and 2) Land Rights of all citizens of this country must be ensured, especially where progressive and pro-people legislations like Forest Rights Act entitlements are involved. The people's movements across the country are united and committed on the issue of Land Acquisition Act and we will make sure that this 'black' law (amendments) is not passed by the Parliament of India.

Kuldip Nayyar: Power today is vested in the hands of a few ruling elites and they do not care about the well-being of the millions of Indians. The struggles against varied forms of displacement in our country are a big 'national shame' as these are caused by our own democratic government/s.

B.D. Sharma: Gram Sabha's prior informed consent and not just the present style of 'consultation' have to become a must for all development planning in the country. It must be noted that 'commons' being acquired and public land grabbed does not result in any livelihood rehabilitation or alternate land based employment for the rural poor. In reality, the Government of India is converting the agriculturally self-reliant populations of peasants and agricultural workers into landless and livelihood robbed unorganized sector working class.

KB Saxena: In a democracy, land should be oriented towards the livelihood of all people, especially the poorer and marginalized sections. In the current bill (amendments), there

is no control over the powers of the Government. The way the bill is drafted, public interest essentially encompasses the profit interests of the corporations and industrial houses. The 70-30% Land Acquisition norm is arbitrary and against the basic structural understanding of land acquisition for public purpose. Land for Land and no compensation for it will do. Land is source for livelihood and not just property for sale. Un-utilised, but already acquired (for project based public interest) land should not go to the government and instead should be given back to the land dependent populations.

Thousands marched to the Parliament house today in the afternoon, on the issue of Dams across the sub-continent, especially in Assam, Uttarakhand, Orissa, Andhra Pradesh, Maharashtra, Madhya Pradesh, etc. The rally was led by Akhil Gogoi, Gautam Bandopadhyay, Roma, Vimalbhai, Gumman Singh, Rajnish, and other community leaders and activists from across different movements.

Later in the day, the people's delegations met with Union Cabinet Minister Shri. C.P. Joshi (Ministry of Rural Development) and opposition leader Smt. Sushma Swaraj and held discussions.

We demand that UPA government MUST:

NOT pass the proposed Land Acquisition (Amendment) Bill and Resettlement and Rehabilitation Bill in their current form in the Parliament. UPA attempted this towards the end of the 14th Lok Sabha and also on the last day of the Monsoon Session in extremely secretive manner without any debate and adequate prior information. We oppose all such undemocratic, attempts legislative or otherwise.

STOP:

Forcible acquisition and eviction of people from land, water, forests, rivers and seashores or for aquatic

wealth and minerals. b) Displacing people from habitats, rural and urban, without prior alternative and acceptable rehabilitation, with their consent.

REPEAL

Land Acquisition Act and ENACT a Comprehensive National Legislation on Development Planning inclusive of just and fair, livelihood-based rehabilitation of the minimally affected people and enunciating the principle of least displacement, just rehabilitation and a decentralized development planning based on Article 243 of the Constitution, PESA 1996 and Forest Rights Act, 2006. Incorporate the progressive elements of the Standing Committee on Rural Development (2007-08)

ENSURE

that the urban poor who are unprotected workers receive their due right to land and shelter, related to livelihood bases, with strict ceiling on urban lands and STOP displacement and rehabilitation through a nexus of builders-politicians-bureaucrats. Promote self-reliant, affordable housing

Report:

The National Crime Record Bureau (NCRB) publishes a report every year on Crime in India. The following are some of the highlights of 2008 report that was released recently.

<i>Crime against Women</i>	<i>INCIDENCE RATE</i>
2007 : 1,85,312	2007 : 16.3
2008 : 1,95,856	2008 : 17.0

Andhra Pradesh reported 12.3% of total such cases in the country (24,111 out of 1,95,856). Tripura reported the highest crime rate (40.2) as compared to the National average rate of 17.0.

The proportion of IPC crimes committed against women towards total IPC crimes has increased during last 5 years from 7.8% in 2004 to 8.9% during 2008.

Madhya Pradesh has reported the highest number of Rape cases (2,937) accounting for 13.7% of total such cases reported in the country. Andhra Pradesh has reported 29.1% (3,551) of Sexual Harassment cases

through the State and co-operatives for the needy population.

IMPLEMENT:

a) PESA Act, 1996, scrupulously following the principle of free, prior and informed consent of the adivasi communities and extend it to all other Gram Sabhas before any development Plan or Project, whether public or private is planned and finalized, involving use and change in use of the resources within the domain of a community. b) Forest Rights Act, 2006 in all forest areas of the country and any change in the land use in any forest area and any land acquisition be subject to settlement of claims and entitlements under Forest Rights Act.

ISSUE

a White Paper on all the land acquisition, displacement caused and rehabilitation completed since independence. The White Paper must also make public the extent of land utilized, unutilized and land acquired for public purpose but remains occupied by sick and non-functional industries and other infrastructure

projects.

MAKE PUBLIC

all the details and documents of each and every project, its impact on people and natural resources, as livelihoods and the benefits vis-à-vis costs under Section 4 of the Right to Information Act, which has remained mostly unimplemented, till date.

DISCLOSE

details of all the MoUs signed by the Government of India and the state Governments with different private and public corporations, companies and others, which have land acquisition requirements and hold public dialogue - especially with affected people.

ENSURE

that minimum and just rehabilitation for all project-affected people in all sectors should be declared as National Policy, leaving scope for finalization by the communities as their right to planning as per the Development Planning Act.

Sangharsh, c/o 6/6, Jungpura B, Mathura Road, New Delhi 110014 ☐

Crime in India

followed by Uttar Pradesh 27.6% (3,374).

Only Jharkhand (39), Bihar (22), West Bengal (5) and Karnataka (1) have reported cases of Importation of Girls.

Cases under Immoral Traffic (Prevention) Act decreased by 25.5% (from 3,568 in 2007 to 2,659 in 2008).

Tamil Nadu reported 25.8% of cases under Immoral Traffic (Prevention) Act (687 out of 2,659).

The lone case under Sati Prevention Act was reported across the country during the year 2008 was registered in Chhattisgarh.

Incest Rape cases decreased by 23.7% in 2008 over 2007 (from 405 in 2007 to 309 in 2008).

Madhya Pradesh reported 16.8% of total Incest Rape cases (52 out of 309).

Offenders were known to the victims in 91.0% of Rape cases (19,542 out of 21,467).

Among 35 mega cities, Delhi city reported 22.4% (396 out of 1,768) of total Rape cases, 30.5% cases (948 out of 3,110) of Kidnapping & Abduction of Women, 15.3% cases (110 out of 721) of Dowry Deaths, 11.5% cases (1,310 out of 11,409) of Cruelty by Husband and Relatives and 15.4% cases (553 out of 3,602) of Molestation.

50.5% conviction was reported in the country in Sexual Harassment cases (4,128 convictions out of 8,169 cases in which trial were completed).

<i>Crime against Children</i>	<i>INCIDENCE RATE</i>
2007 : 20,410	2007 : 1.8
2008 : 22,500	2008 : 2.0

10.2% increase was reported in incidence of crime against Children in 2008 over 2007. Cases of Child Rape went up by 7.9% during 2008 (5,446) over 2007 (5,045).

A total of 7,650 cases of Kidnapping and Abduction of children were

reported during the year 2008 as compared to 6,377 cases in the previous year accounting for a significant increase of 20.0%.

Cases of Selling of Girls for Prostitution declined from 69 in 2007 to 49 in 2008.

Madhya Pradesh reported 18.9% (4,259 out of 22,500) of total crimes committed against children in the country.

The highest crime rate (11.3) was reported by A & N Islands as compared to National average (2.0).

Punjab (24) and Rajasthan (10) together have accounted for 46.6% (34 out of 73) of cases of foeticide reported in the country.

The conviction rate at the National level for crimes against children stood at 35.7%.

Crime Against Scheduled Castes/Scheduled Tribes

INCIDENCE		RATE	
SC	ST	SC	ST
2007 : 30,031	2007 : 5,532	2007 : 2.6	2007 : 0.5
2008 : 33,615	2008 : 5,582	2008 : 2.9	2008 : 0.5

Uttar Pradesh reported 23.8% of total crimes against Scheduled Castes (8,009 out of 33,615) and Madhya Pradesh reported 19.2% of total (1,071 out of 5,582) crimes against Scheduled Tribes in the country.

Rajasthan reported the highest rate of crimes (6.6) against Scheduled Castes as compared to the National average of 2.9. Arunachal Pradesh reported the highest rate of crime against Scheduled Tribes (5.2) as compared to the National average of 0.5.

The rate of crime against Scheduled Castes increased from 2.6 in 2007 to 2.9 in 2008 while rate of crime against Scheduled Tribes in 2008 remained 0.5 - the same as in 2007.

Police Infrastructure

There were 64 Policemen (Civil + Armed) per lakh population in Bihar followed by Uttar Pradesh (72) and Dadra & Nagar Haveli (80) against the National average of 128.

Ratio of Police Officers (ASI & above) to the subordinate Staff (Head Constables & Constables in 2008 was 1:7 at the National level –

the same as in 2007.

There was no Woman Civil Police in Mizoram and Daman & Diu (actual or sanctioned).

38.2% of police force was provided the housing facility by the Government.

3,144 serving police officials died in 2008 as compared to 3,505 in 2007 reporting a decline of 10.3% in police fatalities. 763 (24.3%) police personnel of these died while performing their duties.

Custodial Crimes

101 Custodial Deaths were reported in the country. 29 policemen were charge sheeted and no policeman was convicted during the year. No case of Custodial Rape was reported in the country. No charge-sheet was submitted during the year and 1 case remained under investigation. Out of the 6 cases for trial (including those pending trial from previous year(s)), 2 cases were withdrawn and the remaining 4 cases were pending trial at the end of the year.

Disposal of crime cases

74.9% (20,61,949 out of 27,52,687)

of all IPC cases registered were disposed off by police and 79.8% cases (15,47,188 out of 19,39,738) were charge sheeted.

Trials were completed in 10,52,623 IPC crime cases out of total 78,33,842 cases pending for trials. 66,25,756 IPC cases remained pending for trial in courts as on December 31, 2008.

Conviction rate for IPC crimes increased marginally from 42.3 in 2007 to 42.6 in 2008.

Nagaland reported the highest conviction rate for IPC crimes among States, (92.8%) (503 cases convicted out of 542 cases in which trials were completed) while Maharashtra reported the lowest rate at 9.4% (7,552 out of 80,610) as compared to National rate at 42.6.

30.8% of trials were completed in less than 1 year (3,23,987 out of 10,52,623), 32.0% of trials (3,36,829) were completed within 1 to 3 years, 22.4% (2,36,354) between 3 to 5 years, 11.8% between 5 to 10 years (1,24,171) and 3.0% (31,282) cases took more than 10 years.

Report:

Crime, Money and Politics In Bihar

National Election Watch has analyzed the affidavits of 241 MLAs (out of 243) of the newly formed Bihar 2010 Assembly. Affidavits of 2 MLAs were not completely available. Please find attached the report on criminal and financial background of these MLAs.

Here are the highlights:

- 141 newly elected MLAs (i.e. 59%) in Bihar Assembly Elections 2010 have pending

criminal cases against them according to their self sworn affidavits. In 2005 Bihar Assembly, 117(i.e. 35%) MLAs had pending criminal cases.

- 85 MLAs out of these 141 analyzed have declared pending serious IPC charges like murder and attempt to murder charges against them. In 2005, 68 MLAs had serious pending criminal cases.

- 76 MLAs analyzed (32%) have not declared their PAN card details.

- A total of 47 MLAs (i.e. 20%) analyzed are crorepatists in Bihar Assembly Elections 2010. In 2005, 8 MLAs were crorepatists.

- NEW demands that only clean MLAs be made ministers in the new government.

Courtesy: Association of Democratic Rights □

Prison Reform: The National Human Rights Commission's Perspective

Dr. L. D. Mishra, Special Rapporteur, National Human Rights Commission

Speaking on human rights and custodial justice, Dr. L.D.Mishra, Special Rapporteur, National Human Rights Commission, observed that the twentieth century has been the bloodiest century in the history of the world. The idea that human life is sacrosanct is essential in India and dates back to the Mahabharata and Ramayana. The lofty concept – 'to treat all human beings with empathy, sensitivity, compassion' – has obviously not been followed. Dr.Mishra was of the view that the Prisons Act of 1894 is useless and needs to be thrown out. So many of its practices have been clearly forbidden by the Supreme Court and yet they still happen. Most of the prisoners are not aware of their rights either.

The Model Prison Manual has 17 important guarantees that are essential for safeguarding the rights of the prisoners. These guarantees include: Right to a Speedy Trial, Right to Bail, Right to Convict to Appeal, Right to Contact with Outside World,

Report:

India Not Shining For Women; Ranked 112/134 in Global Gender Gap Report

Here comes another report that shames India. The World Economic Forum's Global Gender Gap Report 2010 says India's position is abysmal. Out of 134 countries surveyed, India is among the lowest ranked countries at the 112th position, with a score of 0.6155. The index ranks 134 economies according to the size of the gaps between men and women. India (112) occupies one of the last places in the regional rankings. India and Pakistan perform above average on the political empowerment of women, particularly India, but lag behind in the other three categories of economic participation, educational attainment, and health. India has not been making much improvement over the years. In 2006, it was ranked 98, but dropped to 114 in 2007, climbed to 113 in 2008, dropped to 114 in 2009, and climbed back to 112 in 2010. In other words, things haven't been making

Institutionalized Mechanism to address Grievances, Right to Medical Examination, Right to Living Accommodation, Right to Food/Nutrition, Right to Clean Drinking Water, Right to Environmental Sanitation, Right to Personal Hygiene, and Right to Clothing

According to Dr.Mishra, these guarantees are not being provided to prisoners. A major area of concern is that trials do not take place on time. We have a situation of non-attendance of investigating officers and prosecution witness, magistrates on leave, lawyers on strike and excessive case adjournments. He says, one solution is to have judges and ministers meet inside the jail. They can handle the entire process in a matter of hours instead of months. But judges are reluctant to do so. Doing this on a regular basis could drastically decrease the number of under-trials in jail and speed up the rate at which cases are dealt with. There should be a complaint box for addressing prisoner grievances. He said the

basic rights of prisoners-like getting a medical examination, right to food and personal hygiene-are being violated. Most medical officers are unaware of the fact that a basic physical examination, of someone admitted to a prison, should take place. Food must be comprised of carbohydrates, protein, minerals and fat. Basic nutrition is even more important for children. We need one kitchen for every 250 people. The prisons are smoky. There are no chimneys, exhaust fans, or fireproofing. Mosquitoes are rampant. There is no platform for washing or cutting vegetables and no chapatti-making machines. Chapattis are made on the floor. Prisons need to pay more attention to personal hygiene. They need to have appropriate toilet facilities. Dr. Mishra concluded by saying that to make these changes, political will is essential and it seems that, in India, there is little political will for prison reforms!

Courtesy: Prison Voice: November 2010 □

much headway despite having a woman as the President, and a woman leading the country's most powerful political party. The persistent health, education and economic participation gaps will be detrimental to India's growth; India is the lowest ranked of the BRIC economies featured in the Index. Over the next five years, these effects will be seen most clearly in China and Russia, and to a lesser extent in Vietnam, Mexico, Brazil and Indonesia. Nordic countries Iceland (1), Norway (2), Finland (3) and Sweden (4) continue to demonstrate the greatest equality between men and women. Ireland (6), Switzerland (10), Spain (11), Germany (13) and the United Kingdom (15) are among the European countries dominating the top 20. Luxembourg (26) and Greece (58) made the biggest improvements in closing their gender gaps, climbing 37 and 27 spots respectively, owing

to gains in political and economic participation. The Philippines continues to set the example in Asia, ranking 9th overall because of a strong performance on all four dimensions of the index: health and survival, educational attainment, economic participation and opportunity and political empowerment. In the Arab world, the United Arab Emirates (103) is the highest-ranking country, performing ahead of most countries in the region on education and political empowerment indicators. It is followed by Kuwait (105), Tunisia (107) and Bahrain (110). The Global Gender Gap Report's index assesses 134 countries on how well they divide resources and opportunities amongst male and female populations, regardless of the overall levels of these resources. The report measures the size of the gender inequality gap in four areas:

- Economic participation and opportunity – outcomes on salaries, participation levels and access to high-skilled employment.
- Educational attainment – outcomes on access to basic and higher level education.

- Political empowerment – outcomes on representation in decision-making structures. Health and survival – outcomes on life expectancy and sex ratio. Some hard facts:
- Labour Participation and Opportunity: Rank 128; score

0.403; global average 0.590
 Educational Attainment: Rank 120; score 0.837; global average 0.929
 Health and Survival: Rank 132; score 0.931; global average 0.955
 Political Empowerment: Rank 23; score 0.291; global average 0.179

Courtesy: Liberation News Service □

Proposal to Put Indian Residents under Surveillance Forever

Gopal Krishna

The National Identification Authority of India Bill (NIAI), 2010 has been introduced in Parliament after the constitution of the Unique Identification Authority of India (UIDAI) and appointment of Nandan Nilekani as its Chairman in the rank and status of a Cabinet Minister. The Bill introduced in Rajya Sabha on December 3, 2010 seeks to provide statutory status to the UIDAI which has been functioning without backing of law since January 2009. Prior to the introduction of the Bill on 29th September 2010, Prime Minister Dr. Manmohan Singh distributed Unique Identification Numbers (Aadhaar) among the villagers of Tembali village in Nandurbar District of Maharashtra. "The Aadhaar number will ease these difficulties in identification, by providing a nationally valid and verifiable single source of identity proof. The UIDAI will ensure the uniqueness of the Aadhaar numbers through the use of biometric attributes (Finger Prints and Iris) which will be linked to the number," according to the Press Brief for National launch of Unique Identification Numbers (Aadhaar) issued by UIDAI.

It admitted that "India will be the first country (in the world) to implement a biometric-based unique ID system for its residents on a national scale." Neither the Prime Minister nor the Planning Commission has taken cognisance of abandonment of such UID Number scheme in countries like the US, Australia and now in the UK. In the UK, their Home Secretary abandoned the project because it considered it 'intrusive bullying' by the state, and that the government intended to be the 'servant' of the people, and not their 'master'. In the late 1990s, the Supreme Court of Philippines struck down the President's Executive Order A.O 308 which instituted a biometric based national ID system calling it

unconstitutional on two grounds – the overreach of the executive over the legislative powers of the congress and invasion of privacy. The same is applicable in India. The statement of concern issued by the eminent citizens including former judges, jurists, educationists stated, "UIDAI has been constituted on the basis of a Gol (Government of India) notification and there is a fundamental risk to civil liberties". It is claimed that the UID Number will "substantially improve the efficiency of the delivery systems by ensuring that the leakages are reduced and the benefits reach the right people." It also claims that "electronic transfers of benefits and entitlements can be enabled through Aadhaar-linked bank accounts of the beneficiaries." It is noteworthy that even before the passage of the National Identification Authority of India Bill from the parliament, the authority has embarked upon:

- taking biometric and demographic data of Indian residents
- entering into MOUs with multiplicity of institutions including Banks, LIC, State governments to acts as Registrars,
- setting a process by which a large amount of data about the individuals will be collected and aggregated on the files of these Registrars,
- entering into contracts with corporations predominantly from the technology and biometric industry including those with close links with intelligence agencies in other countries: for instance, Accenture (which is working with US Homeland Security in their Smart Borders Project) and L1 Identity Solutions (whose main market, and recruitment ground, is the Central Intelligence Agency) . Their website reads: " American and foreign military services, defense and intelligence agencies

rely on L-1 solutions and services to help determine ally from enemy". The same US company was hired for "Implementation of Biometric Solution for UIDAI" from 30 July 2010

· another US company, Accenture Services Pvt. Ltd., has been hired for the "Implementation of Biometric Solution for UIDAI". This company is "committed to helping the (US) Department of Homeland Security". Its "solutions include developing prevention tactics, streamlining intelligence gathering and maximizing new technologies."

There is a convergence of all the residents and institutions underway through Project UID, a Silicon Valley initiative (dominated by Information Technology companies) passing off as "Planning Commission initiative" without consultation at district and panchayat level and within the political parties to create a central database of residents and generate a unique identification number (UID) for all such residents which is proposed to be "used as the basis for identifying and authenticating a person's entitlement to government services and benefits". This initiative is being steered by the Department of Information Technology (as the Line Ministry) through National Informatics Centre Services Inc. (NICS I)/ National Informatics Centre (NIC), as the technical solution provider and a consultant for "linking of existing databases, as well as providing for future additions, by the user agencies." This entails tracking and profiling residents electronically through some 53 departments of the Government of India, 35 State/UT Secretariats and 603 District collectorates. NIC was formed in 1975. While UIDAI has been misleading the citizens and the media about the UID Number scheme being voluntary, the 'Legal Framework For Mandatory Electronic Delivery of Services' of Union

Ministry of Communication and Information Technology, refers to "UIDAI – UID based authentication for services" as an enabler, thus making it compulsory.

This proposed NIAI Bill must be looked at along with other Bills in the offing such as Draft Land Titling Bill, 2010, Draft Paper on Privacy Bill, 2010, Draft DNA Profiling Act, 2007 and Public Information Infrastructure and Innovations (PIII) for a National Knowledge Network. Besides this National Intelligence Grid (Natgrid), meant to integrate existing 21 databases with Central and state government agencies and other organisations, and National Population Register (which is quite different from Census) will end up undertaking surveillance, reconnaissance and targeting of Indian residents.

Sam Pitroda's PIII reveals the plot emphasizing digital network to process all kinds of information at all levels saying, "For government, PII is very important to first identify all beneficiaries, essentially people. We also at the same time need to identify all our physical assets all over the country, like primary schools, railway stations, hospitals. Then we also need to tag all our programmes and government typically would have hundreds of programs for public delivery systems. Once you tag people, places, and programs, then it is easier to really organise information for delivering public services. Hopefully, with new focus on PIII, where we could essentially tag people, tag places, tag programs, we will be able to structure delivery systems to get lot better productivity, efficiency, reduced cost. The starting point for this nationwide network of fiber optics, wireless systems to connect 2, 50, 000 Panchayats all over the country especially in rural areas where ultimately information data gathering would begin. This is where beneficiaries are." All this information will be in the hands of a few 'trustworthy' people in the government and few select companies. Such a situation is fraught with both unintended and intended consequences impacting monetary and non-monetary aspects of citizens' life.

Notably, the Land Titling Bill makes a provision for "Unique property identification number", linking UID Number with property. Admittedly, the Draft Privacy Bill

states, "There is no data protection statute in the country." On UID Number, the Draft Paper on Privacy Bill states, "Data privacy and the need to protect personal information is almost never a concern when data is stored in a decentralized manner. Data that is maintained in silos is largely useless outside that silo and consequently has a low likelihood of causing any damage. However, all this is likely to change with the implementation of the UID Project. One of the inevitable consequences of the UID Project will be that the UID Number will unify multiple databases. As more and more agencies of the government sign on to the UID Project, the UID Number will become the common thread that links all those databases together. Over time, private enterprise could also adopt the UID Number as an identifier for the purposes of the delivery of their services or even for enrolment as a customer." Quite menacingly, the Draft Paper on Privacy Bill asserts, "Once this happens, the separation of data that currently exists between multiple databases will vanish." This poses a threat to the identity of citizens and the idea of residents of the state as private persons will be forever abandoned.

UIDAI started working in the month of August 2009 to deliver Unique Identification Numbers (Aadhaar) to every resident in the country and to establish a cost-effective, ubiquitous authentication infrastructure to easily verify these identities online and in real-time. The UIDAI has been set up unmindful of grave concerns expressed in the government's own Draft Paper on Privacy Bill, and NIAI Bill appears to be meant to justify UIDAI'S acts of omission and commission. The NIAI Bill and its critique both in Hindi and English will be released shortly.

Meanwhile, UIDAI has also hired a public relations agency with an objective to "Provide consistent flow of information across all mediums to create the right perception of UIDAI and Aadhaar throughout the country"; one such agency has created a stalemate in the Parliament. This is an attempt to convert a resident into a number, Indian population into a market and then citizens in to subjects.

Courtesy: Countercurrents.org
The writer is a member, Citizens Forum for Civil Liberties

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