

Inside :

EDITORIAL: Universal Periodic Review (UPR) and Human Rights in the Country - Pushkar Raj (1)

ARTICLES, REPORTS & DOCUMENTS :

Truth of Gujarat – vis-à-vis Modi’s Fast - Rajindar Sachar (8); Police Firing and Death of Villagers at Bhajanpur in Forbesganj, Araria (9); Workshop on “Property Rights as Human Rights”, in Hyderabad (14); PUC: It’s History of Struggle in Fighting the Structures - Mahi Pal Singh (16).

PRESS STATEMENTS, LETTERS AND NEWS : Repeal the sedition law: Nationwide Campaign Invitation (2); PUC Condemns Raid at the House of Kavita Srivastava (3); Arbitrary Raid on Kavita Srivastava’s house (4); Statement by Women against Sexual Violence and State Repression (5); Down With Maoists, Communalists & State Terrorism (6); Attack on Prashant Bhushan is Condemnable (6); PUC condemns the Gujarat Government’s vindictive action in arresting Sanjeev Bhatt (7); Appeal to prevent misuse of Exhibition Hall, Gujarat University (13); RS Secretariat yet to Disclose Register of Interest of its Members (15).

Annual Subscription : PUC BULLETIN

w.e.f. March 1, 2010

	INDIA
PUC Members	Rs. 100
Non-Members	Rs. 120
Libraries-Institutions	Rs. 150

	OVERSEAS
PUC Members	US \$50
Non-Members	US \$100
Libraries, Institutions	US \$120

PUC MEMBERSHIP

	INDIA
Patron	Rs. 2000
Life	Rs. 1000
Annual	Rs. 50
	FOREIGN
Annual	Indian Rs equivalent of US \$15

Universal Periodic Review (UPR) and Human Rights in the Country

Pushkar Raj

The state of human rights must continuously be reviewed in the country. When the National Human Rights Commission (NHRC) was established in 1993 it was hoped that it would prepare a detailed annual report showcasing human rights situation in the country that would be tabled before the parliament and discussed regularly. It was envisaged that this would give the country an opportunity to take stock of the situation of human rights and steps would be taken to strengthen culture of human rights. However the Commission and the government has not been consistent in bringing the NHRC report in public domain. The last report that was submitted to the government was that of 2006-07 and the last report that was placed before the parliament was that of 05-06. Internationally, however, the government is obliged to submit itself to the Universal Periodic Review (UPR) which involves a review of the human rights records of all 192 United Nations members States once every four years. It provides an opportunity to each State to declare what actions they have taken to improve the human rights situation in their countries and to fulfill their human rights obligations. As part of the UPR mechanism, India was reviewed in April 2008 which would again take place in June 2012 giving us opportunity to take stock of the progress made during this period. The working group in its report on the UPR for India in 2008 had made many recommendations. These included, besides others, energizing existing mechanisms to enhance the addressing of human rights challenges; encourage enhanced cooperation with human rights bodies; addressing growing economic and social inequities arising out of rapid economic growth and ratify the convention on enforced disappearances. It goes without saying that there is a lot that the government needs to do on the mentioned areas. Only eighteen states have set up the State Human Rights Commission, displacement inducing development is threatening already fragmented social fabric and we are yet to ratify the convention on enforced disappearances which is of critical importance to the country given recent damning evidence of existence of unmarked graves in Jammu Kashmir. Besides this, of special concern to the people is militarization of security apparatus that has resulted in use of laws like sedition indiscriminately all over the country against many people who are merely exercising their right of dissent. AFSPA continues to be in force in several parts of the country with an empty standing promise of a review making it more humane. Access to justice continues to elude a large number of

people whether at the police station level or in the courts. As the States drag their feet on police reforms infrastructure in the lower courts continues to be poor doubling common peoples' woes who find it extremely difficult to get justice. There is a little progress made in the field of right to food, health and education as there is a mismatch

between the resource allocation and demands. In light of all these, it is important that the governments continue to engage with the issues of human rights constantly. The engagement must start at the panchayat level reaching upwards to the district to state and national level. People centric planning must translate into betterment of social and

economic conditions of people. We must periodically revisit the human rights situation in the country at the district, state and national level utilizing existing institutional mechanisms like SHRCs and NHRC. That is one of the ways through which we would be able to come closer to the threshold of international human rights standards that we aspire as a nation. □

Clarification

General Secretary's Report presented to the PUCL National Council Meeting held at Jaipur

In the General Secretary's report the following paragraph was inadvertently published at pages 7-8 in the October 2011 issue of the *PUCL Bulletin*. The suggestion made therein was not accepted by the National Council and hence the paragraph was withdrawn and deleted from the report. It may, therefore, be treated as deleted from the report published in the *Bulletin*:

"In view of the fact that for personal reasons I will not be able to continue as General Secretary I propose that National Council consider an interim arrangement so as to ensure continuity of the national office and functioning of the General Secretary, I want to suggest that as an interim measure we consider having two national General Secretaries and a National Office Secretary from amongst the three National Secretaries." Ed. □

Invite

Meeting with representatives of the PUCL and other organisations

Repeal the sedition law:

Planning strategies to intensify the nationwide campaign

11th November, 2011 (Friday) from 11 am to 4 pm

Venue: Gandhi Peace Foundation, 223 Deen Dayal Upadhyay Marg, New Delhi

Dear Colleague,
A Convention organized by People's Union of Civil Liberties (PUCL) with participation from Human Rights activists and organizations across the country heard accounts of widespread and systematic misuse of the sedition law across India. The Convention resolved to launch a nation-wide signature campaign to collect at least a million signatures to present it to Parliament demanding the immediate repeal of Sedition Law, i.e., Sec. 124 (A) IPC. It is imperative that we review the progress made so far and formulate future strategies in order to intensify the campaign and build pressure on the Government to repeal the law. For this purpose we would like to invite all of you on 11 November at Gandhi Peace Foundation from 11 am to 4 pm. We may consider

forming a coordination committee in the meeting with representatives of different organizations so that we can reach a cross section of society and also show our collective strength on this issue.

We hope you will urgently send us a line in acknowledgement so that we can plan the meeting accordingly. Kindly find attached with this letter "An appeal to the Parliament to repeal the Sedition Law", for signature campaign.

Thanking you,

Pushkar Raj, General Secretary,
PUCL

Text of the appeal:

An Appeal to the Indian Parliament to Repeal the Sedition Law

The colonial era sedition law contained in section 124 A of the

Indian Penal Code, makes creating hatred or contempt for or disaffection towards the government established by Law in India, an act of sedition punishable with imprisonment for life, whether such disaffection, hatred or contempt is created by words spoken or written or by signs or visible representation. This section forms part of chapter VI of the Indian penal Code that deals with offences against the State, a passage that deals with serious offences including waging war against the State.

Section 124 A was introduced by the British Government in 1870 when the colonial government felt that such a draconian law was needed to suppress the freedom struggle. Some of the most famous sedition trails of 19th and early 20th centuries were those of Indian nationalist

leaders including Tilak, Gandhi and Maulana Azad. All the repressive laws used by the British against the freedom struggle have been retained in Independent India, despite constitutional provisions mandating scrutiny.

Jawaharlal Nehru's views were totally against this provision when he said in 1951, "Take again Section 124 (A) of the Indian Penal Code. Now so far as I am concerned that particular Section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, in any body of laws that one might pass. The sooner we get

rid of it the better."

In fact, it is the constitutional right of every citizen to expose the misdeeds of the government he/she disapproves of and create disaffection and disloyalty among the people and work for throwing it out of power through democratic means of course without resorting to violence. Hence, the law is incompatible with democracy in which anybody who is dissatisfied with the government has the right to create disaffection against it and seek its removal at the next election. In fact, it is the legitimate right of every citizen to expose the misdeeds

of the government it disapproves of, create disaffection and disloyalty among the people and work for throwing it out of power. Disloyalty to a government is different from disloyalty to the State. Of late this provision is being used by the State to suppress the peaceful people's movements and Human Rights activists. Using sedition law to silence peaceful criticism is the hallmark of an oppressive government. The Indian Parliament should immediately repeal this Colonial Era Sedition Law.

S. No. Name Organisation Signature □

Press release:

PUCL Condemns Raid at the House of Kavita Srivastava at Jaipur

The *People's Union for Civil Liberties* (PUCL) strongly condemns the outrageous and uncalled for act of raid at the residence of Ms. Kavita Srivastava, PUCL National Secretary in Jaipur early morning today (3 October 2011). The raid was conducted by the Chhattisgarh Police with active assistance of the Rajasthan Police, supposedly searching for a Maoist. We understand that this was done at the behest of inputs from central intelligence agencies which prompted the Chhattisgarh police to seek a search warrant. The raid is a scandalous act of maligning, intimidation and harassment to muzzle dissent at the behest of the government of Rajasthan which is out to victimize human rights activists who expose its misdeeds of atrocities against Muslim minorities and the poor. The arrival of police with a truck load of them is nothing but to create fear amongst

the family members of Kavita Srivastava and others. There is no doubt that the raids were a well thought out design to go after the human rights activists aimed at silencing them through the misuse of law and official machinery. In all its manifestations the present raid is in the series of acts of blatant vindictiveness aimed at sending a message to the larger human rights community that the present central and state governments have no faith in and respect for the value of dissent and protest as a cardinal principle as enshrined in our Constitution. It is clear that Kavita Srivastava has been targeted primarily because of her role in pointing out the Chhattisgarh government's violation of human rights, the Rajasthan government's mindless use of force against Muslim minorities and the centre's anti-poor policies. PUCL appeals to the larger human rights community and freedom loving

people of the country to come forward strongly to resist the unabashed crusade of the government against the human rights defenders in the country. PUCL also demands that the National Human Rights Commission must take a serious view of the matter and as per its commitment to protect the human rights defenders ensure that no further harassment is meted out to Kavita Srivastava and her family. PUCL will hold a press conference with other human rights organisations on October 4, 2011 at 3:30 at Indian Women's Press Club, 5 Windsor Place, Ashoka Road, New Delhi.

Prabhkar Sinha, President PUCL; **Rajindar Sachar**, former President PUCL; **Pushkar Raj**, General Secretary PUCL; **Mahi Pal Singh**, Secretary PUCL; **Chitranjan Singh**, Secretary PUCL; **V. Suresh**, Secretary PUCL □

On Mon, Oct 3, 2011 at 10:35 AM, Kavita Srivastava <kavisriv@gmail.com> wrote:

Dear friends,
The police today raided my house between 6.30 and 7 am. I was out of the house when they did it. One of those days when I was not at home.

They came with a search warrant and said that a *khatarnak naxalite* was being shielded in my house. My family was unable to gather the name, but they had come looking for

a woman they said some Sunit / Sumit Sodi. The Bajaj Nagar police station of Jaipur which very well knows my house brought them. It was led by the Dy. SP of our area

Rajendra Singh Shekhwat and they also sent police outside the PUCL office. The Chhattisgarh raid was led by one Memon who was in plain clothes. His rank we do not know. He got papers from a court that my house has to be searched. They came with a truck load of Special Tasks Force police, which we see in riots and kept saying that we have central intelligence inputs that she is here. When my sister asked as to why so much police had come they said "Naxal ka mamla hai". That person may be armed. My family fully cooperated, till they tried to shove my 82 year old father who is on a pace maker. My sister

Press Release: 04/10/2011

People's Union for Democratic Rights (PUDR) unequivocally and sternly condemns the raid by the Chhattisgarh Special Task Force and the Rajasthan Police on the house of Kavita Srivastava, a noted human rights activist and General Secretary of People's Union for Civil Liberties, Rajasthan in the morning hours of October 3, 2011.

As learnt till now, the Chhattisgarh police claimed to be looking for a 'khatarnak (dreaded) Naxalite', landed with a search warrant on Kavita's house. No written specification of the person that the police was looking for at Kavita's house, was either given to her family

and a European friend of hers had left home after 6.30 a m, they were stopped for one hour close to the house.

Of course they found nothing. They harassed our two domestic workers. They are from Cooch Behar, Bengalis and they were really harassed.

I have been targeted because they know that I have supported the struggle for restoration of human rights in Chhattisgarh and the rest of India. I have through the PUCL and other organisations worked against the arbitrary detentions in the State in the name of Maoism. Actually this act was to threaten me. This is shocking that they have

or colleagues. This arbitrariness and mindless hounding of people and activists is quite consistent with the past practices of the Chhattisgarh government and its police. The present incident underscores its territorial outreach and the larger connivance of the oppressive forces across the states.

Ironically, the Chhattisgarh police for years together now have failed to take any significant action against the worst of the proven human rights offenders living in its jurisdiction and judicially culpable of heinous crimes. It has rather protected and patronized these groups and individuals under various versions of Salwa Judum in

dared to do this. It is clear that even the Jaipur Police is involved as almost each and every man of my local police station knows where I live.

Prem Krishan, PUCL- Rajasthan President and Radha Kant Saxena, V.P, PUCL, Rajasthan have gone to meet the police which has come from Chhattisgarh. They just told me that all that was written in the warrant was my house address. There was no name also of the person who they had come to arrest. All that was written was "abhiyukt", accused. We are planning to do a press conference on this.

Kavita Srivastava, Secretary, PUCL National □

the impervious war against the Maoists. However, it often swiftly and imperiously jumps to intimidate activists and citizens speaking out to hold the government and the state accountable for its conduct.

PUDR stands in solidarity with Kavita Srivastava and the PUCL in this moment of ghastly attack. We further demand that the Chhattisgarh government desist from such deplorable moves and rather dispense its constitutional obligation of upholding the Supreme Court Order of July 2011 on Salwa Judum, which it clearly is in contempt with.

- **Paramjeet Singh** and **Harish Dhawan**, Secretaries, PUDR □

Arbitrary Raid on Kavita Srivastava's House:

Latest act of harassment of human rights workers

We condemn in the strongest possible terms the arbitrary raid this morning (3 October), in Jaipur, on the house of Kavita Srivastava, General Secretary of PUCL-Rajasthan. This is yet another instance of harassment of human rights workers under the cover of fighting Naxalism. Kavita Srivastava is the Convenor of the Steering Committee of the Right to Food Campaign and is the petitioner in the Supreme Court case

on the Right to Food which has recently challenged the Government on the issue of the poverty line.

Kavita Srivastava has been a tireless defender of human rights for many years and has already been harassed earlier for her fearless opposition to the criminal activities of the Chhattisgarh government (arbitrary detentions, encounter killings, false cases, and such) under the garb of fighting Naxalism.

This is a wholly reprehensible act of targeting of human rights activists as well as a totally unacceptable attack on civil liberties in general. We condemn it and demand an unconditional apology from the Rajasthan and the Chhattisgarh police on this reprehensible action. We would like to remind the Government that such undemocratic and arbitrary actions will not silence human rights defenders and instead

amplify their voices against injustice and state repression.

Members of the Steering Group, Right to Food Campaign: Anjali Bharadwaj (Satark Nagrik Sangathan); Annie Raja (National Federation for Indian Women); Anuradha Talwar, Gautam Modi and Madhuri Krishnaswamy (New Trade Union Initiative); Arun Gupta and Radha Holla (Breast Feeding Promotion Network of India); Aruna Roy and Nikhil Dey (Mazdoor Kisan Shakti Sangathan, Rajasthan); Arundhati Dhuru and Ulka Mahajan (National Alliance of People's Movements); Asha Mishra and Vinod Raina (Bharat Gyan Vigyan Samiti); Ashok Bharti (National Conference of Dalit Organizations); Binayak Sen (People's Union for Civil Liberties);

Colin Gonsalves (Human Rights Law Network); Jean Dreze and V.B Rawat (Former Support group to the Campaign); Lali Dhakar, Sarawasti Singh, Shilpa Dey and Radha Raghwal (National Forum for Single Women's Rights); Mira Shiva and Vandana Prasad (Jan Swasthya Abhiyan); Paul Divakar and Asha Kotwal (National Campaign for Dalit Human Rights); Prahlad Ray and Anand Malakar (Rashtriya Viklang Manch); Subhash Bhatnagar (National Campaign Committee for Unorganized Sector workers)

Supported by: Veena Shatrugna, M Kodandram and Rama Melkote (Andhra Pradesh); Saito Basumaatary and Sunil Kaul (Assam); Rupesh

(Bihar); Gangabhai and Samir Garg (Chhattisgarh); Sejal Dand and Sumitra Thakkar (Gujarat); Abhay Kumar and Clifton (Karnataka); Balram, Gurjeet Singh and James Herenj (Jharkhand); Sachin Jain (Madhya Pradesh); Mukta Srivastava and Suresh Sawant (Maharashtra); Tarun Bharatiya (Meghalaya); Chingmak Chang (Nagaland); Bidyut Mohanty, Raj Kishore Mishra, Vidhya Das, Manas Ranjan (Orissa); Ashok Khandelwal, Bhanwar Singh and Vijay Lakshmi (Rajasthan); V Suresh (Tamil Nadu); Bindu Singh (Uttar Pradesh); Akhila Shivdas, Biraj Patnaik, Dipa Sinha, Harsh Mander, Reetika Khera and Ritu Priya, (Delhi) October 3rd, 2011 □

Statement by Women against Sexual Violence and State Repression

Women against Sexual Violence and State Repression (WSS) strongly condemns the raid on the house of Ms Kavita Srivastava, General Secretary PUCL Rajasthan, in Jaipur, in the early hours of 3rd October 2011, by the Chhattisgarh Police, along with the Rajasthan Police. The raid was supposedly in search of a Naxalite being shielded in her house. The manner in which this search was undertaken, by arriving with a truckload of Special Task Force police, is equally reprehensible. Clearly, it is meant to intimidate Kavita and her family members, as well as serve as a warning to other human rights defenders. Nothing was found in the house during this search in which Kavita's 84-year old father was pushed around and the domestic workers ill-treated.

Among many tasks as an office-bearer of PUCL at the national and state levels, Kavita Srivastava has been tirelessly highlighting the violations of democratic rights in several parts of the country, including Chhattisgarh. Recently PUCL-Rajasthan brought out the case of the missing Dalit nurse

Bhanwari Devi, in which several powerful politicians are being implicated. PUCL-Rajasthan had also exposed the facts in the recent shooting and killing of Muslims in Gopalganj. We stand by Kavita Srivastava and protest against this relentless targeting by the state of human rights activists.

We would also like to again draw attention to the grave situation in the state of Chhattisgarh, where people protesting against forcible land acquisition and displacement, police atrocities, violations of civil liberties and human rights, are either arrested or detained, and branded as Naxalites. While the rights of *adivasis* are being denied, security personnel including the Indian army is being sent there in full force to facilitate the exploitation of the mineral resources by multi-national companies.

Many brave *adivasi* women and men have raised their voices against such policies of the state, and against the police and *Salwa Judum*, including people such as Kopa Kunjam, Sodi Sambhu, Kartam Joga, Lingaram Kodopi, Soni Sodi. All these people are being hounded

by the police. Threatening petitioners, intimidating eye witnesses, branding the victims of police atrocities, have all become common practices of the Chhattisgarh police. We strongly oppose and condemn such practices. Indira (for WSS)

4.10.2011

(Note: The fear expressed in the last paragraph given above, Soni Sodi, or Soni Sori as referred to by some newspapers, a 36 year old tribal woman working as a primary school teacher in a government school in a forest village of Jabeli, Chhattisgarh's Dantewada district, came true when she was arrested from New Delhi on 4 October 2011 on charges of ferrying money from the Essar Group to cadres of the banned CPI (Maoist) in a deal to protect the company's assets in the rebel controlled territories, charges which she as well as the Essar Group and the Maoists have denied. In a writ petition filed in the Supreme Court on her behalf, Colin Gonsalves alleged that the woman was on the verge of death due to police torture after her arrest from Delhi. Ms Sodi also said in her petition that the

Chhattisgarh police wanted her to give evidence against fellow villagers and to make false statements that they were Maoists. While it is for the Chhattisgarh police to prove the charges against her and for her to defend herself and prove herself innocent before a Court of law, the PUCL and other human rights organizations cannot remain unconcerned about the gravity of the charges she has leveled against the police. It is also a paradox that while

her husband, Anil Futani, and her nephew, Lingaram Kodopi, have been in jail for a year allegedly for supporting the Maoists, the Maoists shot her father through the leg in June 2011 for not obeying the party's diktats.

It is noteworthy that the Chhattisgarh and the Rajasthan police had conducted a joint raid at the Jaipur residence of Ms Kavita Srivastava, General Secretary, PUCL-Rajasthan, purportedly in search of Ms Soni

Sodi on 3 October 2011 whereas she was arrested from New Delhi the next day which makes it amply clear that the raid in search of Ms Soni Sodi at Kavita's house without any specific information of the former's presence there was only a ploy to harass Kavita and her family members to deter her from raising the issues of human rights violation of the tribals of Chhattisgarh and the poor and marginalized sections of people in Rajasthan.-Ed.) □

Press Release: 6th October, 2011

Down With Maoists, Communalists & State Terrorism

People's Union for Civil Liberties is a movement of the "People for Violence Free Society". The Punjab and Chandigarh branch of the PUCL has appealed to all Peace Loving People to condemn all sorts of Violation of Human Rights by the Police, Maoists & Communalists. The PUCL has concern against an attitude of an inert state in which violence is practiced by the State Police, or by Maoists or Communalists.

In the States of Rajasthan and Chhattisgarh Police, Maoists & Communalists are fighting each other strategically, ideologically & mechanically. In these states the peace loving people and the human

rights campaigners are facing three cornered challenge of violence from the State machinery, the Maoists & the Communalists. On one plank or the other these three set of violators of human rights have found a common agenda to target the peace loving people and the civil society campaign of human rights to propagate their own ulterior motive of spreading sectarian violence. But the evil designs of these three devils cannot succeed in deterring the human rights and civil liberty organization such as the People's Union for Civil Liberties [PUCL].

Roshan Lal Batta – President, Ravi Kant Sharma – Vice President, Rajeev Godara, Rajender Mohan Kashyap and other Executive

Members of the PUCL Punjab and Chandigarh branch have strongly condemned the nefarious role of Police Agencies of Rajasthan and Chhattisgarh state for indulging in intimidating the family members of Ms. Kavita Srivastava, National Secretary of the PUCL. She was trying to expose the State Terrorism, which killed innocent members of the minority community in Rajasthan and Chhattisgarh. PUCL Organization will adopt all the peaceful and violence free measures under the Constitution of India to defeat terrorism of the State, the Maoists & the Communalists. Rajender Mohan Kashyap, Secretary, PUCL Punjab & Chandigarh □

Press Release: 12.10.2011

Attack on Prashant Bhushan is Condemnable

PUCL strongly condemns the attack on Prashant Bhushan in his chamber in the Supreme Court today. It is a despicable act by those who have no faith in the freedom of speech and expression enshrined in our Constitution. PUCL believes that

these elements have got encouraged recently due to soft handling of them in the past by various state governments - irrespective of political party in power - in certain parts of the country. It is precisely because of this that these intolerant elements

have assumed threatening proportions. PUCL demands that the central government must take strict action against these elements and set an example so as to prevent repetition of such incidents in future. - **Pushkar Raj**, National General Secretary, PUCL □

PLEASE NOTE

In case of:

- (1) **Change of Address** - Always send your old address along with your new address.
- (2) **Money Order** - Please give instructions (if any) with your complete address in space provided for communication. Please do not send **Postal Order**.
- (3) Normally, send the Membership Form to the **State/local** branch. - **General Secretary, PUCL**

Gujarat PUCL: Press Release

The PUCL condemns the Gujarat Government's vindictive action in arresting senior IPS officer, Sanjeev Bhatt.

It is an unfortunate reality that people are worried about the people's life when they are under police custody. We, the activists of the People's Union for Civil Liberties (PUCL) condemn the Gujarat Government's vindictive action in arresting senior IPS officer Sanjeev Bhatt. This is nothing but the frustration and desperate action of the Government of Gujarat. This is an open action, not just attempt, on the part of the Government of Gujarat to intimidate all other important witnesses of the Gujarat carnage 2002.

It is also equally shocking that Sanjeev Bhatt was arrested under sections 183, 189, 193, 195 and 341 of the IPC.

The action of the Government of Gujarat is nothing but subversion of the Constitution of India and the Rule of Law.

Shweta Bhatt, wife of Sanjeev Bhatt, in her letter dated 30th September 2011 addressed to The Police Commissioner of Ahmedabad, The Director General of Police, Gandhinagar and The Chief Judicial Magistrate of Ahmedabad clearly stated that she was worried about the life of Sanjeev. It is an unfortunate reality that people are worried about the people's life when they are under

police custody. It is unfortunate that this letter is completely kept aside by the concerned police authorities under undue pressure. This is shocking and it clearly indicates that the police is acting under the clear-cut direction of the Chief Minister Narendra Modi.

We appeal to the citizens of Gujarat and progressive organizations to condemn the vindictive action of the Government of Gujarat.

PUCL Gujarat: J.S. Bandukawala, President; Renu Khanna, Rohit Prajapati, Ashok Gupta, Trupti Shah, Tapan Dasgupta, Chinu Srinivasan, Dhiru Mistry and Johannes Manjrekar. □

Memorandum on 4th October 2011

Subject- **Arrest of the IPS Officer Sajeev Bhatt**

Ms. Kamla Beniwal, The Governor of Gujarat, Gandhinagar.

We the citizens of Gujarat, condemn the arrest of the IPS officer Sanjeev Bhatt on 30th September in Ahmedabad. It is well known fact that Bhatt has become an eye shore of Narendra Modi and the Govt. of Gujarat because he has dared to come out boldly with startling facts of the secret meeting held at the residence of the Chief Minister of Gujarat in Gandhinagar on 27th. February, 2002 where Bhatt was present. Moreover, he has

raised many questions regarding the murder of Haren Pandya – the former home minister of the state. The arrest of Bhatt is motivated one and is tantamount to misuse of power by the Narendra Modi Govt. The Govt. has become desperate and is resorting to fascist methods to scuttle the voice of dissent.

We firmly believe that his arrest is vindictive one to create a fear psychosis in the mind of the witnesses and scare the people and send a signal to others to desist from demanding the restoration of the Rule

of Law in the state.

So, we demand the release of Sanjeev Bhatt and withdrawal of the fabricated cases immediately.

Thanking you.

Yours,

PUCL Gujarat - Prakash N. Shah, Working President, Editor *Nirikshak*, Columnist, Convener, *Movement for Secular Democracy* (MSD), **Gautam Thaker**, General Secretary; **Dilip Chandulal**, Coordinator, *Lok Andolan Gujarat*; **Dwarika Nath Rath**, Co-ordinator, *Lok Andolan, Gujarat* □

Press Release: October 06, 2011

PUDR strongly condemns the recent arrest and harassment of IPS officer Sanjiv Bhatt and his family by the Gujarat Government. We see this as a clear case of political vendetta unfolding against Bhatt since April 2011, when he revealed in an affidavit before the Supreme Court the alleged complicity of Chief Minister Narendra Modi in Gujarat riots of 2002. Bhatt has also leveled serious allegations against CM Modi and former home minister of Gujarat,

Amit Shah of being involved in the murder of Haren Pandya, a former ministerial colleague of Modi.

After his deposition, Bhatt made several complaints of harassment by the state government. In August 2011, the Gujarat Government suspended him on charges of dereliction of duty. This punitive action against Bhatt was coupled with serious, proxy and direct mudslinging on his career records. Further raising the tempo, Bhatt was

arrested on September 30, on the basis of a complaint filed by K.D. Pant, a police constable who served under him. K.D. Pant lodged a complaint that Bhatt threatened and forced him to sign 'false affidavit' supporting the charges leveled by him against Modi's complicity in Gujarat riots.

The no holds barred attack by the Gujarat Government against those interrogating its role in the 2002 carnage is quite evident by now.

Rahul Sharma another IPS officer, who supplied records of telephonic conversation between important politicians and bureaucrats in the period of rioting to the SIT and Nanavati Commission, was charge sheeted by the Gujarat Government under Official Secrets Act. It is quite

clear that the present arrest and harassment on Sanjiv Bhatt is simply because of 'letting the truth out'. PUDR strongly condemns such vicious acts of the Gujarat Government.

While veracity of the truth in these

allegations are to be judicially determined in free and fair manner, the intense targeting by the Gujarat government of Bhatt is yet another misdemeanor to derail the process of justice.

Harish Dhawan and Paramjeet Singh (Secretaries PUDR) □

Truth of Gujarat – *vis-à-vis* Modi's Fast

Rajindar Sachar

The fast by Modi has got an excessive coverage, which defies logic. The critics have rightly projected it as self image building by Modi to project himself as Prime Ministerial candidate and under the cover of slogan of Sadbhavna as an attempt to wash off his sinful conduct in post Godhra period. I am clear in my mind that in the matter of governments' complicity in gory happenings like the 1984 genocide in Delhi and the 2002 Godhra genocide in Gujarat, there can never be a question of forgiveness. There are certain crimes and human Right violations which can never be forgiven or forgotten though no doubt we must learn from them and so modulate our political and social programming, that such like events never shame us again. But that process can start only if the perpetrator of the crime is seen as genuinely contrite which alone can create confidence in those who suffered untold miseries. That has not yet happened.

One is sad and amused at the carnival response of the Congress in purporting to observe fast at the same time. I wish the Congress instead had programmed and brought out the unspeakable condition in Gujarat camps where large number of Muslims are still living in misery. Also Vaghela would have done well if he and his colleagues had chalked out a definite programme to create conducive atmosphere so that hundreds of Muslim families who are afraid to go back to their villages could go back

with dignity and assured safety.

The media though somewhat critical of Modi's Sadbhavana/Secular pretensions have unfortunately swallowed the propaganda of development oriented programmes in Gujarat ignoring its perversions which have in fact led to greater pauperization of masses, possibly because those policies coincide with the neo liberal and anti farmer policies of the corporate sector. All this information uncomplimentary to Modi was placed in a public hearing when Anna Hazare visited Gujarat in May 2011 (in a report prepared amongst others by PUCL-Gujarat, Socialist Party and other concerned citizens of Gujarat.)

Thus 30,000 farmers walked nearly 350 k.m. to protest against the cement plant being set up at Mahuva, which if it happens will lead to a total loss of 25, 000 bigha land on which 1,25,000 people survive. The cement factory would provide direct employment to only 498 persons.

One of the biggest scandal and Human Right violation is taking place in the much touted boast of Narmada Dam. Even at present hundreds of families are still displaced though even the award postulated complete rehabilitation of the oustees. The boast of Modi that Narmada was to supply water to the farmers in belied by the established fact that only 29% of the Canal work has been done. As recently as 2009 came Rs. 260 crore scam pertaining to National Rural Employment Guarantee Scheme.

As for Right to Education, a fundamental Right, the Gujarat government is ironically closing 3000 primary schools on the alleged unacceptable plea of lack of attendance and the plan is in fact to lease them to private bodies.

One of the biggest scandals highlighted was the land allotment at throwaway rate to private industrialists in the capital Gandhi Nagar, without holding public auction. The beneficiaries are big builders, construction companies and other corporate houses with not so good public acceptability. This has resulted in a loss to the Gujarat State, as per market allotment rate, of Rs. 5197, 1622, 317/- i.e. (Rs. Five thousand one hundred and ninety-seven crores, sixteen lakhs, twenty-two thousand. three hundred and seventeen.)

The labour disputes have increased by 600% in the last 5 years, but instead of 100% increase in the labour machinery staff, the Government has reduced the staff by 40 -60%.

Regarding expenditure for social sector by 18 large States of India, Gujarat embarrassingly stands at 17th (Monthly Bulletin of Reserve Bank of India, February, 2007).

Gujarat stands 14th in Infant Mortality Rate (IMR) for 0-1 year and 13th for 0-5 years, with 47% malnourishment among 0-5 years old children. About 67% women are anemic and out of them 80.1% are girls aged between 6 to 35 months.

Global index on hunger reports India with 66th rank, Gujarat is ranking

69th, which is actually as low as Haiti in Africa (International Food Policy Research Institute (IFPRI), 2008. While I unreservedly accept some positive features of Gujarat, like it has 90 percent paved roads to villages, 98 percent electrified villages with 80 percent electrified homes and 18 hours of electricity everyday, 86 percent piped water supply compared to other states, but unfortunately it cannot be overlooked that amidst all this, poverty, hunger, lack of sense of security amongst minority community thrive. To give an instance: to overcome the Muslim deficit in different levels of education, the central government has launched a nationwide scholarship scheme with effect from April 1, 2008. All states have responded favorably, with the only exception of Gujarat which has not implemented even the pre-matric scholarships for minorities. There are

55,000 scholarships allocated to Gujarat of which 53,000 are to be given to the deserving Muslims, but Gujarat has not even cared to implement this programme. Modi proudly proclaimed at his alleged Sadbavana Jamboree that he did not recognize doing anything especially for the minorities but that they are to be treated only as Gujaratis. Modi apparently has not been properly coached about the Indian Constitution. Of course all residents (6 crores) living in Gujarat are Gujaratis. That is their one identity. But the people belonging to the Minority have also other identities – they are Indians and Muslims just as the people belonging to the Majority community – they are Gujaratis, Hindus and Indians. As emphasized by Noble laureate Amartya Sen, each one of us has multiple identities and each of it deserves equal recognition and

protection. Somebody must tell Modi that our Constitution as interpreted by the Supreme Court has loudly proclaimed that: “The purpose of law in plural societies is not the progressive assimilation of the minorities in the majoritarian milieu. This would not solve the problem; but would vainly seek to dissolve it.” It is axiomatic that in any country the faith and the confidence of the minorities in the impartial and even functioning of the State is the acid test of being a civilized State – this is accepted wisdom, and was expressed succinctly by Lord Acton thus; “A state which is incompetent to satisfy Minorities condemns itself; a state which labours to neutralize, to absorb or to expel them is destitute of the chief basis of self-government”. Can one hope Modi to so modulate his future policies in the light of these constitutional and wise pronouncements? □

PUCL Bihar:

Police Firing and Death of Villagers at Bhajanpur in Forbesganj, Araria

As the news of the police firing on the villagers of Bhajanpur under Forbesganj subdivision in the district of Araria began to spread, and particularly when some snippets of police behaviour were shown by the electronic media, there was widespread condemnation of the incident. In its weekly meeting on July 26th it was decided that enquiry team should be constituted for enquiry into the Forbesganj police firing. The team constituted consisted of the following members: Ramashray Prasad Singh and Nageshwar Prasad, General Secretaries, PUCL Bihar; Mithilesh Kumar and Rajkumar Chaudhary, Secretaries, PUCL Bihar

As a matter of fact there were several issues with a bearing on human rights, which called for attention and enquiry. Among others the following aspects need to be examined:

- a. Whether police firing was justified or not? Whether firing was resorted to after proper precaution following the norms laid down in the police manual?
- b. Whether it is true that a jawan was jumping on the body of an injured youth? If so, what action can be taken against the concerned person?
- c. Whether local persons should be involved in the process of settlement of land and if the modalities of allocation of BIADA land was proper?
- d. Whether any compensation should be given to victims of police firing and what the government has done so far?
- e. Whether action is warranted against the police functionary?

There is one more aspect of the episode which may be covered by the enquiry and that is the role of

media and other agencies.

Mode of Enquiry

The team met members of the affected families in Patna, visited the sites of incident and perused the FIRs and complaints filed before the CJM, Araria to reconstruct the events and arrive at its own conclusions. Two FIRs were filed on the day of incident, i.e., on 03.06.2011 by Ashok Kumar Chaudhary and Sunil Kumar Gupta and cases were registered with case nos. 268/11 and 269/11. On the following day two more FIRs were filed by Prashant Kumar and Sunil Kumar Yadav respectively and case nos. 273/11 and 274/11 were registered at Forbesganj P.S.

The affected families did not file any FIR, but preferred to file complaints before the CJM, Araria. Case no. 1341 c/2011 was filed by Rafiq Ansari s/o Late Rabi Ansari, who is

the maternal grandfather of Naushad Ansari, alias Sahil who died of bullet injury. Another case was filed by Fatkan Ansari, father of Mustafa Ansari, who died in firing and on whose body a home guard jawan was allegedly jumping after he sustained bullet injury.(Case no. 1372 C/2011, filed on 15 June). The third complaint was filed by Farouq Ansari, father of another victim, namely Mukhtar Ansari.

Visit of PUCL team for Enquiry at Bhajanpur

PUCL reached Forbesganj on July 29th around 5.00 P.M. and visited the place of occurrence. On reaching the site of the factory they tried to speak to the workers in the factory premises who refused to speak and Ashok Agarwal was unavailable for comments.

Next day i.e. July 30th the team spoke to the people of the village about 100-125 of them were gathered (Women & children were also present) in the premises of Madhya Vidyalaya, Bhajanpur. The team spoke to various persons including the following:

Farooq Ansari: He works in the factory as supplier of labour to the building contractor. His pregnant wife was shot dead by police bullets when she was returning from Hospital.

Ali Rashul Ansari: His son Manjoor Ansari (8) was wounded by bullet. The bullet hit his throat. The injured boy was treated at AIIMS.

Md. Naim Ansari: He works in the factory as guard and resides near middle school, Bhajanpur.

Ali Md. Ansari, ASI of Police: The team met him by chance at middle school, Bhajanpur. According to him some people of Rampur North Panchayat went into agreement with company authority on the matter of closing the road erecting the wall.

Gaffar Ansari: He is a businessman and a resident of Bhajanpur.

The team also spoke to Madan Pawan, Mahesh Paswan and Suresh Mandal. They are all from the village

of Shitalpur, beside of entrance road. They spoke about the events that led to the police firing on June 3rd 2011.

The team tried to speak to SP, Garima Mallik, who expressed her inability to meet the team on the day of its visit, as she was accompanying the judicial enquiry team constituted by the State Government. The SDO, Forbesganj, Girwar Dayal Singh, when contacted on mobile, said he was on leave for 5-6 days and was not in a position to meet the team. However when his offices (confidential and general) were contacted they informed that he was not on leave. Obviously the officers were disinclined to talk to the PUCL team. The SDPO, Forbesganj said that he had been posted after the firing and would not say anything without the permission of his seniors. The official version of the incident had to be gleaned from the FIR filed by the police.

The place of occurrence

Bhajanpur village is situated on NH57, 30 Kms from the district headquarters Araria under Rampur North Panchayat in Forbesganj sub division. Population of the village is 1800 approx and voting population is 710 approx. Most people are workers and peasants and all of them are Muslims. The village has two schools, a middle school which has 3 rooms and a primary school that runs in the open premises of Tetar Ansari's house, having no building of its own. There are 4 mosques, including two Jama Masjids, one Maktab where 50-60 children study. The three teachers of the Maktab are paid by the community. There are Anganbari Centres where three women of the village are employed, while there are no health facilities like a PHC. One person is a dafadar and one works in FCI. No one except them is in Government job. People migrate from the village in search of livelihood. There are 125 bighas of agricultural land and the village consists of 175-200 house and most

of these houses are made of bamboo with a tin roof.

The dispute leading to the police firing

BIADA(Bihar Industrial Area Development Authority) allotted 35 acres (approx.) of land to Auro Sundaram International Pvt. Limited (a unit of maize starch, liquid glucose and a 3 MW captive power plant is also part of the project) in BIADA Industrial Area, Forbesganj, Araria - 854318. The owners of the factory are Saurabh Agrawal, son of Katihar BJP leader Ashok Agarwal and an Uttarakhand businessman Ashok Chaudhary.

The dispute arose on the use of the road which starts from Kasba Canal, the western side of village Bhajanpur and leads up to the Idgah and the Referral Hospital. The road passes under NH 57, through the BIADA acquired land (now factory campus) and Shitalpur village. The road has been in use since 1960. Initially it was a narrow mud road (pagdandi) and began to be constructed after the survey which was done in 1954. People donated their land for the construction of the road and the leadership was taken up by the then Mukhiya Noor Mohammad Ansari. People offered shramdan (physical labour) for the construction of the road. In 1962 under the Kosi Project, a culvert was constructed on Shitalpur-Purnea Branch Canal. In 1988-89 soil work was done on the road under Jawahar Rojgar Yojna. In 2002-03 further work was done on the road under the Zila Parishad scheme. Later brick pitching was done around 2006-07 under the Panchayat Yojana.

The breadth of the road is 12 feet. This is the only road that the people of whole Rampur panchayat use to reach the Hospital and the Idgah and the distance of the hospital from NH 37 is around 500 meters.

Incidents leading to the Police firing (Version of the affected persons/ party):

The company after acquiring the land started construction work along the boundary wall. The workers working in the factory felt that the factory owner might close the road (entrance road) used by them to reach the Idgah and Hospital, by erecting a wall at entrance. Construction leading to the closure of the entrance road was the cause of concern for the villagers of Bhajanpur and they assembled to discuss the issue. The villagers submitted a memorandum on 08.02.2011 to SDO, local PS and BDO. After a few days a delegation met the SDO, who is on record to have said that he was not in a position to take up the matter because of the pressure from above. A meeting was convened by the owner of the factory of the villagers and MD BIADA. The Company owners intimidated the villagers for opposing the blockade of the road. In the meeting two alternate roads were suggested, one from the south usually referred to as the Power Grid side and the other from the North that is the Block office side. This was rejected by the villagers. A petition was submitted to MD, BIADA, but he did not receive it and it was received by the Area in-charge, BIADA.

The entrance road was dug up on June 2 and the wall was erected in the night of June 2nd. The culvert was also destroyed in the process of erecting the wall. Next day, that is, on June 3 the villagers woke up and saw that the road had been closed and a wall had been constructed on NH 57 side. Fearing opposition from the villagers, police was already deployed on the spot, beside the road, near the culvert. Reportedly about 6 dozen police personnel, along with some police vans, including a fire brigade had been deployed. Around 3.00 PM the villagers gathered on the spot and demolished the newly erected wall, which obstructed the entrance to the road. The SP, Garima Mallik reached the spot and the order to open fire

on the people on the spot was given. The order to fire was given around 4.30 PM. Before the order of firing, the police took none of the pre-firing precautionary measures. There was no lathi charge, nor were teargas shells used to disperse the mob. People were gathered on the over bridge on NH 57, when a contingent of police force reached the spot, led by the SP. There was indiscriminate firing by the police, who moved on to the over-bridge and fired on people who were fleeing towards the village of Bhajanpur. In course of indiscriminate firing Manjoor Ansari (8) received bullet on his throat while he was standing on the roof of his house in curiosity.

Some members of PUCL met the families of the victims, who had come to attend a meeting at Patna. Members of PUCL also spoke to the families of the victims.

Farooq Ansari lost his wife Shajmeen Khatoun (27) who was 6 months pregnant. They had two daughters and one son. He said that she was hit by 6 bullets right within the compound of the factory on the entrance road.

Shahid Ansari(Naushad) s/o Siddiq Ansari only 7 months old died. His mother had taken her child to the hospital for treatment. As she was coming down the road that had been broken, police fired and the bullet hit her left hand. The baby whom she was carrying fell and two bullets hit the baby. The Araria MLA later took the baby and the mother to Purnia Hospital . As it was night, the baby was virtually left unattended and died in the morning.

The most tragic was that death of Md. Mustafa Ansari s/o Md Fatkan Ansari, aged 18 years. He was a matriculate and had a betel shop. He was returning to his shop from his house after taking lunch when police opened fire. Postmortem report says that five bullets were lodged in his body. He began to recite the prayer as he fell and a policeman thinking that he was alive began to kick him

and jump on his chest. This was police brutality at its worst, the pictures came on air and people were shocked to witness the brutality of men in uniform. Later identified as Sunil Kumar Yadav, the policeman has taken into custody and now he is in jail. The father then claimed that he was still breathing when he was taken for post-mortem but there he died soon after.

Md Mukhtar Ansari s/o Farooq Ansari had been away for five days. As he was coming back to the village around 4:30pm, he fell prey to police firing.

Official version:

Of the two FIRs lodged, one was by Ashok Chaudhari, Director of Auro sundaram International Pvt. Ltd and the other one was by Sunil Kumar Gupta, Block Statistical Supervisor, Forbesganj, who was deputed on law and order duty at the BIADA site by the SDO, Forbesganj. The respective cases were registered as case no.268/11 and 269/11 dated 03.06.11. The second FIR was u/s 147/148/149//341/342/323/324/325/307/337/ 332/333/ 427/379/ 436/505/ 120(B) of IPC & 27 Arms Act, while the first left out some of these sections, and added at least one more, i.e., 452.

The first FIR is a short one, but the second one is longer four page FIR giving details. Both allege unlawful large assembly of armed persons. The size was estimated at nearly one thousand by Sunil K. Gupta, while Ashok Chaudhary places the numbers at three thousand. Arms mentioned in 269/11 were '*lathi, bhala, talwar, farsa, rod, bans and avam anya (other) hathiyar*' and further it is alleged that there was stone-pelting and firing from NH-57 fly over. Both FIRs state that the mob was very aggressive and violent, and indulged in arson and destruction of property. While Ashok Chaudhary also alleged loot and theft of things there is no such mention in the other FIR, which in stead talks about arms and ammunition being snatched by

the mob. While Ashok Chaudhary will refrain from giving an assessment of the alleged loss, Sunil K Gupta would estimate the loss of property running in crores.

Sunil K. Gupta has claimed in his FIR that first there was lathi charge, then tear gas shells were fired and after that an announcement was made on the mike warning people and then there was an order of restrained firing. No such description is given in the first FIR.

Joint Enquiry Report

On 20 July newspapers carried a news item (e.g. *Dainik Jagran* p 13) citing the joint report of the Home Secretary and ADG (Headquarters) stating that firing was resorted to after lathicharge and use of tear gas. However the report refrained from giving a definite opinion on the justification and need of firing as it called for careful collection of evidence and close examination of the background of the incident, circumstances and chronology of events on the date of incident. This can be properly done, according to the joint report, by the judicial enquiry commission which is headed by a Judge of High Court. The report of the judicial enquiry can form the basis of action against officials, if found guilty and compensation for the victims including the next of kin who died and the injured.

Newspapers also reported the stand of Chief Minister referring to a circular dated 12 January 2001 which made it clear that no ex gratia payment or job can be given to persons dying in police firing which is held legal or in police encounters. Accordingly it has been decided till date to make ex gratia payment only in respect of the 7 month old child.

Observations, Conclusions and Recommendations

1. The police firing on June 3, 2011 was unwarranted, unjustified and excessive. Version of the villagers of Bhajanpur as well as discrete enquiry reveal clearly

that no tear gas shells were fired or precautions taken prior to the firing. Reportedly there was a gap between the felling of the freshly erected wall and the firing and meanwhile, many persons had resumed using the road which was closed earlier. This version is more convincing than the police version. The deceased woman Shajmeen Khatoon who was six month pregnant was unlikely person to come by that road and not be there, if there was destruction going on.

2. The FIR lodged by the police is concocted and highly exaggerated. The mob might have been aggressive, but it is most unlikely that they were carrying so much of arms as alleged in the FIR. Had it been so there would have been some casualty or at least serious injuries of police personnel? There is no evidence of that even as four persons died in police firing. While the factory owner is wary of giving any estimate of loss as such, the FIR of Sunil Gupta has no hesitation in stating that the loss ran into crores.
3. That Sunil Kumar Yadav was jumping on the body of an injured youth, Mohd Mustafa, is incontrovertible as its clear video recording has been shown by the media several times and, as an afterthought a day later, an FIR was lodged by one Prashant Kumar, junior SI, Araria P.S. The FIR is an official admission of the incident. Sunil Yadav has taken into custody and sent to jail, but this case ought to be expeditiously decided to restore confidence of people. He has to be charged for murder and that too in brutal and inhuman manner.
4. The procedure of allotment of land and thereafter the official keenness to help the allottee take possession of the entire

area including a road which was being used by the villagers for several decades, smacks of favouritism. It was made worse by the mishandling of the situation by refusing to pay heed to petitions submitted by the villagers, which eventually led to a confrontation between the police and factory owners on one side and the villagers on the other side. There are several unanswered questions. For example, whether it was necessary to allot so much of land, or whether the portion of road could have been left out while deciding upon allotment. Since the alternative road offered to the villagers was not acceptable to them, the least that was expected of district officials was a bit of sensitivity and patience, even if they were not willing to get the allotment rescinded. The conduct of the officials was callous and dismissive, and subsequently, aggressive and violent.

5. The issue of compensation is rather complex, and raises several questions. If a criminal is killed in a genuine encounter denial of compensation is justified, provided it can be confirmed that encounter was justified. The cases of rioting is more difficult to settle, because it would be generally not possible to arrive at the verdict that the person killed or injured was directly or indirectly involved in the act of rioting. Killing in police firing under such situation is similarly uncertain, what if the person was caught in crossfire or was a mere passerby or accidentally hit. Given large number of cases, an official fiat in this regard should not be the basis of award of compensation or withholding it in a blanket manner if the firing is deemed to be justified, usually by the administration

itself. In the present case the press reports indicate that the government is giving compensation to the child of 7 months on the presumption that he would not be involved in protest. What about the pregnant woman who was killed by police bullets? Was she part of violent mob? To cut the argument short, there should be better thought out guidelines for award of compensation, and award of compensation in any case should not be inordinately delayed. Quantum of compensation is another aspect which calls for examination. Compensation is different from ex gratia payment, and should be accordingly decided in terms of judicial or at least quasi-judicial manner. In the present case PUCL holds that the firing was not justified and also excessive (by merely counting the number of bullets received by single person, and also the part of the body hit), and hence compensation should be paid to each person killed or injured.

6. While criminal proceeding has apparently started against Sunil Yadav, but others are also

responsible for the situation. The higher authorities were definitely at fault, and should be suitably punished not only for their inapt handling of the situation, but partisan attitude. Police should not become the handmaiden for the rich and influential people, and if they do so, the culprits have to be identified. Orders from above is a dangerous issue, more so because it is usually verbal, and in a way exonerates the perpetrator of a crime. This tendency must be curbed; otherwise we make a mockery of rule of law. The concerned persons have to be made responsible, and this should be publicized in a manner that lower functionaries do not feel free to act against law under the pretext of merely obeying orders from above. Exemplary punishment is thus called for in such cases identifying the persons responsible for the turn of events and firing. Further, utter negligence of administration towards the people's problem and barbarity of police force is evident in police firing which is quite contrary to the concept of public welfare state in a democratic set

up like ours. Obviously the SP, Garima Mallick and SDO, Forbesganj, Girwar Dayal Singh are responsible for deaths and injuries and they should be given stringent punishment.

7. The role of the press in respect of this particular incident has been unsatisfactory. The first reports in many newspapers merely gave the government's version, followed by a kind of black out. Electronic media however revealed the other part of the story, yet the press failed to give an incisive and balanced version of the incident, which raises suspicion about the independence of press in Bihar.

The team also sought to examine the suspicion of communal prejudices at work in the conduct of administration, but it can not be conclusively established and hence the team refrains from expressing its views on the matter. The more important aspect, palpably noticeable, was the official keenness to please the powers that be, as noted earlier.

Nageshwar Prasad, Ramashray Prasad Singh, General Secretaries, PUCL Bihar; **Mithilesh Kumar, Rajkumar Choudhary**, Secretaries, PUCL Bihar □

Gujarat PUCL:

September 15, 2011
The Chairman,
University Grants Commission
35, Bahadur Shah Zafar Marg,
New Delhi – 110002

Subject: **Appeal to prevent misuse of Exhibition Hall, Gujarat University Ahmadabad.**

Respected Sir,

1. This is to bring to your kind notice that the Gujarat Chief Minister, Narendra Modi is going to undertake fast for 3 days in the Exhibition Hall, Gujarat University, Ahmedabad, beginning from 17th September

2011 and ending on 19th September 2011.

2. It is understood/learnt that the said Exhibition Hall has been constructed with the help and out of the funds, provided by the U.G.C. It is implied that the said hall is meant to be used for educational conferences and exhibition.
3. Modi's proposed fast, does not, in any way, fall within the category of any kind of educational purposes. It is patently political. This is to request you to prevent the misuse of the said hall.

4. As press reports indicate, the Vice Chancellor, Parimal Trivedi has permitted the hall to be used free of cost. We very much doubt, whether the Vice chancellor has got such an authority, so as to cause heavy financial loss of Rs. 30 lacks to the Gujarat University.

5. Kindly look into the matter and prevent the misuse of university hall for political (i.e. non-educational) purposes.

With Regards,

Gautam Thaker, General Secretary, PUCL Gujarat □

AP PUCL:

Report of Workshop on “Property Rights as Human Rights”, in Hyderabad

A report of the two-day workshop on Property Rights as Human Right held in Hyderabad on August 13 and 14, 2011, in association with Liberty Institute, New Delhi. -Ch. Narendra, Vice President, PUCL-AP, Hyderabad:

The Liberty Institute, New Delhi, organized a two-day workshop on “Property Rights as Human Rights” in Hyderabad, in Association with People’s Union for Civil Liberties (PUCL), Andhra Pradesh unit and Association for Promotion of Social Action (APSA), Hyderabad, at Administrative Staff College of India (ASCI) premises in Banjara Hills, Hyderabad. About 50 participants attended the workshop, they included three from Karnataka and one each from a few districts of Andhra Pradesh. The participants included human rights activists working at grassroots level, academicians, liberals and researchers.

The workshop was inaugurated by former Chief Minister of Andhra Pradesh Dr K Rosaiah (presently he is the Governor of Tamil Nadu). In his inaugural address he observed that there is a constitutional obligation on the part of the union and the federal governments to confer and protect absolute rights of property of private individuals, various forms of business organisations and property that would still rest with the government for the larger benefit of society. But, he said that what happened in independent India is more misuse of such legatee rights, private property rights and common property rights. Dr Rosaiah pointed out that over the past few years, land has emerged as a key issue on the social and political agenda of the country. Almost every section of society has been affected by the growing

controversy and conflict over land rights. While the Land Acquisition Act of 1894, continues to be on the statue book, he said, the acquisitions have become socially and politically increasingly contentious. In the case of Singur, or the Yamuna Expressway, the courts had held that the land acquisition was legally valid. Yet, the social and political cost of implementing the law has been rising, he added.

He hailed that this workshop on Property rights as human right is being held at a very opportune time. This is a very innovative way to look at the relationship between land and property rights on the one hand, and the human rights on the other. He expressed the hope that the discussions would help in improving our understanding of the underlying issues. And perhaps a way might be found to resolve these conflicts over land. This may help ensure that rights of the people are protected, their economic developmental needs are met, and their social and environmental concerns are resolved in a win-win manner.

He felt that there are very many issues relating to property rights which require a thorough debate and coherent understanding so that the policy maker is enabled to enable property rights conferment as integral to human rights.

Former Vice Chancellor of Acharya Nagarjuna University Prof C V Raghavulu presided over the inaugural session. A K Parashar, Joint Registrar (Law) and Focal Point for Human Rights Defenders of National Human Rights Commission (NHRC) was present in the workshop from New Delhi for two-days as the representative of the apex national human rights body. In his address at the inaugural session, he said that since ancient times property has

been considered as an important indicator in the overall well being of an individual. He said the NHRC has always vouched for the citizen’s rights to acquire, own and enjoy property. Stating that Right to Property is an important Human Right, he said, to achieve the desired ends for the full enjoyment of this it is impertive to establish a society that ensures inclusive growth and distributive justice.

In the first session, Liberty Institute Director Dr Barun Mitra dealt with the subject Property & Democracy: A Historical Perspective. Prof A Chakradhara Rao from Osmania University, presided. In the next session Ch. Ravi Kumar from WASSAN, that works on land issues, dealt with the Land Acquisition Bill 2011. He pointed out the present form of the bill is not clear on several sensitive issues related to the rights and protection of the marginalised sections of the population, who are more assertive nowadays on their rights. K Narayana Reddy, farmer’s leader from Tirupati presided.

Ravi Nair, Executive Director, South Asia Human Rights Documentaiton Center, New Delhi, in his special address dealt with the general human rights scenario in the country. He deplored the systematic subversion of the constitutional rights by the people at the helm of affairs. He cautioned that such an attitude would make the people lose faith in the rule of law.

On the section day, Dr S Jeevananda Reddy, Convenor, Forum for a Sustainable Environment, Hyderabad, explained the issues related to Urban Slums and Urban Properties. Stating that the rapid growth of urban slums is associated with the phenomena of globalization. He wondered if we

could build at least one clean and green city in the next 1,000 years. He cautioned that as long as concerned developments are confined to urban cities there is no way to make India slum free even in the next thousand years.

Dr N Ramakrishna Nallathiga from Construction Industry Staff College (NICMAR), Hyderabad, detailed the lapses in the Government's land acquisition policy with regard to Special Economic Zones (SEZs). He suggested a more transparent and realistic policy in this regard. Prof P Narayana Reddy, Director,

National Institute of Tourism & Hospital Management, Hyderabad, presided.

In the next session, Ambarish Mehta, land activist from the tribal belt of Gujarat, explained in detail how land mapping would help address several problems related to land ownership. He demonstrated some maps on how to expose change in ownership of lands over the years. He explained various practices of making use of the latest digital technology in this regard. Tribal activist and Shakthi Director P Sivarama Krishna presided.

In the valedictory session, S Ramachandra Reddy, former MP, Mrs Renuka Malla Reddy, State President, SUGRAMA, Karnataka; K Vinay Kumar, State President, Dalit Bahujan Front and Ms V Nalini, lecturer in Political Science, shared their experiences in the workshop. Dr. B. Yerram Raju, Regional Director, PRMIA-Hyderabad; Ms. Jaya Vindhya, President, Andhra Pradesh PUCL; S Srinivas Reddy, Director, APSA; and Ch. Narendra, Vice-President, Andhra Pradesh PUCL, workshop co-ordinator were also present. □

Press Release:

RS Secretariat yet to Disclose Register of Interest of its Members Even after Four Months of CIC's Order

- 'Ethics Committee still considering the CIC decision' says Rajya Sabha Secretariat

- Crucial Conflict of Interest Information being blocked

New Delhi, September 30th: In spite of the Central Information Commission's (CIC) order of 3rd June, to disclose the register of members' interest, the Rajya Sabha Secretariat till now has not provided the information to the appellant, Anil Bairwal of Association for Democratic Reforms (ADR). CIC had directed the Rajya Sabha Secretariat to disclose the register of members' interest within 10 working days along with the photocopies of relevant documents. The appellant has received communications from the Rajya Sabha Secretariat stating that the decision of CIC to disclose the register of members' interest is still under consideration with the Ethics Committee.

The current Chairman of the Ethics Committee is Dr. Karan Singh (INC). Other members of the committee include Shri S.S. Ahluwalia (BJP), Shri Mohan Singh (SP), Dr. V. Maitreyan (AIADMK), Shri Satish Chandra Misra (BSP), Shri Pyarimohan Mohapatra (BJD), Shri Sitaram Yechury (CPM), Shri Tiruchi

Siva (DMK), Shri Shivanand Tiwari (JD(U)) and Shri Tariq Anwar (NCP). This behavior of the Ethics Committee is very surprising as several provisions already exist to provide the register of members' interest information to the public. The sixth report of the Committee of Ethics, presented to Rajya Sabha on December 15, 2005 explicitly states the following with reference to disclosure of information contained in the 'Register of Members' Interests' –

"The information contained in the 'Register of Members' Interests' may be made available to a person with written permission of the Chairman, Committee on Ethics..."

Register of Members Interest can also be made public under Sub Rule (3) of Rule 293 of the Rules of the Procedure and Conduct of Business in Council of States which states that:

"(3) Information contained in the Register may be given to the general public in accordance with such rules and procedures as may be determined by the Committee from time to time."

Not disclosing the sought information also goes against the very purpose of having the Ethics Committee in

Rajya Sabha. According to the introduction given for the Committee of Ethics-

"The Ethics Committee of Rajya Sabha consisting of nine Members was constituted by the Chairman, Rajya Sabha on 4 March 1997, to oversee the moral and ethical conduct of the members and to examine the cases referred to it with reference to the ethical and other misconduct by members."

It is extremely disheartening to see that the same MPs who had played a crucial role in the passing of the Right to Information Act (RTI) are now behaving irresponsibly. In fact the Rajya Sabha has routinely adopted resolutions emphasizing the need for greater transparency and accountability in the working of Parliament and its members. One such Resolution was adopted on 1st Sept 1997 which states:

"That continuous and proactive effort be launched for ensuring greater transparency, probity and accountability in public life so that the freedom, authority and dignity of the Parliament and other legislative bodies are ensured and enhanced;"

There are various reasons why this information should come out in the public domain the most important

one being the issue of conflict of interest which can be more comprehensively addressed if the detailed financial details of Rajya Sabha members are available.

Other reason for the disclosure of this information is that elections to Rajya Sabha are not direct and the citizens of the country have no direct say over the nomination & selection of the Rajya Sabha members. These members, also, in spite of not being elected directly by the citizens of the

country participate in policy making and all legislature activities as much as the Lok Sabha members.

The non-compliance of the CIC ruling and the constant delay by the Ethics Committee is against the spirit of upholding high standards of morality and values in public life for which the Ethics Committee was formed. Under the current environment where there has been much talk about eradicating corruption and making democratic institutions more

transparent and responsible this behavior by the MPs is indeed very disappointing.

Because of the continuous delay of information, by the Rajya Sabha Secretariat and the Ethics Committee, the appellant on 5th July sent a letter of non-compliance to CIC for which response is still awaited.

Anil Bairwal, National Coordinator, Prof Jagdeep Chhokar, Founder Member, Prof Trilochan Sastry, Founder Member □

On the 35th anniversary of the imposition of Emergency rule in the country:

PUCL: It's History of Struggle in Fighting the Structures

Mahi Pal Singh

Contd from the last issue (PUCL Bulletin, October 2011)...

PUCL on Abolition of the Death Penalty

The civilized world looks at the award of the Death Penalty from the perspective of civil and human rights.

The National Conference Against Death Penalty, held on 22nd and 23rd of July 2000 at New Delhi, which was presided over by Justice V.R. Krishna Iyer and consisted of Justice P.N. Bhagwati, Justice Rajindar Sachar, Justice H. Suresh, Justice N. S. Rau and scholars and activists like Kulip Nayar, Asgar Ali Engineer, Dr. R.M. Pal, Prof. Iqbal A. Ansari, K. Balgopal and Baba Amte, was against the award of capital punishment. Gandhiji, the Father of the Nation, also did not favour death as a penalty when he said, "Destruction of individuals can never be a virtuous act. The evildoer cannot be done to death. Today, attempts are being made to convert prisons into hospitals as if they are persons suffering from a disease." And what else are terrorists, rapists and murderers if not mentally sick persons? We also have the opinion of Dr. B.R. Ambedkar, the principal architect of the Indian Constitution,

who observed, "This country by and large believes in the principle of non-violence. It has been its ancient tradition, and although people may not be following it in actual practice, they certainly adhere to the principle of non-violence as a moral mandate which they ought to observe as far as they possibly can and I think that, having regard to this fact, the proper thing for this country to do is to abolish the death sentence altogether." (*Dr. Babasaheb Ambedkar – Writings and Speeches*, Vol. 13, page 639, Govt. of Maharashtra Publication). Jayaprakash Narayan, the founder of the PUCL, had observed in 1977 in a message to the Delhi Conference on Death Penalty: "A more humane and constructive remedy is to remove the culprit concerned from the normal milieu and treat him as a mental case. I am sure a large proportion of the murderers could be weaned away from their path and their mental condition sufficiently improved to become useful citizens."

In an article on the abolition of the death penalty Justice Rajindar Sachar recently observed: "Over the

years, multi-nation forums have adopted four international treaties providing for its abolition: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989; Protocols No. 6 and No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), adopted by the Council of Europe in 1982 and 2002 respectively; and the Protocol to the American Convention of Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organisation of American States in 1990.

"So far, 133 countries have abolished the death penalty in law or in practice. Only 25 countries carried out executions in 2006. There were 1,591 recorded executions that year compared to 2,105 in 2005."

The PUCL has always maintained that the death penalty should be abolished from the statute book and it has campaigned for it though there is no shortage of people who still favour it.

It was a foregone conclusion that the lone survivor responsible for the 26 Nov. Mumbai terror attack Ajmal Amir Kasab would get the maximum penalty of death from the trial court. It was also obvious that with the conclusion of the case the evidence presented before the court by the Public Prosecutor would become known and the Government of India would be under tremendous public pressure to demand action by the Pakistani Government against the masterminds of the attack sitting across the border in Pakistan whose names figure in the evidence. It was also clear that discussion in the media on these issues would occupy a lot of time during the next few days.

However, discussion on these issues did not last long. It is discussion on the death penalty, which was started by a TV channel that has got prolonged and stirred the question of hanging of Mohd. Afzal convicted for the 2002 Parliament attack case whose mercy appeal is pending before the President of India. Bharatiya Janata Party, the main opposition party in Parliament utilized this opportunity to attack the ruling UPA Government for not expediting action in the matter and keeping the hanging of Afzal in indefinite abeyance. One wonders whether the leaders of the BJP would be equally vociferous in demanding hanging of Pragya Singh Thakur, Lt. Colonel Srikant Purohit, Ram Narain Singh, Dayanand Pandey, Devendra Gupta and Chandrashekhar, belonging to the Hindutva outfits like the Hindu Jagaran Manch and Abhinav Bharat, accused of the Malegaon and Ajmer Dargah blasts and the Mecca Masjid terror attack in case they are also convicted and awarded the maximum penalty of death by the judiciary? From their reaction of defending Sadhvi Pragya Singh Thakur and the other accused so far, it seems most unlikely.

The media chose the most inappropriate time, only a day before the quantum of punishment was to be announced for Kasab, to discuss the very serious issue of the death penalty. It was clear that almost all the panellists would demand death for him. The man on the street and the victims or the family members of the 26/11 attacks were all bound to demand the same. The lawyers who appeared in the discussion and were asked to give their opinion on the basis of the law of the land, were also bound to pronounce the maximum penalty of 'death' in the case as it was certainly covered under the 'rarest of rare' cases, the yardstick prescribed by the Supreme Court for the award of the capital punishment.

So long as the provision of the capital punishment is present on the statute book, the courts are certain to award death in such 'rarest of rare' cases and the largest number of people is bound to demand it when any such case is under discussion. The question becomes case specific and the circumstances of the case, the barbarity, the cruelty, the horror and the bloodshed all visit the mind of the person asked to give his opinion, combined with his own anger at the outrage (and the sense of patriotism and nationalism in the cases of acts of terror by Pakistani nationals) force him to pronounce 'death' as the only punishment. They demand it because that is the maximum punishment available under the law for such heinous crimes. What needs to be understood is that they would demand 'life imprisonment' for the same crimes if that were the maximum punishment available. Such crimes happen in those countries also, which have abolished the death penalty and the people in these countries demand, and the courts award, the maximum punishment of life imprisonment for them.

It is high time that we hear the call of the UN High Commissioner for Human Rights, Navnitham Pillay, and abolish the death penalty from our statute book when she says: "I hold this position for a number of reasons: these include the fundamental nature of the right to life; the unacceptable risk of executing innocent people by mistake; the absence of proof that the death penalty serves as a deterrent; and what is, to my mind, the inappropriately vengeful character of the sentence." For a country, which gave to the world the greatest apostle of non-violence in M.K. Gandhi, this is the only rational option. But such a decision cannot be reached on the basis of the opinion of the man on the street, that too with reference to a case like that of Ajmal Amir Kasab.

PUCL on Criminal Justice Administration System

India has a democratic Constitution and Fundamental Rights of the people enshrined in it form an integral part of it. They contain the Human Rights of individuals as well as of groups of people, known as religious and cultural rights, in conformity with the Universal Declaration of Human Rights (UDHR) made by the United Nations on December 10, 1948 and the two Covenants on Civil and Political Rights and the other on Economic, Social and Cultural Rights passed by the UN and signed and ratified by most of the member States. The Supreme Court of India is the custodian of the rights granted under the Constitution.

Thus, as per the Constitutional scheme, India is a country where people enjoy all kinds of rights and civil liberties and the country is governed by the rule of law, meaning thereby that an individual's liberties cannot be abridged except in accordance with the procedure established by law. This presents a

golden picture of the human rights scenario in the country but, unfortunately, only thus far. When it comes to the ground reality, the situation turns ugly. And we are not as yet talking of the Economic and Social Rights as enshrined in Part IV of the Constitution under the title 'Directive Principles of the State Policy', which were not made enforceable through the Courts by the founding fathers of the Constitution, and their implementation was left at the mercy of the State, though they are supposed to be fundamental in the governance of the country.

Some time ago a man named Om Prakash was released from the Mainpuri jail in UP after the intervention of the court after 37 years of imprisonment without any trial. He was arrested on charges of murder. His father, in order to save his young son from the arrest (Om Prakash was less than 20 years old at the time of his arrest), took upon himself the responsibility of the crime and confessed to having committed the murder. But both were arrested and the father died in the jail after a few years. Had the trial taken place and Om Prakash even proved guilty of murder and awarded the maximum punishment of life imprisonment, he would have come out of jail a quarter of a century ago. But during the 37 years he was in jail the trial did not even begin. The trial could not take place because the police could not trace the papers of the case. And for this serious lapse on the part of the police, no action was taken against any police official. However, Om Prakash languished in jail without trial for 37 long years and came out of jail as an insane person because his long confinement had turned him insane long ago, and at the time of his release he did not know who he was. Of course, there is no question of his recognizing his 80 years old

mother, who was still happy to receive back her son in whatever condition he was at that time, a victim of gross state negligence pure and simple.

Raja Ram, aged 70, who spent 35 years in Faizabad jail and Varanasi mental hospital without being proved guilty was freed earlier on a personal bond. But his freedom was short-lived, as he could not trace his home in Torabganj in Gonda district. The SI of the Torabganj police station said that his village did not exist. His village was not on the map of the area. The Police Inspector said that Raja Ram could not locate his house. How could he, after 35 years' absence from his house and that too coming back in an insane state of mind? One can be reasonably sure that even Raja Ram did not know why he was sent to jail? What crime had he committed? He told a newspaperman, "I am not a thief. The real thief ran away and the police arrested me," as reported in a newspaper.

In yet another case reported in the same newspaper – 70-year-old Jagjivan Ram languished in prison without trial for 36 years because his records were missing and in the absence of necessary records his trial could not begin.

These few instances indicate that if there were thorough investigation across the country in different jails, there would be many more under-trial prisoners languishing in jails without being convicted.

In a different case pertaining to foreigners, 17 Pakistanis, who were found guilty of various crimes by the Courts, including that of entering the country without valid documents, were sentenced to imprisonment for various terms. They were in jail during the trial period because they could not be granted bail for obvious reasons. So far so good. But after the completion of their jail terms they

should have been deported to Pakistan within a reasonable time. However, there were some who were awarded only six months of imprisonment by the Court, and yet they were kept in the Restricted Foreigners' Detention Camp, Lampur, Delhi without the sanction of the law and in gross violation of their human rights for periods ranging from one year to more than four years even after they had completed the awarded jail term. The plea of the Central Government in such cases that 'these prisoners could be released only in return for an equal number of Indian prisoners languishing in Pakistani jails' was rejected by a bench of the Supreme Court of India, consisting of Justices Markandey Katju and R.M. Lodha on March 9, 2010, and they were ordered to be deported within two months. 14 of the 17 Pakistanis detained in the Camp were deported to Pakistan on 25th March 2010. But nobody was held responsible for their grossly illegal over-detention in the country and of course there is no provision for compensation in such cases.

There were still 12 Africans detained at the Lampur Camp and Nari Niketan, Hari Nagar, Delhi who were caught on various charges and had spent between 4 to 8 years in jail during the trial period, and were ultimately declared 'not guilty' by the Courts. However, instead of being deported to their respective countries, they were also dumped in the Detention Camp. Their freedom could be secured only after the intervention of the People's Union for Civil Liberties, Delhi which highlighted their illegal detention through the newspapers and the orders of the Delhi High Court, which followed.

It is nobody's case that the police should abdicate its duty to catch and prosecute law-breakers and criminals. It has, however, been noticed that even in cases of

abduction and extra judicial killings the guilty police officers go scot-free and even the most innocent victims suffer for the acts of omission and commission of the police. There should be proper, accurate and scientific investigation and gathering of actual evidence, not concocted one, to sustain the case before the trial Court. However, what is most essential to make justice administration system transparent and corruption free is to devise a system of accountability wherein the prosecuting officers should be held responsible for causing unnecessary and illegal detention of the accused, and punished, and the detainees should be adequately compensated for the physical, emotional and social loss caused to them and their families, including the cost of litigation which is also exorbitant and pushes access to the courts of justice out of the reach of most of our poverty stricken population, though no compensation can really compensate for the loss of their liberty and separation from their families and the resultant suffering caused to them. Mere cosmetic police and judicial reforms cannot cure our decayed justice administration system. It is high time that our legislators and the Courts, which are the guardians of the Fundamental Rights granted by our Constitution, considered these issues and took decisive and drastic

action to ensure the un-encroached enjoyment of Human Rights of all individuals in accordance with the spirit of the Constitution and the UDHR. The National Human Rights Commission (NHRC) should also keep a regular watch and ensure that under-trials do not remain in jails on account of unnecessary delay in beginning the process of trials. It is the millions of common men and women whose liberties have to be sincerely and judiciously protected to ensure a just and democratic society through speedy and fair justice administration system. Protection of the Civil Liberties of the people is too serious and sacrosanct a matter to be left at the mercy and whims of the police and the prosecution's failure to begin the trial before a court of law.

PUCL on the Right to Food

Hunger deaths, malnutrition, scarcity of medical services constitute a very important component of the Right to Life granted under the Constitution. Part IV of the Constitution under the title Directive Principle of State Policy lays stress on this right under various Articles. In spite of being fundamental in the governance of the country successive governments have ignored them. The result is that even after 63 years of achieving independence, people die of hunger, malnutrition and lack of medical care in a country where 70% of the

population is still engaged in agricultural farming. The country has been producing surplus food for the last several years but because of the lack of proper management and failure of governance due to the apathetic attitude of the ruling elite these issues have not been on the priority list of the government. Even the Supreme Court of India had observed as early as 23 July 2001 in its interim orders on the Writ Petition [Civil] 196 of 2001 filed by the PUCL in the "right to food case": "In case of famine, there may be shortage of food, but here the situation is that amongst plenty there is scarcity. Plenty of food is available, but distribution of the same amongst the very poor and the destitute is scarce and non-existent leading to mal-nourishment, starvation and other related problems."

What can be more appalling than the fact that millions of tons of food grains are allowed to be rotten for lack of poor storage and care, and the government still refuses to supply it to the poor people free of cost in spite of the Supreme Court's directions even after a Bench of Justices Dalveer Bhandari and Deepak Verma the Supreme Court gave this clarification on 31 August 2010, again on the Petition of the PUCL, that its August 12 directive to distribute grain at "no cost" or

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

“very low cost” was an order and not a suggestion as made out by Agriculture Minister Sharad Pawar. But still instead of implementing the orders of the Hon’ble Court, the Prime Minister himself came out in defiance of the Court’s directions calling them an interference in the policy framing function of the executive forgetting that being the custodian of the Fundamental Rights of the people, which include the Right to Life also, the judiciary is within its rights, and even duty bound, to issue such directions.

In the light of this apathetic attitude of the government towards these fundamental issues of life and hunger, it seems natural for rights organizations to demand the Right to Food to be specifically granted the status of a Fundamental Right. A Right to Food Campaign was, hence, started by the PUCL in coordination with several other organizations and the government had to introduce a Food Security Bill in Parliament, which, however, is not acceptable to the Rights activists because of glaring shortcomings in the Bill in meeting the needs and aspirations of the people to ensure a hunger free society where, even by moderate estimates, more than 37% people live below the poverty line. Unless Public Distribution System (PDS) is streamlined, at least 35 Kgs. of wheat and/or rice is given to every family, all essential food items are supplied at reasonable rates through the PDS shops and every individual is brought within the ambit of the PDS system, the Right to Food will have no meaning. Unfortunately, the Food Security Act does not address these problems.

Protection of the Human Rights Defenders

As has been stated above also, the State is becoming more and more ruthless towards the human rights defenders who advocate the rights

of the people. Adopting an adversarial attitude towards them, instead of looking at them as helpers in ensuring proper governance of the country in accordance with the rule of law and in a democratic manner for which the Indian Constitution stands, the State machinery harasses, arrests, tortures and even kills these human rights defenders. The arrest of Dr. Binayak Sen is an example of the same. In a country where even the human rights defenders, who work as a watchdog for the rights of the people, are not safe and are targeted by the State, how can the rights of ordinary citizens be said to be safe?

Hence the PUCL has been advocating for a robust institutional mechanism for the support and protection of human rights defenders. To this end the PUCL had submitted a detailed petition to the National Human Rights Commission (NHRC) and had raised this issue during the core meeting of NGOs affiliated to NHRC organized on 12.10.2009 by the National Human Rights Commission at New Delhi. Acting on the plea of several other rights groups as well, the Commission has finally set up a Focal Point for human rights defenders on 4 June 2010. It is hoped that now at least the aggrieved can approach the mentioned cell.

However, much cannot be hoped for unless and until the State apparatus changes its attitude and approach towards the human rights perspective in the country and does not devote itself to governance in accordance with the letter and spirit of the Constitution of India. In its absence the need of human rights organizations will continue to exist and the PUCL will continue to pursue the goals for which it was constituted. **(Concluded)**

REGISTERED
Postal Regn. No.:
DL-(E)-01/5151/2009-2011
Posting : 1-2 of same month
at New Delhi PSO
RNI No.: 39352/82
Date of Pub.: **Nov. 1, 2011**
Office : 270-A, Patparganj
 Opp. Anandlok Apartments
 Mayur Vihar-I, Delhi-110091
Tel.: 22750014. **Fax:**(PP) 42151459
E-mail : puclnat@yahoo.com
 puclnat@gmail.com
Website : www.pucl.org

PEOPLE'S UNION FOR CIVIL LIBERTIES
Founder : Jaya Prakash Narayan
President : Prabhakar Sinha
General Secretary : Pushkar Raj
Treasurer : Ajit Jha
Vice Presidents : Binayak Sen;
 Ravi Kiran Jain; Sanjay Parikh,
 Sudha Ramalingam (Ms.)
Secretaries: Chittaranjan Singh;
 Kavita Srivastava (Ms.)
 Mahi Pal Singh; V. Suresh (Dr.)

PUCL BULLETIN
Chief Editor : Pushkar Raj
Editor : Mahi Pal Singh
Editorial Board : Rajni Kothari, Rajindar Sachar, R.B. Mehrotra, R.M. Pal
 Chief Editor, Editor.
Assistance : Babita Garg

Printed and Published by:
 Pushkar Raj, General Secretary, PUCL,
 270-A, Patparganj, Opp. Anandlok
 Apartments, Mayur Vihar-I, Delhi-110091
 for *People's Union for Civil Liberties*
Printed at: Jagdamba Offset Printers,
 H-28, Jagat Puri, Delhi-110051