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(Justice) R. A. JAHAGIRDAR IS NO MORE

(Justice) R.A. Jahagirdar, a former judge of the Bombay High Court, well-known Radical Humanist, civil libertarian and exponent of democratic and secular values breathed his last in the morning on 23 February 2011. The whole PUCL family condoles the demise of its 82 years old dedicated and committed leader, friend and great scholar.

- Mahi Pal Singh, Secretary, PUCL.

Is the Law on Sedition Compatible with Democracy? Prabhakar Sinha

The registering of a case of sedition against Ms Arundhati Roy, Syed Ali Gilani etc. for their speeches made at a convention on 'Azadi the Only Way' for Kashmir is bound to appall all who are committed to the core values of democracy and human rights. It hardly makes any difference that the case has been registered on the direction of a court and not by the police. So long as this anti- democratic law, which is the legacy of the colonial British government, is retained by the Republic of India, the courts are bound to implement them. However, a plain reading of the provision on sedition (u/s 124A of the I.P.C.) makes it clear that such laws have no place in a democracy. It provides that 'whoever by words, either spoken, or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards the government established by law in India, shall be punished with imprisonment for life, to which fine may be added' It is obvious that it is only an authoritarian government -foreign or local- which can make excitement or disaffection against a government a criminal offence. Under a democratic system, it is the normal function of the opposition parties to create disaffection against the government with a view to oust it from power by mobilising popular support and replace it if possible. Even groups and individuals aggrieved by the policies of a government have the right to create public opinion against it and campaign to dethrone it. The whole process of opposing the existing government in a democracy is to create disaffection against it by drawing attention to its short- comings like corruption, sell out to certain interests - Indian or foreign-, incompetence or alleged anti-people character. Slogans like 'Sadi-gali Sarkar ko Ek Dhakka Aur Do' (Give a final push to this rotten government)' 'Singhasan Khali Karo ki Janta Aati Hai (Vacate the throne, the people are coming'- i.e., to occupy it) are out and out acts of sedition under the present law (u/s 124A).

The description of the elected government as ' the government established by law in India ' in the provision also leads to the inescapable

conclusion that the draconian provision was enacted by the colonial government and has been retained by the rulers of the Republic of India to suppress the voice of dissent. In fact, elsewhere in the Indian Penal Code (I.P.C.), the words government of India or the State governments occur to refer to the Union or State Government instead of 'government established by law in India' giving credence to the view that the provision has been blindly retained. Similarly S 125 of the I.P.C. has been retained which makes 'waging war against any Asiatic Power in alliance with the Government of India or at peace with Government of India' a criminal offence punishable with imprisonment for life. The reference to the Asiatic Power in alliance with or at peace with the government of India is the relic of the Imperial British rule when the Imperial Government formed alliances against its rivals Powers. Today, there are no entities known as Asiatic Powers and India is not in alliance with any such power. India, after independence, has been one of the chief architects of the Non-aligned Movement and continues to be at peace with all

countries. The repressive relic of the Imperial British Government continues to be retained by the rulers of democratic India and may be misused also.

The law in its present form also obliterates the distinction between the State and the Government. It is an indisputable fact that the State is permanent and sovereign, but the government is neither sovereign nor permanent. The Indian State would continue to exist while the government may go on changing. Thus, to oppose a government, attack its policies and carry on a campaign to alienate the people from it to oust it by legitimate means is the right of a people in a democracy, and it cannot be misconstrued as sedition.

Thus, the government or some people may consider Ms Arundhati Roy's view that Azadi is the only solution of Kashmir problem seriously flawed and for her view is a nail in our democracy's coffin apart from being illogical. How does speaking in favour of Azadi for Kashmir attract S 124A of the I.P.C.? Is it an act of bringing the Government of India into hatred or contempt or

creating disaffection against it? To support Azadi for Kashmir -rightly or wrongly- is only to oppose the Kashmir policy of the Government of India which every Indian has the right to do. It is a problem created by the rulers who not only failed to win the mind and the hearts of the peaceful people of Kashmir but have alienated a large number of people and created the present mess. After creating this problem, they have no moral or legal right to ask the people not to discuss it and mind their own business. After all, it is our brethren- Kashmiris and the others- who are dying there, it is our resources which are being used and misused there, and it is our heart which bleeds at every death of an innocent Indian on either side in this domestic conflict, and it is our right and also the duty to join the search for a solution without any threat from the government. In a democracy, the people have the right to discuss and their representatives the right to decide.

The anachronistic imperial law on sedition is a direct attack on our freedom of speech and expression guaranteed by the Constitution and should be scrapped forthwith. □

31st JP Memorial Lecture

The 31st J.P. Memorial Lecture will be held at the Gandhi Peace Foundation, 223, Deen Dayal Upadhyaya Marg, New Delhi at 5.00 p.m. on 23rd March 2011 (Wednesday). The Lecture on *JP and India's Second Freedom* will be delivered by M.G. Devasahayam.

You are cordially invited.

Prabhakar Sinha, President, PUCL National □

Minutes of the National Secretariat Meeting held on 17 February 2011

A meeting of the National Secretariat of the PUCL was held on 17 February 2011 in the National Office at Mayur Vihar, New Delhi. It was attended by (Justice) Rajindar Sachar, Prabhakar Sinha, Ms. Kavita Srivastava and Mahi Pal Singh.

After deliberations, the following decisions were taken unanimously:

1. The 31st JP Memorial Lecture will be held at the Gandhi Peace Foundation, New Delhi at 5.00 p.m. on Wednesday, the 23 March 2011. The same will be delivered by M.G. Devasahayam.
2. A two day National seminar will be organised at the Gandhi Peace Foundation, New Delhi on 7th and 8th May 2011 (Saturday and Sunday) from 10.00 a.m. to 5.00 p.m. on repressive laws endangering civil liberties of the people.
3. A PIL will be filed in the Supreme Court challenging the validity of Sections like 124(A) of the IPC which are being used to deprive people of their civil liberties in the name of offences against the State.

Mahi Pal Singh, Secretary, PUCL National □

Press Release:

Appeal to the Maoists to Release Abducted Collector and other Officials

PUCL learns from the newspapers that the District Collector of Malkangiri, Orissa, Mr. R.Vineel Krishna has been abducted on 16th February 2011 while returning from a visit to K Gumma block in the tribal-dominated district by an armed group suspected to belong to the Maoists. PUCL expresses concern over the abduction and calls upon the Maoists to immediately and unconditionally release the abducted officer and others in their custody.

PUCL is against hostage taking and using hostages as bargaining point for settling demands. However, the fact remains that peaceful rallies, campaigns, protests and demonstrations by people fall on deaf ears and Governments don't respond. In Orissa, there have been continuous reports of lawlessness and repressive action by the State security agencies resulting in large-scale arrests and incarceration of innocent ordinary people. Fake encounters are on the increase and even children are not being spared. We are constrained to point out that the Government of Orissa, apart from routinely denying any abuse of law by its forces, has only stepped up security operations. Ironically, the Governments seem to respond only

when government officials, that too senior officers, are abducted or kidnapped. Recently in Chattisgarh when on 25th January, 2011, 5 police constables were kidnapped, there was lukewarm response by the Government and senior officials to secure their release. It was only on the demand of the human rights groups that the Maoists unconditionally released the constables.

PUCL once again reiterates that the issue of Maoism is a political issue, which has to be addressed politically. Militarisation and armed suppression has never proved effective in the past and will not do so in the future. These issues need to be addressed through dialogue.

PUCL calls upon the Government of Orissa, as also the Government of India and other States where the conflict with Maoists exists, to immediately call a halt to Operation Green Hunt and other combing and paramilitary operations being conducted in the name of curbing the Maoists. Increased militarization and resort to repressive use of laws has created a climate of fear, insecurity and alienation among the local people. People's legitimate

democratic protests are also being brutally suppressed.

The growth of Maoist movement will have to be viewed against the backdrop of increasing disparity, disaffection and alienation from land and other community resources being usurped from the poor and as a consequence of the pro-rich, anti-poor industrialization/development and pro-corporate policies pursued across the country. Such policies have accentuated disparity and have thrown millions of the poor into deeper poverty, deprivation and misery. Let it not be forgotten that the poor are also children of this republic and have an equal right to decide on the nature of development that this country wants to pursue. PUCL stresses that this is at the heart of the Maoist issue.

PUCL therefore demands that the State Government does not do anything to precipitate the issue. PUCL also demands the unconditional release of the abducted officials by the Maoists.

Sd/-

Prabhakar Sinha, President, PUCL
Mahi Pal Singh, V Suresh, Kavita Srivastava and Chitaranjan Singh, Secretaries PUCL. □

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I, Pushkar Raj, hereby declare that the particulars given above are true to the best of my knowledge and belief.

March 1, 2011

- **Pushkar Raj**, Publisher □

Mere Membership of Banned Outfit Won't Attract Criminal Action: Court

J. Venkatesan

Be wary of torture-induced confessions before police

Mere membership of a banned organisation will not make a person criminal unless he resorts to violence or incites people to violence or creates public disorder by violence or incitement to violence, the Supreme Court held on Thursday.

A Bench of Justices Markandey Katju and Gyan Sudha Misra gave this ruling, setting aside a designated court judgment which convicted Arup Bhuyan under Section 3 (5) of the Terrorist and Disruptive Activities (Prevention) Act of being a member of the United Liberation Front of Asom.

Justice Katju quoted a U.S. Supreme Court judgment which said: "Mere advocacy or teaching the duty, necessity or propriety of violence as a means of accomplishing political or industrial reform, or publishing or circulating or displaying any book or paper containing such advocacy, or justifying the commission of violent acts with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism, or to voluntarily assemble with a group formed to teach or advocate the doctrines of criminal syndicalism is not per se illegal. It will become illegal only if it incites to imminent lawless action."

Another U.S. Supreme Court judgment also held that a member of a communist organisation could not be regarded as doing an unlawful

act by merely obtaining employment in a defence facility, the Bench noted.

"We respectfully agree with the decisions, and are of the opinion that they apply to India too, as our fundamental rights are similar to the Bill of Rights in the U.S. Constitution."

Arup Bhuyan was convicted under the TADA Act of being a member of the banned ULFA, on the basis of a confession which is admissible evidence under the TADA Act.

Allowing the appeal against this judgment of the Designated Court, Assam, in Guwahati, the Bench said the appellant denied that he was a member of the banned outfit.

"Even assuming he was a member of the ULFA, it has not been proved that he was an active member and not a mere passive member."

On confessional statements, the Bench said "Torture is such a terrible thing that when a person is under torture he will confess to almost any crime. Even Joan of Arc confessed to be a witch under torture. Hence, where the prosecution case mainly rests on the confessional statement made to the police by the alleged accused, in the absence of corroborative material, the courts must be hesitant before they accept such extra-judicial confessional statements."

Weak Evidence

The Bench said: "Confession is a very weak kind of evidence. As is well known, the widespread and rampant practice in the police in India is to use third degree methods for extracting confessions from the alleged accused. Hence, the courts have to be cautious in accepting confessions made to the police by the alleged accused."

The judges said: "Unfortunately, the police in our country are not trained in scientific investigation (as are the police in western countries), nor are they provided the technical equipment for scientific investigation, hence to obtain a conviction they often rely on the easy short cut of procuring a confession under torture."

In the instant case, "the prosecution case mainly relies on the alleged confessional statement of the appellant made before the Superintendent of Police. We are of the opinion that it will not be safe to convict the accused on the basis of alleged confessional statement." Section 3 (5) of TADA could not be read literally; doing so would be violative of Articles 19 (right to freedom) and 21 (right to life and liberty) of the Constitution.

The Bench acquitted the appellant of all charges. □

Karnataka PUCL: Press Release - February 8, 2011

B K Somashekar Report

We are greatly disappointed with the final report released by Justice BK Somashekar commission, enquiring the attack on churches. While the interim report clearly held responsible some Hindu fundamentalist organizations, Police, state administration and the Government. The final report appears

to have absolved the Government and the Police. An attempt appears to have been made to ignore the role of Hindu fundamentalist organizations and state in the final report. There appears to be a clear cut understanding between the Commission and the Government to patch up the damage done by the interim report.

The final report very clearly failed to uphold and protect the Constitutional rights of minorities and appears to have gone beyond its limits in saying that there should be law to ban conversions. Since Independence, every time the Governments have appointed a Judicial Commission they have invariably failed to do

justice to their job and even while Justice was done those reports have either not seen the light of day or never implemented by the Government. In the process the question of appointing judicial commissions has become a futile exercise.

The Commission seems to have imagined certain things in spite of overwhelming evidence recorded by

the media and presented before the Commission when it says that some attacks/ injuries were self inflicted.

In short the Commission has contradicted itself and brought out a ambiguous report with a clear intention of protecting the Government, its administration and the fundamentalist organizations from getting banned from the state.

In view of this, we demand that the Government should institute a CBI inquiry as the report has failed to pin point the culprits and in fact created an irreparable communal divide which may permanently damage the secular fabric of India.

PB D'Sa, President; **Dr V Lakshminarayana**, General Secretary, PUCL Karnataka ☐

Bangalore PUCL: Press Release

PUCL Response to Somashekhar Commission Findings

PUCL Bangalore wishes to express its deepest disappointment with the principal findings of the Somashekhar Commission Report released recently, which absolves the state government and all the major right wing Hindutva political parties and groups of all responsibility in the communal attacks on churches in Karnataka in 2008. The report oversteps the boundaries of its authority when it justifies the attacks on churches as caused by hurt sentiments of members of the majority religious community, due to the alleged practice of religious conversions. The report thereby effectively condones and encourages criminal behavior of fundamentalist intolerance and communal violence. The red herring of conversions is thus used to justify the attacks, even though, even though the Indian

constitution explicitly upholds the right to profess and convert others to your faith. The report does not deal with the climate of increasing intolerance towards minority religious groups in society ignored by the administration.. The recent responsible expunging by Supreme Court (Jan 26, 2011) of two of its statements related to religious conversions serves as an important reminder on the 'freedom of faith' for all citizens.

It is reprehensible that the commission seeking judicial enquiry into church attacks seeks instead regulation mechanisms to restrain faith conversions, far outside its purview. Similarly finding instances of police action against Christian protestors as 'justified' cannot be acceptable as impartial, nor the 'lack

of evidence' of 'any other force' behind excessive use of police force. The implicit agenda of the Commission thus appears to be to protect the collusive role of the state government, especially the police, even while seemingly condemning specific officials.

Judicial reports have the potential for providing the necessary checks and restraints on elements that threaten the fabric of a tolerant and free society. Independence, integrity and impartiality of judicial reports, with a strict demand for responsibility, and punishment, are vital to preserve the sanctity of law and justice in situations where a majority religious and community action jeopardizes the constitutional guarantees for all Indian citizens.

Arati Choksi
Secretary, PUCL Bangalore ☐

Report

Basangamali (Kashipur) Encounter: Genocide by the State in the Corporate Interest

The so-called encounter in Basangamali Hills in Kashipur block of Raygada Dist. on 9th January 2011 was a clear-cut genocide by the state to serve the corporate interest. To terrorise local adivasis and dalits and suppress their ongoing movements against the large scale displacement by Vedant and Utkal Alumina Company, the so-called encounter was organized by the state in the name of operation Green Hunt against the downtrodden people and their organizers, who are supporting

the peoples' cause, peoples' rights over their livelihood and natural resources as supported by Indian constitution. This is the view shared by the fact finding team organized by Odisha Janabadi Lekhak Sangh, Andhra Pradesh Civil Liberties Committee and Banvashi Surkhshya Parishad, Kandhmal.

After the visiting the nearby villages on the Basangamali hills and the families of murdered persons in the so called encounter and after talking to the villagers we came to know that

in the early morning around six o'clock police force fired from both sides from the top of hills to attack a Maoist cultural team. The killing spot is one kilometer down from the Basangmali village, where the team camped near Somajharan (stream). The police force arrived at the spot through Sikharpai root in the early morning around 6 a.m. At first they threw grenades and then fired nonstop to kill the team without announcing for a surrender or trying to catch them. In this brutal

operation nine members of the team headed by D. Srinivas alias Rabi (Rabi, Umashankar Behera alias Lenju, Kailash, Dikisha, Nirmala Miniaka, Kamala Miniaka, Rinki, Karuna Miniaka. Mamata Sikakka) were killed. From the police side no one was injured or killed. In the circumstances an encounter with Maoists as declared by the police to media is not believable.

As per the information given by the villagers the 'Maoists' reached at Basangmali village on 8th January at around 8 A.M and collected kitchen utensils from the villagers. They camped at Somajaran stream. In the evening they came to village and organized a meeting about the livelihood issues of tribals and the question of displacement caused by proposed mining in Kashipur and Niyamgiri areas by performing revolutionary songs and dances. On the killing spot we found a piece of paper with a song written on it on Niyamgiri to raise their voice against Vedanta Company and Odisha government. The songs revealed their revolutionary political-cultural identity. According to the villagers

these people were working for poor and agitating for the cause of people. They were never engaged in any armed activities. We observed that people were sad as on death of their own kith and kin. We saw the same tears and fire in the eyes of people gathered at Baringa on the occasion of tribal's traditional "Sudhi Kriya" of the four minor girls of the same village organized by Vashundhara Surkhsha Smiti and Praktik Sampada Surkhsha Parishad, who are fighting against the displacement by Uttkal Alumina Company for long. In this genocide on the hills of Basanmali seven tribals from which five minor tribal girls were killed reflects the attitude of the state towards the poorest of poor, the adivasis, who are expressing their dissent on so called development. This type of killing to suppress their right to agitation does not support a healthy democratic system as for the recent comments by the Hon'ble Supreme Court on Maoist leader Azad's fake encounter case that constitutional governed Republic India will not allow to kill its own children. But that has not reflected in our state. After the killing police terrorized villagers on gun

point and threatened to bring the dead bodies of Maoists from killing spot to village. The so-called encounter of Basangmali hill is clearly violating the constitutional and democratic rights of the people.

In this respect the fact-finding demands as follows:

- 1) Register an FIR under Section 302 IPC on the policemen responsible for the fake encounter killing at Kashipur on 9th January 2011.
- 2) Give Rs 25 lakhs compensation to the families of nine persons, who were brutally killed in this fake encounter.
- 3) Withdraw all the Para-military and state police forces from the tribal areas and stop 'Operation Green Hunt'.
- 4) Scrap all the MoUs made with the national and multi-national companies.

Lenin Kumar, *Janabadi Lekhak Sangh*; Narendra Mohanty, Banabasi Surakshya Parishad; A. Annapurna, D. Suresh Kumar, Ch. Chandrasekhar, K. Narayana (APCLC) □

Press Release -January 24, 2011

We condemn all the 'Encounters' which have happened Recently, as in Paikmal, Daitari, Tomka and Kashipur

We (some constituent members of CDRO-PUDR, CRPP, Visthapan Virodhi Jan Bikas Andolan and some independent journalists) after learning from media reports about an 'encounter' near Tangeisuni village, 7 kms away from Tomka, on Tomka-Kaliapani road, visited the place on the 22nd January 2011. Tomka, is nearly 10kms from Duburi in Kalinganagar (of Jajpur district of Orissa.)

We tried to meet the family members of a victim of the said encounter unsuccessfully. But we spoke to her neighbours and other villagers in Baligotha and Chandia in kalinganagar. We could speak to Prafulla Ghadai, the local MLA and Finance Minister. We were unable

to speak to the SP, who was on bed rest. And we had some press release by the police also. We have also seen photographs by a journalist who visited the site early the next morning of the said encounter.

Based on all these, we have been able to draw up the following note with a few questions.

There were five victims in the 'encounter'. One of the victims, most likely the youngest one, was a girl from Baligoth village. We could not meet the villagers who are supposed to be the family members of that victim. They had gone off to work in the fields. But the neighbours unequivocally said, after receiving the information that one of their family

members' body is in the custody of the police, they set off for the police station. But on the way only, the police asked them not to come to the police station as her body has already been cremated.

In fact, the said victim had been missing since the incidents of March 2010. (In March 2010, there was an incident when police entered the villages in Kalinganagar and had lathi-charged and fired on villagers who were resisting the land-grabbing for a road/common corridor. One person namely Laxman Jamuda was killed in the firing by police and his body was not delivered to his family members but was cremated by the police at Puri. At that time many villagers were arrested by the police,

whose whereabouts family members are ignorant about till now. Also many had fled away from the village to avoid confrontation with the police. The local police have been, it seems, specializing in killing adivasis and not giving back the bodies to the relatives in the present dispensation). This incident and other clues at the site of the 'encounter' (as the position of the bodies and the seized arms supposed to have in the possession of the victim, injuries on the back), indicate that people killed in the 'encounter' were not engaged in any kind of exchange of fire, as the police claim. We saw an undergarment at the site, greased with semen. The dresses of a women victim was quite disheveled, unlike in situations of 'encounter'. Was she violated before being shot?

Was it that the victims of the encounter were arrested by the police sometimes back? There are other missing persons also from the villages of Kalinganagar since March 2010. Are they also destined to be killed in 'encounters'?

This raises further questions about

the constitutionally and universally acknowledged 'right to life'. Even if the story of the police is accepted--- it is expected that the police act with prudence and follow procedures to book them under the law instead of annihilating them?

The history of the region witnessed this for the first time. It has happened, according to the local people for the first time and they relate it to increasing violence by the state on the occasion of the coming of the TATA to Kalinganagar. Yes if the history of the place is to be mapped properly, it is quite clear that the police atrocity of 2006, and the forcible entry of the big industrial houses and the concomitant land grabbing from the poor adivasis has been directly related to the first incident of the kind, i.e, the 'encounter' of the 2nd January 2011. The police atrocities on the local populace since 2006, subsequent happenings (reported in news papers) of March 2010, have thoroughly terrorized the people. The goons, supposedly financed by the industrial houses of the region, have harassed the people of the region for many

months now. On top of these, the police and local administration have set one section of people against another (such as pro and anti-industry). And finally, the insensitivity of the local administration (which has been criminally partisan towards the industrial houses) towards the opinion of the local people has only cornered the people and they seem to be fighting to save their lands with their backs to the wall.

Therefore, we feel constrained to hold the entry of the TATAs and other industrial houses into Kalinganagar, which prompts and uses police to grab-land, as responsible for the beginning of a bloodied chapter in the history of Kalinganagar and humanity, proving the old and golden adage, "violence begets violence". We sincerely wish that this chapter does not extend beyond this and ends here only. The other question is regarding the procedures to be followed in what the police claims to be an armed encounter. Have the police followed the manual? If not why?

Bibekand Dash, Pradip Sahu, Deblina Chakroborty, Kamal Nayar, Manjit (CDRO.) □

A.P. PUCL: (1)

Summary of the Symposium on Land Rights and Development in Hyderabad

Civil society groups and concerned citizens in Andhra Pradesh resolved to work towards strengthening land rights in the state with a firm belief that the right to property was pre-requisite of any developmental activity and to achieve economic well being of the society. These groups were participating in a day-long symposium organized in Hyderabad by Liberty Institute, New Delhi, in association with Forum for Free Governance, Hyderabad, on December 26, 2010.

The symposium was held at Hyderabad Study Circle. About 60 participants, representing several civil society groups, rights and social activist attended the meeting. There

were participants from Vishakhapatnam, Guntur, Tirupati and other parts of the state in addition to those from Hyderabad city.

The representatives from Indian Liberal Group, Lok Satta, *People's Union for Civil Liberties (PUCL)* and Jana Chaitanya Vedika took active part in the deliberations. Inaugurating the symposium, former chief justice of Allahabad High Court, Justice A Lakshmana Rao said land is major source of livelihood to over 70 per cent of people in the country. In the absence of proper land records, he said people are facing many problems. He felt ensuring availability of proper records was the first step in the implementation of right to

property.

According to Justice Rao, Indians have sentimental attachment towards owning land. As a result, the poor and marginalized people are refusing to give up their right on land. Farmers were being deprived of their small holdings in a situation where agriculture was considered a dignified honest vocation. Appreciating the efforts of producing International Property Rights Index, for last four years, he suggested formulating India's own index on property rights.

Earlier, former Member of Parliament, Dr Y Shivaji launched 'International Property Rights Index 2010'. It is an annual publication brought out over the past four years,

by the Property Alliance; an International network of civil society organizations spread over 40 countries. The report assess the quality of property rights protection in over 100 countries, and finds that protection of this basic right is critical in shaping the developmental path of the country. There was a general consensus among the participants that adapting the parameters suitably for India, and building a similar index comparing the states would go a long way improving our understanding of the economic, political and social significance of right to property.

Dr Shivaji strongly protested against proposal of introducing contract farming as it would be an agreement among two unequal partners, where corporate houses would dictate terms to the farmers. Dr Shivaji recalled Mr Charan Singh's efforts as Chief Minister of Uttar Pradesh in the 1960s, to consolidate land holdings of farmers by facilitating them to exchange their separate but small parcels of land, he called for such consolidation once again.

Liberty Institute Director Mr Barun Mitra delivering key-note address, explained in detail how from the early days of democracy in Greek cities, more than 2000 years ago, land and property ownership played a significant role in stimulating political participation by a growing number of people. In India however, he said there was perhaps not as strong recognition of the social, economic and political significance of property ownership. Though, India was the only country where property right was recognized as a fundamental right in the Constitution at its inception in 1950, and remained in the book till 1978, Mr Mitra said that property rights were gradually eroded. However, he observed, that over the past five years land has emerged as a critical issue on India's national agenda. And in poor country like India, land is the prime, and often the only form of property that people possessed.

Issues related to land acquisition was discussed in the first technical session. It was presided over by Prof P Narayana Reddy, Head of the Dept. of Business Management at Chaitanya Bharathi Institute of Technology. Dr B Yerram Raju, member of Cooperative Banking experts group in the Government of Andhra Pradesh, participating as resource person he said that over 80 per cent of land holdings are cultivated by tenant farmers, but they do not have any legal status. He expressed serious concern at the trend towards fragmentation of agricultural land, and its impact on food production. He suggested formulating a new system where all the land holdings in a village could be operated by the community, with owners possessing land certificates. Everyone

could then enjoy the benefits of higher agricultural productivity and growth.

In the second technical session, issues related to tribal land rights were discussed. Dr P Sivaramakrishna, Director, SAKTI, a leading NGO in Andhra Pradesh, working for empowerment of tribal population. On the issue of land rights he lamented the failure to teach about land records and land maps at school or colleges, as a result there are very few people who are able to properly read and analyze land related documents. He recounted the need for barefoot land surveyors if ordinary people are to escape the ordeal of India's opaque land laws and records.

Mr Ambrish Mehta, from ARCH of Gujarat, explained the issues related to implementation of tribal land rights under the Forest Rights Act enacted by the Government of India in 2006. He explained how tribal families could map their agricultural land, and the communities identify the village common land, using GPS devices. The villagers could also instinctively understand satellite images of their village, and identify their own land on

the maps. Mr Mehta stressed that people and communities have to play a critical role in mapping their own resources. Greater people's participation would promote awareness and lend legitimacy to the whole process. The process would also help resolve many land related dispute at the local level itself.

At the valedictory, Mr Barun Mitra suggested a follow-up action after this meeting. That include monitoring and documenting instances of land related protests and problems; a campaign on reforming land laws, particularly land acquisition law; developing a property rights index for Indian states, and compiling the best practices, to take up a mass campaign on the lines of "Map Your Land" to encourage people to document their own land, beginning with the tribal land and building a network of partner organizations and citizens to support these efforts, especially helping with creation of a national cadastre with people's participation, thus allowing the creation of a national land registry. Such a broad movement could help build social awareness regarding the need to protect property rights.

There were about half a dozen media representatives, and many of the local English and Telegu newspapers reported the event the next day.

Following the symposium, Mr. Barun Mitra of Liberty Institute, Mr. Ambrish Mehta and Ms Trupti Parekh of ARCH, and Dr. P Sivaramakrishna drove to a few remote tribal villages in the Nagarcoil sub-division of the Mehabubnagar district, about 200 km from Hyderabad city. These villages, inhabited by the people of the Chenchu tribe, one of the poorest communities in the country, were in the periphery of the 10,000 sq km of forest in the Nallamula hills were largely The forested hills also have the Rajiv Gandhi Tiger Reserve, the Srisaillam hydro-electric dam on the Krishna river, and the famous Srisaillam temple.

With the help of Dr Sivaramakrishna,

who is an anthropologist, it was possible to get a glimpse of the affairs of this tribal community. The villagers showed the document granting them title of land under the Forest Rights Act. They had also drawn up schematic maps of relevant locations in their vicinity, such as water bodies, grazing land, farm land, village common land. If these villagers were provided high resolution maps and satellite images, they would be able to accurately and easily identify their private fields, village common land, and sources of other resources such as minor forest produce.

Some of the villagers also recounted their daily woes. Although there is a large water body next to the small village, the motor to pump water had burnt out some months ago. The pump was to fill the newly constructed tank in order to supply piped water to the village. Now the taps have run dry, and the villagers have to again depend on the few hand pumps. They also said that electricity was available for only a few hours a day, as a result, they have to spend on diesel pumps to water their fields. Others mentioned that the village had a primary school, but the teacher came to the school only for a few

days in a month. Despite many such daily problems, the fact that many of the villagers now possessed formal land titles, seem to have given them a sense of identity for the first time in their lives. These villagers seem to have taken their first steps as citizens of India.

This one and half day excursion was an enriching experience, and complemented the discussions at the symposium the previous day. This trip only underscored the urgent need for improving the land title and land record system in India.

Ms. Jaya Vindhya, General Secretary, PUCL Andhra Pradesh □

A.P. PUCL: (2)

PUCL-AP demand immediate release of Dr Binayak Sen

People's Union Civil Liberties (PUCL) Andhra Pradesh unit demanded the immediate release of human rights activist and PUCL national vice president Dr Binayak Sen. At a round table conference it held on January 30, it demanded that Government of India should intervene and ensure his release without waiting for the verdict of Supreme Court. PUCL State General Secretary Smt Jaya Vindhya presided.

Speaking on this occasion, she lamented the intolerant attitude of the central and state governments towards the activities of human rights defenders. She quoted the interim report of United Nation's Special Rapporteur on the situation of Human

Rights Defenders, in which she deplored branding and stigmatization of human rights defenders, labeled as 'naxalites', 'terrorist', 'militants', 'insurgents' or 'anti-nationals'. She lamented that human rights defenders, including journalists, who report on violations by State and non-State actors in areas affected by insurgency are being targeted by both sides.

Mrs Jaya said that PUCL-AP unit will collaborate with other civil liberties and human rights organizations and activists in the state to bring pressure on the government till the release of Dr Binayak Sen.

PUCL-AP Vice Presidents Mr Iqbal Khan, Mr Riazuddin, Joint Secretary

Mr Hanumanth Naik, Treasurer Mr Venkat Reddy and others too spoke.

HRF Demand Dr Sen release

At a joint meeting organized by Human Rights Forum in Hyderabad alongwith other rights organizations on January 30, 2011 demanded release of Dr. Binayak Sen. Representatives of APCLC, OPDR, PUCL and CLMC participated. They demanded to withdraw all false cases foisted against Dr Binayak Sen and Piyush Guha and Narayan Sanyal. Mr S Jeevan Kumar of HRF presided. Environmental activist Mr Sagar Dhara, advocates Mr B Chandra Sekhar, Mr Gorrepati Madhava Rao and PUCL State General Secretary Ms. Jaya Vindhya spoke. □

Surendra Mohan: An Obituary Prem Singh

When he left the world at the age of 84, Surendra Mohan was busy, absolutely engrossed in his work. During the last few years he had fought his indifferent health having even fainted on the dais at a public function in Delhi some years ago. Manju Mohan tried her utmost to make him realize his physical frailty and be mindful of his health issues but he was not the one to listen to her protestations. He did have to be

hospitalized a few times, to draw his attention to his treatment and medication but Surendra Mohan's strong zest for life always pulled him back to active public life. Nothing - bad roads, distances, inclement weather could hold him back from his commitments.

When he was hospitalized on the night of 11th December 2010 before the next-day vital meeting in Mumbai regarding the formation of the

Socialist Party, no one was really surprised to see him reach the meeting venue dot on time at 10 in the morning. He dismissed Manjuji's concerns about his health. His age and health could neither temper the energy he directed to his meetings nor dilute his hunger for reading, information and thought. He was always present at social, cultural and educational events despite his political engagements and struggles.

Very few amongst his generation and also young contemporaries matched his active lifestyle. No wonder he was one of the most sought after presence in public programmes and meetings.

People often start pondering about the last phase of their life after a certain age. Few actually bid adieu to the world in the manner they would really like to. Surendra Mohan was never considered death as a hindrance to ongoing peoples' movements. This was the secret why he did not worry too much about health matters. He wanted to die working in the political arena and that is exactly how it happened. On 16th December he participated in a sit-in *dharna* at Jantar Mantar against judicial corruption and breathed his last the next early morning. Earlier he had gone on a whirlwind tour of various states. Had he lived to see the day of 17th December, he would have been busy attending some programme or the other or meeting visitors and discussing issues with them at home. This is the closest example one gets of a person embracing death on one's own terms. Those who do not bother about and focus instead on their commitments in the here and now, are more anxious about how their efforts will be remembered and taken forward. A person who had spent a lifetime for the poor and downtrodden is concerned how his endeavors will go on when he is no more. One realizes, through experience, how an individual's contribution is either dissipated or drastically morphed after his death. Every thinker and activist has a different perspective of his own contribution when he or she will be no more and is concerned about it in one way or another. Surendra Mohan lived such a life that he will always be remembered as one who fought relentlessly for the cause of the poor and unheard masses against neo-liberalism and was one of its greatest opponents. Surendra Mohan had thus become synonymous with the movement

against neo-liberalism in a positive and realistic manner in the country. Even the neighboring countries were influenced by his efforts and concerned citizens respected his cause. The loud and clear message of his life is that all the forces and groups that stand in opposition to neo-liberalism, should not be viewed as competitors but as associates and colleagues. They should come together in cooperation and work as associates in a similar goal. His comrades included Gandhians on one hand to extreme left leaning activists on the other. He was a constant figure at every platform that espoused the cause of marginalized groups - Dalits, women, tribals, minorities, peasants etc. In his all-encompassing efforts, he virtually expanded and intensified the scope of the socialist idea.

The media did write about his passing away but the reports were usually confined to his achievements in the mainstream political domain. Surendra Mohan's relevance and significance lies in his efforts towards the expansion and intensification of the struggle against neo-liberalism, not in the fact that he played a role in the Janata Party or his role in the times of VP Singh and Devegowda. During the times he was working towards his crusade as an opponent of liberalization is viewed in many journalistic circles as a period of his marginalization in politics, solely because it is not 'newsworthy'. Politicians who succeed in the power game of politics come a dime a dozen. It is sad that the media concentrates on only those who have succeeded or are elbowing their way to seats of power. Why is it that the passing away of Surendra Mohan is not newsworthy to the media for the efforts that he was making without seeking political 'success' and limelight?

The greatest accrual of the JP movement was the rescue and re-establishment of democracy in India. Post emergency, that was the most

important achievement. But that could, nonetheless, have been possible by the coming together of all opposition parties against emergency regime of Indira Gandhi. JP himself realized very soon that Janata Party was an experiment to save democracy. It wasn't meant to benefit the cause of socialism in any way and it did not. Had the socialist leaders of the times dug in their feet on this point, JP might have had to retract his 'dictate' of merging the Socialist Party in the newly formed Janata Party. In this context I would like to underline the fact that the entire politics of social justice espoused by the various fragments of 'Janata Parivar' is only incidental and remote in its connection to the revolutionary content of the socialist philosophy and transformative politics of Dr Ram Manohar Lohia.

Despite the fact that Surendra Mohan often enumerated the positive fallout of the Janata Party and the resultant politics of social justice in its wake, the fact cannot be brushed aside that the merger of Socialist Party with Janata Party rang in the demise of the socialist movement in the country. The ease with which the country sashayed into the arms of neo-liberalism is due to the absence of the Socialist Party on the political landscape. The damage could have been controlled to some extent if the founders of Samajwadi Jan Parishad (SJP) like Kishan Patnaik, Bhai Vaidya, Pannalal Surana and Vinod Prasad Singh along with the leader of Samajwadi Janata Party, Chandrasekhar and leader of Janta Dal (Secular), Surendra Mohan had come together in some sort of an understanding. Surendra Mohan did encouraged new political workers to join the Samajwadi Jan Parishad after its formation in 1995 to strengthen the socialist movement but unfortunately no real efforts for understanding or co-operation could emerge between the leading lights of the day.

Surendra Mohan would say that he

and some others tried to revive the Socialist Party in 1979 but it didn't find many takers. In the last 2 or 3 decades there has been talk of rebuilding unity amongst the socialists but it has not come to pass in reality. It leaves serious doubts, therefore, that the revival and reorganization of the Socialist Party of 1948 in Hyderabad on 17th May 2011 will be any more successful than the earlier attempts. The revival of Socialist Party, which is often mentioned as the culmination of Surendra Mohan's dream, is a challenging and difficult aim. Surendra Mohan knew this and was not in a hurry to step on the gas. Just as it is not possible to strengthen the socialist movement by the 'socialists' who hobnob with neo-liberal and communalist forces, the formation of one more outfit in presence of several, will not result in any forward movement. The best way, initially, would be to simply learn to work and co-operate together for some time.

It is necessary to mention that Surendra Mohan's significance attains different hues for certain people. The so called socialists who sided with or joined BJP and Congress and helped promote neo-liberalism as well as communalism and several NGOites find a good camouflage in Surendra Mohan's

association, even if by remote connections of history. They are happy to live in the reflected glory of his association, howsoever distant. They will, in all probability, continue to reap this benefit even after his death. Surendra Mohan never rejected their advances. His belief in the goodness of man and possibilities of change was inexhaustible. Hopefully such people will not break his faith when he is no more.

Surendra Mohan was a prolific writer and wrote extensively in both Hindi and English newspapers and magazines. Two of his recent books are - 'Vartmaan Rajniti Ki Jwalant Chunotiyani' (Burning Challenges of Contemporary Politics) and 'Dr Ram Manohar Lohia Ki Neetiyani' (Policies of Dr Ram Manohar Lohia). He was the editor of the English weekly 'Janata'. His editorials in this journal, launched in 1946 by socialist stalwarts, have immense archival value. He excelled in editorial work and his knowledge was immense with a memory to match. He was a busy political activist but his involvement did not prevent him from extensive reading. On his 75th birthday, the committee formed to organize the celebrations had planned to release his articles in book form. Two days before the function, he called me up to enquire

if it was at all possible for a booklet to be produced for the program, given the short notice. My colleague Harimohan Mishra and I spent two nights at the press, gathered together his articles and brought out a booklet titled 'Samajwad: Ateet, Vartmaan Aur Bhavishya' (Socialism: Past, Present and Future). Sometime later I planned two other books of his writings - 'Samajwad Dharmnirpekshita Aur Samajik Nyay' (Socialism, Secularism and Social Justice) and 'Vikas Ka Rasta' (Path of Development).

Surendra Mohan was an open-minded person. Ever since I started working with him, I have not known him to be adverse to criticism or difference of opinion. It was a pleasure to work with him and we often shared many a humorous moments. Surendra ji is no more - it is going to hurt for some time. However, his inspiration will nudge us on and things will go on, hopefully in the way he would have wanted them to. It is the responsibility of all those who knew and respected him to pledge to work in this direction and ensure that the torch of his life's mission continues to burn and show us a lighted path. We salute our comrade.

(Dr Prem Singh teaches Hindi in Delhi University and was a fellow at the Indian Institute of Advanced Study, Shimla. He is closely associated with socialist philosophy and movement.) □

Dumka PUCL:

Condolence Message on Surendra Mohan's Demise

PUCL Dumka unit organized a condolence meeting in the memory of famous socialist leader Surendra Mohan who died on 17 December 2010. The meeting observed two minutes silence to pay respects to the departed leader.

Arvind Verma, General Secretary, PUCL Dumka, said that Surendra Mohanji was a soft-spoken dedicated political, social and human rights activist. He was an important founding member of the PUCL along with Jayaprakash Narayan. He was also a critic, writer and dedicated journalist. He was born on December

4, 1926 at Ambala city. At the time of his death he was 84 years old.

Surendra Mohan has been a close associate of former Prime Ministers including Morarji Desai, Chandra Shekhar, Vishvanath Pratap Singh, Inder Kumar Gujral and Devegowda and also worked closely with (Justice) VM Tarkunde, (Justice) Rajindar Sachar, Shanti Bhushan, former Union Law Minister and well-known journalist and former Rajya Sabha member Kuldip Nayar. Surendra Mohan was also a Rajya Sabha Member from 1977 to 1984. We still remember how he appreciated the

working of the Dumka PUCL unit during his interaction with us when we last met him in November 2009 at Jharkhand Vidhan Sabha Assembly hall at the time of the National Council meeting and National Convention of the PUCL.

Other speakers who paid their tributes to him were PUCL Dumka President Fr. Solomon, Raj Kishore Prasad, Shailendra Sinha, Pravir Chaudhery, Achal Kumar Verma, Vishwanath Prasad Yadav, Avinash Shirma and Suresh Das.

Arvind Verma, General Secretary, Dumka PUCL □

Letter - 1 December 2010

(Given below is the English translation of the letter addressed to the members of the National Executive, PUCL written in Hindi by Seema Azad, Organising Secretary, PUCL, UP from jail where she is detained on charges of sedition. -Translation by Mahi Pal Singh, Secretary, PUCL).

Respected members of the National Executive, PUCL,

Through the incident of the registration of a case against Arundhati Roy I wish to draw your attention towards the serious attack on democracy in our country in which intervention of our organisation is a must. Registering a case of sedition and waging a war against the Indian State under several sections of the IPC for their remarks in a seminar on Kashmir held at New Delhi against Arundhati Roy and others who participated in that seminar is a direct attack on the right to freedom of speech and expression.

On every controversial matter there

are bound to be two opinions and on such national and international issues there is bound to be an opinion with which the government may not agree. In our country where there are hundreds of issues on which the opinion of the government is different from the opinion of the people, intellectuals and social activists, will the government impose a ban every differing opinion? This is a very dangerous situation. In connection with the right to freedom of expression the great philosopher Voltaire had made the famous remark: "I do not agree with what you have to say, but I'll defend to the death your right to say it." In fact every democratic society should have the magnanimity to say this. But in our democracy this high culture has completely disappeared. That is the reason why an unknown number of social activists have become victims of governmental persecution. Arundhati Roy has been

the target of the government for a long time because she has been a strong and vocal critic of various anti-people policies of the government. But this time even the judiciary has come into collusion with the government in this attack on the freedom of expression.

As a human rights and civil liberties organization we should oppose this incident. The organization should issue statements denouncing this and also write a joint letter along with other human rights organizations to the President demanding withdrawal of the FIR against Arundhati Roy and others immediately. Along with this we should also organize seminars and workshops on the freedom of expression at different places so that the people can raise their voices against this attack on this democratic and constitutional right.

Sd/-

Seema Azad, Organising Secretary, UP State Branch, PUCL ☐

Protest Seminar against the Arrest of Seema Azad

On the first anniversary of Seema Azad's arrest in UP on charges of running a den for Maoists, PUCL Uttar Pradesh and several other organisations held a protest seminar against brutal and repressive laws prevailing in the country at Lucknow, on 11th February 2011. Many prominent Journalists, Lawyers, Academics and Civil Liberties Activists addressed the seminar. – **Chitaranjan Singh**, Secretary, PUCL National. ☐

West Bengal: (1)

Street Corners by the PUCL West Bengal

This is to inform that PUCL (West Bengal) held street corners in different parts of Kolkata and West Bengal condemning the judgment of life imprisonment of Dr Binayak Sen. On 31.12.2010 at Hazra Crossing, South Kolkata & on 06.01.2011 at Moulali Ananda Palit Road, PUCL organised street corners where eminent personalities were present. Another street corner at Haltu, South Kolkata will be held on 12.01.2011. Advocate Ajay Dutta, Samarjit Banerjee, Amlan Bhattacharjee, Dilip Roy, AB Chowdhury, Sajal Basu, Ananda Mukherjee, Convener, PUCL West Bengal delivered their speech. Ananda Mukherjee raised eyebrows about the recent trends of lower judiciary. He said, keeping

utmost faith and respect upon judiciary, we are sorry to say that the judgment delivered in the Binayak Sen's case, is not just and also arbitrary. If judiciary behaves as a tool of the Government rather than a symbol of justice, where will the common people go? He questioned. He also said that journalism has become an art of not to write anything in Chhattisgarh citing the case of courageous Journalist Kamlesh Penkra of Bijapur. The West Bengal Government is also following the same footstep of Raman Singh Government. by implementing amended UAPA in this state. Ajay Dutta said, we are fortunate enough that from beginning, PUCL is the association of great jurists and legal

personalities of India including KG Kannabiran, VM Tarkunde and Rajindar Sachar who raise their voices in every crucial time of Indian democracy. Sajal Basu said the judiciary is not above law. The recent controversy shows how the ex-chief justice of India was allegedly involved in the corruption cases, who is also the head of the NHRC. The common people of India are watching all this, Basu said.

The PUCL West Bengal demanded un-conditional release of Dr Binayak Sen and also abolishment of all black laws including UAPA, AFSPA & Chhattisgarh Special Security Act. - Ananda Mukherjee
Convener, West Bengal PUCL ☐

Stop Violence and Murder Politics

On 07.01.2011, the incident of murder of at least 7 persons at Netai Village, Lalgah, West Midnapore is very much shocking. The convener of 'People Union for Civil Liberties' West Bengal unit, advocate Ananda Mukhopadhyay strongly condemned the heinous acts of the so called 'Harmads' backed by the ruling party. The law and order situation has broken down in West Bengal.

Peoples are not safe, specially the women and children are living in a worst condition. At least 18 people including women got bullet injury. Another 50 persons are also in a very serious condition. Police inaction is a common thing. PUCL West Bengal demands immediate shut down of all the camps running in Jungle Mahal area of West Bengal and urged the State Government to

seize all illegal arms available throughout the state, immediately. PUCL also demanded the resignation of the Home Minister of West Bengal for failure to protect the life and property of the citizen of this state and immediate arrest of all criminals involved into this incident. PUCL also seeks judicial investigation into this matter. - Ananda Mukherjee, Convener, PUCL West Bengal □

Fact-Finding Report on a Case of Police Harassment to An Educational Institution

St. Aloysius College, a 125-year old premier educational institution of Mangalore, is run by the Jesuit priests who belong to the Christian minority group. The college has been regularly conducting a 'Musical Evening' program for its students for the past over 10 years. This event, organized within its own campus limits, has not faced any sort of problems so far. However this year's musical festival held on 23rd December 2010, was suddenly disrupted. By a posse of policemen from the Bunder station. They entered the college campus without any warrant and started abusing the staff as well as the students in the filthiest language possible. As reported by a daily newspaper the police party was led by sub-inspector Mr Manjunath who demanded that "the educational institution must seek police permission to conduct their programs"

According to one of the professors who was present there and was witness to the entire incident, "the policemen simply rushed into the campus and came directly to the place where the musical event was being held. They snatched the students' cameras and ordered that the musical program be stopped." "The arrival of police force in the campus triggered a lot of panic among the boys and girl students" he added.

Fr. Swibert DSilva, the principal of the college demanded to know "how could the police enter the campus

without any provocation or law and order problem and then abuse my staff and students?"

The policemen did not leave the campus until they were confronted by the campus minister who threatened that he would report the matter to the higher authorities. The police then vacated the premises and the "Musical Evening" program was resumed soon thereafter.

The entire incident was followed by several discussions in social networking forums in the evening that quoted the students of the college complaining that the police misused their authority. Some journalism students also complained that the police had seized their cameras.

Observations of the PUCL fact-finding team

- The Bunder police team was neither able to justify its presence nor produce a warrant when demanded by the college authorities. Therefore this is a clear case of trespassing by the police on the private property of a minority-run educational institution. There are strong grounds to believe that it was an act of mischief done with an intent to cause harassment.
- The sub-inspector of Bunder police station exceeded his brief and acted arbitrarily without consulting his superiors.
- It is also very obvious that this particular sub-inspector who callously quoted to the media that

"the institution must seek police permission to conduct their program" is not aware of the limits of his jurisdiction.

- We feel that the Bunder police wanted to aggravate the situation. Using foul words they tried to provoke and incite the staff and students to violence.
- The Bunder police team led by sub-inspector Manjunath used its position, power and authority to instill fear among the students and staff.
- We believe that the Bunder police team was trying to seek the attention of the higher officials and also gain some personal publicity.
- The people of Mangalore are just beginning to appreciate the functioning of the new commissionerate system. However, such isolated activities as the one by the Bunder police station, lowers the credibility of other police stations in Dakshina Kannada as well.
- Further it also raises doubts if the new commissionerate system would be able to effectively handle its own internal practices and discipline the police force.
- PUCL has not received any communication so far whether an internal enquiry has been ordered by the Dakshina Kannada police in this matter.

Suresh Bhat and Harsha Raj Gatty of PUCL, Mangalore. □

Human Rights Janjagan Meeting in Bindtoli

Begusarai PUCL organized a human rights Janjagan meeting on December 19, 2010 at Middle school Jayantigram Bindtoli village of Sahebpurkamal Block in Begusarai. The meeting was inaugurated by Bihar PUCL general secretary and Editor of Manwadhikar Patrika Mr. Ramashray Prasad Singh.

Addressing the meeting Mr Singh described PUCL work in detail. He spoke about evolution of human rights in the world and present situation of them. The Chief guest of the meeting, member of Bihar Human Rights Commission

honorable Justice Rajendra Prasad said that human rights establish boundaries between individuals, society and the state. The assertion of a human right is a claim on protection from threats from people, groups or public authorities.

Addressing the gathering of public Justice Prasad said an intellectual crime is more dangerous than the whole crime of a city. He stressed importance of human rights in family first. Others who addressed the meeting were Journalist Devashish Bosh (Madhepura), General Secretary of Samastipur Permanand

Labh, Bindeswari Sharma, advocate Prabhaker Maharaj, virendra sahu, Gauri Shankar Gupta, Kedar Bharti, Pursotham Sah, Sanjay kumar, Shakuntala Devi, Murli Prasad, Mukhiya Uday Kumar and Kishore chand Bharti . The meeting was presided by Advocate Kailash Nath Sharma. More than five hundred people, including about of them women, attended the meeting. A two minutes silence was observed in the memory of Sh. Surendra Mohan.

Niraj Kumar, Sub-Editor- Manwadhikar Patrika & PUCL Activist ☐

Organisational Queries

We receive from time to time queries/requests from new members regarding the PUCL identity card and also regarding the privileges of the Life members and Patron members as compared to Annual members.

The three types of membership, i.e., Yearly, Life, and Patron, do not represent a hierarchy of membership. All members are equal. Life membership and Patron membership simply afford an opportunity to those who desire to contribute some extra money to the PUCL to strengthen its financial position. No membership carries any privilege. All members shoulder the burden of fulfilling the aims and objects of the PUCL. The PUCL does not issue any identity cards to its members as they are not supposed to take initiative independently.

- **Pushkar Raj**, General Secretary ☐

MASUM Condemns Binayak Sen Conviction

Banglar Manabdhikar Suraksha Mancha (MASUM) strongly condemns the judicial verdict of rigorous life imprisonment against Dr Binayak Sen. By this act Indian state and its machineries again prove their scant respect for humanitarian laws and its international obligations for the same. Binayak's conviction challenged the judiciary and its related components, such as, investigation, prosecution and justice delivery system in India.

All the governments, both the central and states are trying to make the land as a "police state". If Judiciary acts not judiciously then the faith of the commoners, in general and law abiding Human Rights groups, in specific, on judiciary will definitely shrink in coming days. Now it became clearer that Indian judiciary being loosing its so called

independent identity and existence. Conviction of Binayak Sen is giving a clarion call to all HR groups, individuals, academics and true patriots for greater solidarity against challenges posed by the Indian state. Lastly, we hope our movements will win the battle and Binayak with other HRDs will be free from the manipulated and concocted charges framed by the STATE against them. Few critical Observations on given verdict:-

- ☐ One Deepak Choubey' in his testimony stated that he accepted Narayan Sanyal as a tenant in his house on the recommendation of Dr Binayak Sen some time before Narayan Sanyal's arrest.
- ☐ The Judge has ignored the fact that Deepak Choubey did not own the house but acted on behalf of

his brother in law. Though, Choubey was not the owner of the said house but police recorded his statement as house owner.

- ☐ As mentioned in the judgment that Dr Binayak Sen met Maoist Leader Mr Narayan Sanyal for 33 times in 18 months, but it was not mentioned that each and every meeting had prior permission from Prison authority. Even not single prison personnel have been examined by the judge during the trial.
- ☐ The judge has unquestioningly accepted the version of the police on the basis of the supposed testimony of the seizure witness Anil Singh, ignoring the objections of Pijush Guha and co-accused Binayak Sen to the effect that the seizure witness had claimed to overhear a

conversation between Guha and the police in a situation where the police had Guha in their custody, and any statement made by Guha to the police in a custodial situation is inadmissible as evidence under the Indian Evidence Act, 1872. It should not be forgotten that the seizure witness Anil Singh did not

accompany the police when they came to apprehend and search Guha, but was supposedly a passerby, who was stopped by the police when Guha was already in their custody. Any statement made before a police official by an accused/ witness under police custody is not admissible according to section

162 of Criminal Procedure Code and the judge shown his sheer disapproval for the same.

- The judge not paid any heed to Mr Pijush Guha's plea and kept mum on his illegal detention and custodial torture for four days. The judicial act was only to shield the perpetrator police.

MASUM Team - Kirity Roy □

Chhattisgarh PUCL:

Impressive Rally and Public Meeting In Raipur on 30th January Nationwide Protest Day

Despite the fascist propaganda and repression in the State of Chhattisgarh nearly a thousand workers, peasants, students and intellectuals - half of them women, marched from Raipur Railway Station to Budha Talab on 30th January Shaheed Divas to demand Release Dr. Binayak sen, kartam joga, koparam kunjam and thousands of other human rights defenders unjustly incarcerated! Repeal the colonial provision of 124a (sedition) and the chhattisgarh special public security act which make every dissent a crime! Defend the rights of people to oppose the loot of "Jal, Jangal, Jameen"!

in a programme jointly organised by the CPI, CPI(ML), Chhattisgarh Mukti Morcha, CPI(ML) Liberation, Gondwana Gantantra Party, CMM (Mazdoor Karyakarta Samiti), Nadi Ghati Morcha, Chhattisgarh Visthapan Virodhi Manch, Ekta Parishad, Chhattisgarh Bachao Andolan, Chhattisgarh PUCL and many others.

The public meeting was presided over by Shri Hira Singh Markam, the respected elder of Gondwana Gantantra Party and addressed among others by Shri Balchandra Khushwaha (Gandhian intellectual), Com Soura Yadav (CPI(ML)), Ms Bela Bhatia (Researcher), Com

Manish Kunjam (Adivasi Mahasabha), Com Rajaram (CPI(ML) Liberation), Ms Sudha Bharadwaj (Chhattisgarh Visthapan Virodhi Manch), Shri Gautam Bandhopadhyay (Nadi Ghati Morcha), Dr Shaibal Jana (Shaheed Hospital), Com CR Bakshi (CPI), Shri Salimuddin (Ekta Parishad), Shri Rajendra Sail (ex President Chhattisgarh PUCL), and Com Janaklal Thakur (Chhattisgarh Mukti Morcha). Smt Bhagwanti Bai Banjare, Shri Kaladas Dehariya and Smt Budhan Meshram added colour to the meeting by their singing songs of struggle.

Sudha Bharadwaj, General Secretary, Chhattisgarh PUCL □

Rajasthan PUCL:

Jaipur Gathering Courts Arrest Demanding Release of Dr Binayak Sen And Scrapping Law On Sedition

More than two hundred and fifty people courted arrest in Jaipur on Martyrs day, the 30th of January, demanding the release of Dr. Binayak Sen, scrapping the law on sedition and asserting the right to dissent. Shouting slogans "Hum Sab Binayak Sen, Hum Sab Jail Jayenge, Agar Sach Kahna Rajdroh Hai Toh Samjho Hum Bhi Rajdrohi Hain", the arrests were led by eminent activist Aruna Roy of the Mazdoor Kisan Shakti Sangathan, Dr. Pawan Surana, Ex-Chairperson of the State Women's Commission, Gandhian Sawai Singh, Dalit leader Tek Chand Rahul, Farmers leader from Ganganagar

Mani Ram Punia, Doctors - Alka Rao, Narendra Gupta, Mita Singh, Prem Krishan Sharma, PUCL, President among the hundreds of women's groups rep, trade unionist, students, workers, Gandhians etc who were present. The rally followed the public meeting held at Gandhi Circle today. A memorandum demanding Dr. Sen's release and scrapping of the sedition law was handed over to the ADM Ram Avatar Meena, The programme began with a two minute silence and writer P.C Gandhi read out the statement of Mahatma Gandhi made before the judge on March 23rd 1922 on sedition, an

excerpt is given here "Section 124-A, under which I am happily charged, is perhaps the prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizens. Affection cannot be manufactured or regulated by law. If one has disaffection for a person or system, one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote or incite to violence". This began the debate on scrapping sedition.

Speaking on the occasion Magsaysay winner Aruna Roy said that Dr. Binayak Sen's imprisonment

reminded one of the fascist ways of the Nazis where all dissent was denied and people started living in fear. Quoting from Pastor Nimoler she said that if we do not reject this illegal judgement in the Binayak Sen case and stand up for him then we will only strengthen the Indian State which increasingly was silencing all criticism.

Former Judge of the Rajasthan High Court Justice Panna Chand Jain spoke at length on how sedition had no place in the Indian democratic system if Article 19 of the Indian constitution had to be survive and like the present day British Constitution it should be scrapped. Senior Counsel of the Supreme Court SR Bajwa analysed the judgement in the Binayak Sen case and showed how there was no evidence to convict Binayak Sen. He hoped that Higher judiciary would correct the wrong meted out to Dr

Sen by the Raipur Sessions court. Former SEBI Chief and President of the Bhagwan Mahavir Viklang Sahayta Samiti Sh. D. R Mehta informed the gathering that to help bring Peace in the land mine ridden and violence affected Dantewada, he had written to all parties to the conflict including the Central and State Governments and local Tribal leadership that he would like to hold camps in the region to provide the maimed victims of this ongoing conflict with the Jaipur foot and calipers. He was vociferous in his condemnation of the imprisonment Binayak Sen and also demanded his release.

Prem Krishan Sharma concluded the meeting by stating that we had to determinedly fight for Binayak release and all the thousands of Binayak's who are in prison in the name of Maoism and Terrorism in the various States of Chhattisgarh, Jharkhand, Orissa, Gujarat, AP,

Maharashtra, Rajasthan. The meeting was conducted by Sawai Singh, President of the Rajasthan Samgra Sewa Sangh.

We are, Prem Krishna Shrama, President PUCL Rajasthan; Dr. Narendra Gupta & Chhaya (Prayas and Jan Swasthya Abhiyan), Hitendra Upadhyay (Sambhav), Prof Salim (Jamait Islami Hind), P.L Mimroth (Centre for Dalit Rights), Sawai Singh (Samgra Sewa Kendra), Prem Ranjan (Action-Aid), Nishat Hussein (National Muslim Welfare Society), Nisha Sidhu (NFIW), Mewa Bharti (Rajasthan Gheralu Kamgaar Union), Kailash Chand Kumbhakar (Academy for Social Sciences), Komal Srivastava (Bharat Gyan Vigyan Samiti), Rashid (Human Development Society), Prof Hasan (IRADA), Shiv Singh (Allaripu), Rajaram Bhadu (Samantar), Vijay Goyal (SIRD), Chaju Ram Jat (Rozi Roti Adhikar Samuh, Phagi), Minakshi (Pravah). □

Mr. Chaman Lal, IPS (Retd.) Receives the 6th Nani A. Palkhivala Award

Mr. Chaman Lal, IPS (Retd.) and former Special Rapporteur, National Human Rights Commission has been honoured with the 6th Nani A. Palkhivala Civil Liberties Award. Such police officers are rare in our country who have been concerned about the protection of civil liberties of the people. During his tenure in the NHRC he earned the respect of all human rights activists for his exemplary work.

He has been associated with the PUCL for several years.

PUCL family congratulates him for the honour conferred on him. □

Gujarat PUCL:

Harassment to the Human Rights Activist, Lawyers and Media Persons PUCL Delegation Meets the Governor Memorandum

To,
Her Excellency,
Smt. Kamlaji,
Governor of Gujarat, Raj Bhavan,
Gandhinagar

Subject: Attempt to intimidate witnesses towards derailing trials connected with carnage of 2002 and harassing Human Rights Activists, lawyers and media persons

Respected Madam,

We, the concerned citizens of Gujarat, want to bring to the notice of your Excellency harassment suffered by the human rights

activists, lawyers and media persons seeking justice for the victims of the carnage of 2002.

We notice that one by one witnesses are manipulated by intimidation, coercion, bribes and such other heinous means which is manifest in Zaheera (Best Bakery Case, Vadodara) or Rais Khan (Panderwada-Lunawada case) turning hostile. We understand that human rights activist Ms. Teesta Setalvad, advocates like Mr. Sahil Tirmizi, Mr. Mukul Sinha, Mr. Amrisha Patel, Mr. S.H. Iyer, Mr. Shamshad

Pathan and journalist Rahul Singh of Sahara Channel face threats to their lives. As we all are aware Ms. Teesta Setalvad through her NGO, CJP, and advocate Mr. Tirmizi with the help of the kin of the victims could get the High Court's order in 2006 and that of the Supreme Court in 2008 respectively for dignified burial of the mortal remains of the massacred victims. Through these efforts decent burial was provided.

Moreover, through these legal battles, the activists and advocates have been hindered by the disturbing

nexus of the State's police, the administration and politicians. Whistle blowers and defenders of human rights are persecuted. Gujarat Government's malafide allegations seem to aim at derailing the course of justice and come at a time when the apex court is poised to hear a complaint of conspiracy to commit mass murder, subversion of justice and destruction of evidence. We see this as Gujarat Government's ploy

to influence the courts before its imminent judgment in the cases pertaining to the carnage of 2002. Under these circumstances We demand the following:

1. Police act independently of politicians.
2. Witnesses be given proper Protection.
3. The activists, whistle blowers and the lawyers must have freedom to

work without any intimidation and coercion.

Thanking you,
yours,

Gautam Thaker, General Secretary, PUCL Gujarat; **Prakash N. Shah**, Editor, *Nirikshak*; **Ila Pathak**, AWAG; Manishi Jani, Lok Adhikar Sangh; Minaxi Joshi, All India Mahila Sanskrutik Sangathan.

7 February 2011 ☐

Prof. H. B. Mehndiratta Passes Away

Prof Har Bhagwan Mehndiratta, breathed his last on February 10, 2011 morning at the age of 64 years. He died of a cardiac attack in New Delhi after a brief illness. He was a retired English Professor from Dayal Singh College, Delhi.

In Prof. H.B. Mehndiratta's sad demise, the PUCL has lost a regular donor.

The whole PUCL family pays its tributes to the memory of H.B. Mehndiratta.

PUCL family ☐

Brief Reports on the Recent 'Encounter Killings' in Orissa

Beginning with the last week of December 2010, there has been a series of 'encounters', in which over twenty five people, allegedly Maoists, have been killed in Orissa. Except a few, the victims were Adivasis, 10 of them women including one minor girl. During the same period the Maoists too have killed three people in three separate incidents. In another gruesome act a woman and her four-year-old son were killed. In this case, the police blamed the Maoists and the Maoists blamed the police for the act.

It needs to be noted that some of the areas, where these 'encounters' took place, have also been the scene of resistance struggles against mining and displacement. In two of these areas - Kashipur and Kalinganagar - police had earlier resorted to firing upon the struggling adivasis in 2000 and 2006 respectively in which 17 people (3 in Kashipur and 14 in Kalinganagar) were killed and many more injured.

This following note is based on media reports. Only in case of one incident i.e., the Paikmal 'encounter', a PUCL fact-finding has been done and a separate report will be published soon on this.

The first 'encounter' of the series, in which two alleged 'maoists' were killed, took place on 27 December in the Gandhamardan hills of Bargarh district. A PUCL fact-finding into this incident has been done and based on the findings we have reasons to believe that it was a 'fake encounter'. The second encounter of the series took place on 29 December in Telkoi area of Keonjhar district. The local media reported killing of two Maoists but showed the body of only one woman. The media also reported that 10 Maoists were injured in this firing. The third encounter took place on 1 January in a forest area near Tamka in Jajpur district. Five people including four women and one minor girl were killed. Of the five, only the minor girl was said to have been identified by a villager. She belonged to Baligotha - the village which comes under proposed TATA steel plant is Kalinganagar area and which has been the scene of police firing in 2006 when 14 Adivasis and one police constable were killed. There was also police repression in the same village and the neighbouring Chandia village in May 2010 and one person was killed and many were injured in police firing. Other four

people killed were said to be from the local area but none of the family members, including that of the minor girl, came to claim any of the bodies. The fourth round of encounter took place on 9 January 2011 in the Kashipur area of Rayagada district in which nine people including five women were killed. All the women killed were Adivasis and about 20 years old. As noted above, in this area the local community relentlessly fought for many years against an alumina company and had lost three lives in police firing. The area is also known for recurrence of cholera and starvation. Only a few months ago, over a hundred people had died in Kashipur and adjacent Blocks due to cholera. The fifth in the series took place on 12 January 2011 and two men were killed. Both were adivasis and one of them belonged to Baligotha village of Kalinganagar area. The sixth and seventh encounters took place in Sundargarh district on 8th and 11th February respectively. While one Maoist was killed on the 8th, three Maoists were killed on the 9th. One person who was seriously injured in the firing of 8th, reportedly died later.

Apart from the killings, there are reports about the 'surrenders' and arrests of Maoists and many of them are women including minor girls. The issue of 'surrendered women/girls' is a cause of concern. The sad case of Kandri Lohar is an example.

Kandri Lohar was a young tribal woman, who had joined the Maoists at one time and then 'surrendered' before the police in 2006. The police had promised her that she would be rehabilitated after her surrender. Although Kandri Lohar surrendered in 2006, she was appointed as a home guard only in 2009. Apparently, the police also arranged and solemnized her marriage with a man named Sankar Barua but he died last year.

Kandri Lohar and four-year-old son were found murdered on 12 February 2011. The newspapers reported, quoting police sources, that the two were murdered by the Maoists as they suspected Kandri Lohar was helping police. A day after, a section of the media reported that a senior maoist leader, Samarjit, had denied any involvement of Maoists in the killings of Kandri and her son. The Maoist leader accused the police for the killing saying that although the police had employed Kandri Lohari as a home guard she was not in their good book.

It needs to be noted that Kandri and her son were killed in the night of 11 February. In the afternoon of 11th itself, the Rourkela police had killed

3 Maoists in an 'encounter'. And on the next day of Kandri's murder, the police arrested three Maoists, including one Aditya Baruah, who is said to be a central committee member of the CPI (Maoist). It has been reported that one of the Maoists killed on the 11th was in touch with Kandri and perhaps police was using her to track the movements of the Maoists. One newspaper reported that Kandri Lohar was apparently tortured before being killed. But no further information is available on this aspect.

Whoever might be behind the killing, the fate of Kandri Lohar and her son is a pointer to the dangerous risks the 'surrendered' women face.

List of people killed in the recent encounters

Date of encounter	Place	Peoples killed	Name of Victims	Male/ Female	Social group	Remarks
27.12.10	Borasambar forest area in Paikmal Block	2	1. Madhab Singh Thakur 2. Ramesh Sahu	Male		
29.12.10		2		Female	Adivasis	
1.1.11	Tomka area in Jajpur district	5	Bobby, Savitri, Sujata, Jonga Dhiren	4 female including one minor girl and 1 male	Adivasis	None of the bodies has been claimed by family members. Police claimed one body had been identified by villagers.
9.1.11	Kashipur	9		5 female 4 male	Adivasis + others	Four bodies unclaimed
12.1.11	Keonjhar	2	Both male	Adivasis		
8.2.11	Sundargarh	2	1. Sameer Xalxo 2. Ahama Kerketta	Both Male	Adivasi	
11.2.11	Sundargarh	3	1. Md. Muslim 2. Nepal Bhumij 3. Susant Mahato	Male		
Total		25				

Ms. Pramodini Pradhan, Convenor, PUCL Orissa ☐

The Losing Battle Against Corruption

R.K. Raghavan

There are very few people in India who believe that New Delhi, as it is presently organised, is either capable or willing to go the whole distance to bring to book those who are suspected of having committed irregularities in handling state funds. This has particular reference to the scams related to the 2G spectrum and the conduct of the Commonwealth Games. The much-talked-about action plan to tackle corruption on a war footing appears to be a non-starter, going by the fact that there has not been even a whisper about it over the last few days. Even if such a plan is to be grudgingly unveiled soon, it could at best be old wine in a new bottle.

Two officials handpicked by the UPA government are under the scanner. They are the Chairman of the National Human Rights Commission (NHRC) and the Central Vigilance Commissioner (CVC). There are no direct allegations against the former. But his close relatives are being investigated. Such a probe will first have to prove that they acquired assets in a wrongful manner, and which they cannot account for. Only then can the allegations be taken forward to probe whether their proximity to the NHRC Chairman when he was the Chief Justice of India gave them any advantage in the matter, as has been alleged.

This will be a long-drawn-out process. There is everything in the procedure established by law and convention that can halt swift cognisance being taken of judicial corruption. This fact spells unmitigated danger to the whole polity. You could imagine how a lowly official in the bureaucracy would feel about this travesty. Actually he would be able to rationalise any corrupt

conduct thus: if people in high places could indulge in large-scale corruption and get away with it, why could he not emulate them, hoping that he would not get caught either?

Was it not the former CVC, N. Vittal, who said that corruption in India was a low-risk and high-profit activity? How appropriate are those words in the context of the alarming decline in India's public life, where good people shun public office and the rapacious ones swarm around it with great relish!

Another official who is in deep trouble is the present CVC. By all accounts P.J. Thomas was a distinguished civil servant with a good record of service once upon a time - at least till he was made Telecommunications Secretary under Minister A. Raja. He was a candidate with some merit when he was considered for the CVC's position.

But he had two problems. It was widely alleged that while filing an affidavit before the court when the issue became contentious, he had deliberately justified whatever Mr. Raja did in the matter of allotting spectrum. Despite the fact that the allotment took place before Mr. Thomas became Secretary to the Ministry, there was a feeling that he took little note of the wrongful actions and even justified them. The allegation, therefore, is that he was made CVC only to whitewash the monumental scandal. Then there was the palmolein import case in Kerala in which he was cited as an accused.

So, when his name was proposed, surprisingly, by the government for the CVC's job, the BJP smelled a rat and opposed the move tooth and nail. The Leader of the Opposition, Sushma Swaraj, refused to endorse

the choice but, strangely, the government went ahead with the appointment, even ignoring the fact that Mr. Thomas was facing a criminal trial in Kerala.

Now Mr. Thomas is an albatross around the government's neck. There is speculation over why he is sticking on to his post even after the subsequent development of his trial in the palmolein import case being cleared by the Supreme Court of India following the death of the prime accused in the case. The lurking suspicion is that Mr. Thomas' nomination was made under political pressure. It is not illogical to believe that there is again a political hand behind his decision to stay on. If that be so, it is a clear indication that corruption among public servants in India is fostered by political parties. Against this setting, the common man can very well forget the prospect of ever having an honest government.

There are three specific issues that are of utmost relevance to this debate. The first is already engaging the Supreme Court's attention. The so-called Single Directive of the Union government that requires an investigating agency to obtain government approval before proceeding against a civil servant of and above the rank of Joint Secretary has many holes, including a negation of equality before the law. There is also the definite risk of a delinquent civil servant getting advance notice of proposed action, which could facilitate his destroying or secreting out valuable documentary evidence. After this directive was struck down in the 'hawala case,' the National Democratic Alliance government, in a dubious move, revived it and gave it legislative backing - possibly at the

instance of some top bureaucrats. It constitutes an untenable fetter put on the Central Bureau of Investigation. The agency is even otherwise weighed down by an unsupportive government and a hostile group of influential bureaucrats who have the ears of the Ministers.

The next issue of importance is the monitoring by courts of investigations in crucial cases such as that concerning the spectrum scandal. There is a point of view - aired with great clarity by the former CBI Director, C.V. Narasimhan, known for his sharp mind and utter integrity - that for such monitoring to be effective, the Supreme Court could consider entrusting the arduous task of overseeing progress to a small group.

This group should comprise a former High Court Judge, a former Joint Director of the CBI and an expert from the area of economic crime belonging to one of the revenue services of the government. This group could report to the Supreme Court from time to time, thereby helping the court to come to its own conclusions without losing valuable time. This experiment can possibly be tried, first in the 2G spectrum case, and its utility evaluated.

Another suggestion from Mr. Narasimhan relates to the framing of a law by the Central government titled the 'Criminal Misconduct of Public Men.' It should incorporate all the offences that come under the ambit of the Prevention of Corruption Act, 1988, but give more powers to the investigating officer. These powers should include competence to record signed statements from witnesses and confessions that are valid in law, both of which are now prohibited by the Code of Criminal Procedure (Cr.P.C.) and the Indian

Evidence Act respectively. This will be on the lines of pieces of legislation such as the Maharashtra Control of Organised Crime Act, 1999 (MOCOCA), which relatively frees the investigator from the curbs imposed by the Evidence Act. These suggestions made by Mr. Narasimhan could go a long way to tackle corruption by public servants with greater speed and certainty.

The third problem relates to how governments could be prevented from misusing the authority to block appeals against acquittals. Instances are legion where a government that is interested in protecting a favorite applies the guillotine and successfully stalls further proceedings in court. This is done by denying a request from the investigating agency to take an acquittal on appeal. The Cr.P.C. arms the government with such power, and it is often blatantly abused. There is a definite need to divest governments of this undeserved power. For this to happen, all political parties need to come together to bring about an amendment to the Cr.P.C.

In the present situation, there is little hope of such a consensus emerging. This is because, at present, there are no saints in politics when it comes to battling corruption, and softness towards corruption cuts across party lines. India's best bet ultimately are its citizens, who will resolve not to submit to demands for illegal gratification on the part of any public servant, or vote for the corrupt leaders of the land in the general elections.

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puclnat@gmail.com
Website : www.pucl.org

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