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Life and Personal Liberty vis-à-vis the Draconian Laws, the Judiciary and the National Human Rights Commission

Prabhakar Sinha

In my letter to Seema Azad I had said that I was not writing to condemn the court which had convicted her or to pass a judgment on its verdict. By condemning the court or the judgment we divert attention from the real culprits and unwittingly absolve them of their guilt and overlook the web of lawless laws they have enacted to entrap just anyone they want. Though it is only natural that we should concentrate on drawing attention to our colleagues who have been victimised, we should be mindful that in doing so we do not divert attention from thousands of other unsung victims languishing in jails. The media, which are owned by the big business, have a vested interest in picking up one or two cases to give maximum publicity to create the false impression that such victimizations are rare. Let us take the case of the murder of Jessica Lal in which the police and the prosecution conspired to ensure the acquittal of the murderer. The concerted media campaign resulted in the case being reopened and the murderer being convicted. But are the media really concerned about miscarriage of justice as such? The fact is that they are not. It is an open secret that the police and the prosecution work together to ensure the acquittal of the rich or influential criminals in the lower courts all over the country generally for money and occasionally under influence. With their wide reach the media could have exposed this rot in the criminal justice system, if they had been really interested in preventing miscarriage of justice. We must be cautious and ensure that while seeking justice for one of our own, we do not inadvertently become a party to consigning the other similar victims to oblivion.

Though in theory the State represents all its citizens and is expected to use its power in the interest of all, in practice its power is exercised by the government in the interest of those who control it (i.e., the government). The colonial government used the coercive power of the state to exploit India to serve the interest of Great Britain. It enacted laws to exploit us economically and passed draconian laws to suppress popular agitation against colonial exploitation, it also enacted black laws like the Preventive Detention Act, The Rowlett Act, the Defence of India Act and similar laws to keep India in the British Empire to perpetuate its exploitation. What needs to be understood is why a democratic India should need more numerous and more repressive laws than the colonial government?

A truly democratic government uses the power and the resources of the State to satisfy the maximum possible demand of the largest number of the people, which minimizes the conflict between the people and the government. When there is no serious conflict between a government and the people, there is no need for repressive laws. However, if a democratic form of government needs draconian laws to manage the affairs of a nation, it means it has ceased to satisfy the demand of the majority of the people and is serving the interest of a handful, and to suppress the mass agitation against it requires draconian laws. It is this phenomenon which had given rise to Fascism in Italy and in Hitler's Germany, and it is this phenomenon which is at the root of widespread suppression of the people in our country.

In India, the real culprits behind most of the killing of innocent persons in fake encounters, police custody, disappearances and robbing of thousands of innocent persons of their personal liberty are the ruling elite comprising the big business, the corrupt politicians and the bureaucrats. Our Constitution pledges to secure social, economic and political justice for all, the Directive Principles mandate that the State shall strive to minimize the inequalities in incomes and status, prevent the concentration of wealth in the hands of a few and ensure that the material resources of the community are so distributed as to serve the common good. Naturally, the people want promises kept and demand that the State should work in their interest to make India a real welfare State. But this is not possible if the government is controlled by a small coterie (of big business, politicians and bureaucrats) determined to use the power of the State to pursue its own narrow interests. At the root of all the

draconian laws and the ongoing repression is the conflict between the demand of the people that the State must serve them and make their life better and the government controlled by the elite determined to serve the interests of the ruling elite. Since the aspirations of the people can be satisfied only at the cost of the ruling elite, who are determined to pursue their interests at any cost, they have been resorting to repression to thwart the legitimate aspirations of the people. So long as the conflict is not resolved in favour of the people, more and more draconian laws would be enacted and more and more people would be victimized.

Should one be ashamed of being convicted under a draconian law if he/she is not convicted of acts which are serious crimes under the ordinary law of the land? Were we ashamed of Tilak's and Gandhi's conviction for sedition? Or were we ashamed of the conviction of other freedom fighters? The State is sovereign and has the power to enact laws and enforce them. Hitler used this power to enact laws against the Jews and mercilessly killed 60 lakh of them. South African Whites enacted laws against the Blacks and committed inhuman atrocities against them. Earlier, there was law to support slavery in several countries of which humanity should be ashamed. All these disgraceful laws pass the test of legality but fail the test of Legitimacy. A law to be morally acceptable must pass both the tests. The draconian laws have passed the test of constitutionality but completely failed the test of legitimacy. How can a law which can admittedly be used against innocent persons without any remedy against the injustice or compensation for its innocent victims be legitimate? All the laws of preventive detention during peace and all the special laws like, Unlawful Activities (Prevention) Act, 1967, Armed Forces Special Power Act, 1958 and similar laws

enacted by the Union or State governments are inimical to democracy and have no legitimacy. Their sole purpose is to suppress people's movement for their welfare to ensure that the interest of the ruling elite can be perpetuated.

All of these illegitimate laws have been declared constitutional and pass the test of legality. The apex court has found all the laws which may be misused against innocent persons without the victims having any remedy. Thousands have been killed in encounters (a large number of them in fake encounters), thousands have been killed in the police custody, thousands have just disappeared without a trace and thousands have been killed in police firings at unarmed processions, and yet paens are sung in praise of the guarantee of life and personal liberty under Art. 21 and its guarantor, the Indian judiciary. The judiciary has completely failed to protect the life and personal liberty of innocent persons, specially those living in the areas where a section of the people have risen in revolt with or without arms to protect their rights against the onslaught of the ruling elite. In fact, the apex court has gone to the extent of rewriting the Constitution in the garb of interpreting it (the Constitution) where the issue appeared to it of importance; but it showed a complete indifference to the loss of life and personal liberty of the people by not insisting on incorporating safeguards against the misuse of the law to protect innocent persons. In contrast, in the case pertaining to appointment of the judges of the High Court and Supreme Court, it arbitrarily snatched the power to make appointments from the President and arrogated it to itself. However, their priorities and judgments are not deliberate but are the result of the bias born of one's background from which no one is completely free.

The National Human Rights

Commission (NHRC) was set up in 1993 under The Protection of Human Rights Act (PHRA) enacted in the same year. Though its powers were limited, it gave rise to expectation that it would act as a deterrent against violations because of the stature of the Chairman and the members of the Commission (a former Chief Justice of India as Chairman and a sitting or retired judge of the Supreme Court and a serving or retired Chief Justice of a High Court as members). The first Chairman of the NHRC (Justice Rangnath Misra) correctly assumed that the Commission had to play a proactive role if it had to be effective, He invited human rights activists for informal interaction and even attended public meetings called by them. His approach was not bureaucratic and he took quick decisions cutting the red tape (I can vouch for it on the basis of personal experience). 19 years after its inception, NHRC has become a bureaucratic organisation, which has ceased to act as a deterrent against violations by not ensuring severe action against the violators. Instead, it has reduced itself to a commission for compensation and human rights education. The PHRA includes grant of interim relief to the victims and spreading awareness of human rights, but these were not envisaged

as its primary function. Its primary function is to inquire into the complaints of 'violation of human rights or abetment thereof or negligence in prevention of such violation by a public servant' (S12a (i) & (ii) of PHRA, 1993). The Commission is required to recommend to the concerned government or authority prosecution or any other action it deems fit against the guilty public servants. It can also recommend grant of immediate relief to the sufferers. However, the human rights cannot be protected by granting financial relief, it can only be protected by ensuring punishment to the guilty public servants by making an example of them to deter the others. However, the Commission appears to have abdicated its responsibility of getting the guilty public servants punished. The Commission publishes its monthly newsletter which proudly publishes the amount it has recommended in the listed cases along with the list of cases in which its recommendations have been complied with by the governments concerned. The cases in which the relief recommended are of 'death in police encounter', 'death in police custody', 'rape in police custody', 'fake encounter', 'death in judicial custody' and 'gang rape' etc. The newsletter does not mention the

prosecution or conviction of anyone of the culprits. The list does not mention cases of death in police firings on unarmed demonstration or organized killing by the security forces. The inadvertent or otherwise role of the Commission has become that of the protectors of the violators. The NHRC cannot act as the protectors of human rights so long as it is filled with judges who are used to remain neutral and act without passion.. Human rights can be protected only by the people who feel deeply and passionately committed to them and are also ready to play a proactive role. The existing toothless Commission with passionless people doing just another job is incapable of protecting us. Due to the ruthless pursuit of the present economic policy and the people's resistance, repression is bound to rise with the judiciary remaining a passive onlooker and the Human Rights Commission indifferent. The media owned by the ruling elite would continue to divert attention from rampant violations by picking up individual cases and giving them wide publicity. Thus, there is no hope from the pillars of the State. It is only by turning to the common man and winning his support that there may be freedom from atrocities and suppression. □

PUCL National Convention at Jaipur, Rajasthan

The PUCL National Convention will be held at Jaipur, Rajasthan on 1-2nd December 2012. All the PUCL members are invited to participate in the Convention. Accommodation will be available w.e.f. the evening of 30th November. All the State PUCL General Secretaries are requested to extend the invitation to their members. Members are also requested to inform the General Secretary, PUCL Rajasthan through their State PUCL General Secretaries/Conveners about their participation in the Convention and their travel plans (date and time of reaching the Convention venue and the date and time of departure from there) well in time, but not later than 15th of November 2012 so that arrangements may accordingly be made. The details of the agenda will be conveyed later on. Registration for the Convention will be done on the morning of the 1st Dec and an amount of Rs. 200/- will be thankfully accepted as the registration contribution from those attending the Convention. Further queries/information may please be sent to: Ms. Kavita Srivastava, General Secretary PUCL Rajasthan at the following emails: "Kavita Srivastava" <kavisriv@gmail.com>, <kavita.pucl@gmail.com>. She can also be contacted at: 09351562965.

Mahi Pal Singh, Secretary, PUCL □

PUCL Press Release about Vandalism by Activists of Communal Forces

The People's Union for Civil Liberties (PUCL) has noted with serious concern the incidents of growing intolerance based on religion against the minority Muslims and also based on region in some parts of our country. Only a few days ago 98 Muslim labourers who were travelling to Karnataka, where they have been working as labourers, were made to get down from a train at the Bangalore railway station by the activists of the Akhil Bharatiya Vidyarthi Parishad (ABVP), the student wing of the ruling Bharatiya Janata Party (BJP) and were severely beaten up merely because being Muslims they were suspected to be Bangladeshi Muslims. After verifying their identity they were later allowed to move on by buses by the local police. No activist of the ABVP was, however,

arrested nor any case registered against the ABVP hoodlums by the police. Even if the victims had been Bangladeshis, the ABVP had no right to use force against them. The PUCL strongly condemns this act of vandalism by the AVBP activists and demands strong action against them. During the same period, in Mumbai, Raj Thackeray, the President of another communal outfit, the Maharashtra Navnirman Sena (MNS), threatened to label people from Bihar living and working in Mumbai as 'infiltrators', as if Bihar and Mumbai are two separate countries and the latter is his personal or ancestral property and only those following his diktats have the right to live there. Earlier, a month ago, a hate campaign was started in Bangalore, Pune and several other cities against the people

belonging to the north-eastern states, particularly those belonging to Assam, and using the mobile a fear psychosis was created in the minds of these people arousing safety concerns in their minds for themselves and their families, ultimately resulting in their large scale exodus back to their homes abandoning their jobs and studies in the middle.

The PUCL strongly condemns such divisive incidents for political gains or otherwise because they go against the Constitution of the country and the multi cultural, multi regional and multi lingual character of our society and they can only result in weakening the country as a whole.

Prabhakar Sinha, President; **Mahi Pal Singh**, Secretary, PUCL National
September 5, 2012 □

PUCL Press Release on the Arrest of Aseem Trivedi

The People's Union for Civil Liberties (PUCL) condemns in the strongest words the arrest of political cartoonist Aseem Trivedi and booking him on charges of sedition under Section 124 of the Indian Penal Code (IPC) and other Sections of various other laws by the Mumbai police merely for posting political cartoons on his website and putting them up at the site of an anti-corruption rally organized by the India Against Corruption activists last. It is an attack on the freedom of speech and expression granted under the Constitution of India. Merely expressing one's views

against the corrupt politicians, bureaucrats and corporates through any medium of one's choice does not in any way constitute sedition. The PUCL also agrees with (Justice) Markandey Katju that it is an illegal arrest and those who arrested him should themselves be booked under Section 342 of the IPC for wrongful arrest.

The State has been snapping sedition charges on all kinds of protesters who protest against corporate loot of the country's mineral and natural wealth with the connivance of political leaders or expose their corruption or anti-people

policies, Sedition and other black laws like the Unlawful Activities (Prevention) Act (UAPA) and the Special Security laws prevalent in various States are being used as tools by the political leadership of the country to muzzle the dissenting voice of the suffering people and thousands of such innocent people are languishing in jails on sedition and other serious charges. That is why the PUCL has been agitating for the repeal of these anti-people laws.

Mahi Pal Singh and **Chitranjan Singh**, National Secretaries, PUCL
September 10, 2012 □

Press Statement:

Condemning the Police attack on Protesters against Nuclear Plant in Kudankulam-Idindhakarai Area

PUCL strongly condemns the police attack on protesters against nuclear plant in Kudankulam-Idindhakarai area on 10th Sep.2012. This attack is utter violation of human rights. People of Kudankulam have been protesting in a non-violent way for

over 390 days. They have the right to protest in a democratic way.

While the cases against Kudankulam atomic power station have been dismissed in Chennai High Court, people have the right to appeal in Supreme Court against the

judgement. It is undemocratic to immediately load fuel to nuclear plant without giving enough time for the appeal. It is to be noted that Kudankulam plant doesn't satisfy international norms. There are many illegalities too.

We learn from the news reports that a fisherman has been killed in police firing in Tuticorin. This shows the scant respect of police and state authority over the concerns of local residents about the safety of KKNP and utter indifference of central and state governments to the safety issues which gains relevance in the background of Fukushima atomic plant accident in 2011.

Democratic, non-violent struggle is being crushed by the joint action of both Central and state governments. People including children and women

have been lathi charged and lobbed by tear gas shells. Protest leaders have been targeted. Government has unleashed the fear of state terrorism in fishermen villages. These actions are equivalent to Thimirabarani and Nandigram incidents.

State police has been prosecuting protesters under sedition (124A IPC), waging war against India (121 IPC), conspiracy (120-B IPC) and other draconian provisions of penal law. We fail to understand how people expressing fear over the safety of KKNP be construed as anti national,

acting or waging war against India. This flagrant abuse of the law by the state police to crush the democratic aspirations of people and to stifle all expressions of fundamental right is highly condemnable. It is unconstitutional and anti-democratic.

We demand that the police should vacate the area immediately and all the charges on protesters be dropped.

Mahi Pal Singh, Kavita Srivastava
(National Secretaries, PUCL) □

PUCL Members Welcome Activist Seema Azad and Her Husband

Staff Reporter

At the basement of Hindi Bhavan, rogue plastic chairs were reined in, microphones checked and banners were in place -- all because "Our Seema is free and coming back".

On Friday, members of the People's Union for Civil Liberties (PUCL) and several other organisations that fall under the umbrella of 'The Coordination of Democratic Rights Organisation' gathered together in welcoming journalist-activist Seema Azad and her husband Vishwa Vijay. The couple were on their first visit to the Capital after being granted bail by the Allahabad High Court in early August.

Ms. Azad, editor of the bimonthly magazine Dastak and the organisation secretary of PUCL (Uttar Pradesh), and her husband were arrested in February 2010 after being charged with being members of the banned Communist Party of India (Maoist) and for possessing Maoist literature. In June this year, the couple was sentenced to life imprisonment by a Sessions court in Allahabad on charges of sedition and harbouring Maoist links.

Despite having spent close to three years in prison, Ms. Azad spoke with confidence about her struggle and was humbled by the support she and her husband had received. "My experience in jail was vast but if I start talking it will never end," she said, choosing to touch upon conversations she had had with inmates. "Only innocent people get locked up and this I realised after going to jail. In my conversations with many of the women inmates, I found that they did not even know for what they had been locked up for and many of them had been abandoned by their families," she said. "Perhaps, PUCL should form a team of lawyers and help those who have no one to represent them."

The role of human rights and democratic rights organisations is more valuable in today's context, she said. "I was arrested on charges of having Maoists links. But when I was questioned, it was mainly regarding my work at the PUCL, about Dastak and about the Ganga Expressway on which I had done extensive work," said Ms. Azad, adding the tag of

being a Maoist has been forced upon several innocent people thereby ruining their lives.

When lawyer Ravi Kiran Jain spoke about the contents of the First Information Report filed against the couple, smiles were exchanged among the audience acknowledging what they believed to be a ridiculous account. "After filing the FIR, the prosecution did not proceed any further. Apparently, from reading the documents that the couple possessed the police concluded they were Maoists and were waging war against the nation," he said.

Taking a pot shot at the local intelligence officers who were present in the audience, V. Suresh, PUCL's National General Secretary (Elect), asked them to maintain actual records instead of offering fabricated accounts. "The lower judiciary never comes under the scanner. We need to focus on the way the magistrates are operating. Their duty is to exercise judicial appreciation," he said.

Courtesy The Hindu, September 8, 2012 □

Report of the National Council Meeting held at Gandhi Peace Foundation

Prabhakar Sinha, President, PUCL presided over the inaugural session of the National Council meeting on National PUCL Report. Opening the session he narrated the incidents

leading to the birth of the PUCL with the aim of bringing together people who were in favour of protecting the civil liberties even if they had different ideologies on economic and

political issues. In spite of different political ideologies, some even believing in the use of violence for bringing about social and political changes, PUCL members believed

and still believe in non-violence. PUCL members are supposed to work in accordance with the Constitution of the organization. In the matter of defence of the human rights, we are not supposed to be biased against the victim because of his being a criminal or otherwise.

He also emphasized the need of civilized and respectful behaviour from all members in their interaction with each other while working together, not offending anybody even though differing on various issues. Membership of the organization should be open but if we have strong reasons to believe that somebody has ulterior motives in joining the organization, we should be careful in letting such people join the organization.

Knowledge of the Constitution was emphasized by him. He also emphasized empowerment of the people by spreading awareness about civil liberties among more and more people instead of thinking of the PUCL as a mass-organisation.

Special Address

In his brief speech, Rajindar Sachar, former President, National PUCL, pointed out that apart from regular human rights violation the country faced a major crisis of 'poor or failed' governance, This crisis manifested itself on the one hand as scandals and scams which has permeated the entire body politic; on the other hand, when people question decisions being taken by a corrupt regime, the government responded with force and violence. This raised the issue of the citizen's 'Right to Good Governance' as contrasted to the 'right against ill / bad governance'. He emphasized the need of supporting movements for basic needs necessary for life because if there is no life, the question of civil liberties does not arise.

Justice Sachar invited Aruna Roy to share her vision of the future of the Human Rights movement in India.

Dr. Aruna Roy said that she had been associated with the Rajasthan PUCL for a long time and expressed her solidarity with the PUCL. She added

that under the new challenges facing the country today, PUCL's role has again become important as happened during the 1975 emergency. Setting aside sedition law is very important and the PUCL is already fighting for it. She said that Maoists are booked under such laws even when they are demanding other things like the rights of the Tribal people over their land and forests. Sedition law is being used against very ordinary people who are protesting against the Kudankulam Nuclear Plant because of the health hazards it puts the people living around the area to. In terrorism related cases again innocent people are being booked. Even in the State capitals, there is no space or visibility for protests. There is discrimination against Dalits and women and even killing for marriages is rampant. Minorities are discriminated against even in the case of hiring of property and social policing by intolerant groups seeks to restrict individual freedom. PUCL should lend its support to movements against such trends. In the matter of right to dissent and the right to freedom of expression the PUCL has a large role to play. Putting videos and photos of such violations of rights on its website can also be helpful.

Aruna Roy pointed out the importance and role of PUCL has to be seen against the backdrop of the disintegrating nature of Indian politics. While expressing solidarity with the PUCL she pointed that in the last decade in particular, PUCL had a creditable record of consistently standing against state abuse of authority. She also pointed out that the future direction PUCL will decide for itself will have a lot of bearing for the protection of democracy in India.

She pointed out to the following key areas of challenge before the PUCL and human rights movement in India.

Campaign against Sedition Law

Aruna pointed out the PUCL's campaign against sedition law is a very timely and necessary campaign. For across India almost

all Governments use provision of the anti- sedition law against ordinary citizens to our fighting against the anti people development paradigm being followed in India. Grabbing of common resources like land, water, sand, minerals and handing it over to private interest was contributing to the development crisis in India. When ordinary citizens protests against this, the government instead of responding sensitively to the citizens, citizens demand for justice and equity, responded using it might. She pointed out to example of peaceful demonstrations of kudankulam as example similarly ordinary citizens fighting for rule of law in J&K and or in the Northeast was prosecuted as terrorists. Thus she emphasised that PUCL should take forward the campaign against seditious Laws, anti-terror laws and other draconian laws.

In particular she pointed out that PUCL had an important responsibility

- to create a larger public space all across India in which ordinary citizens would feel
- free to come and seek solidarity from PUCL. PUCL should ensure that the voice of
- Dalits, Women and Tribals and other marginalised sections to be heard strong
- enough to have impact.
- Increasing communalisation of the state, public spaces, social behaviour.

Pointing out to the increasing and worrying trend of Honour Killings, KHAP Panchayats, Communalisation of Police and state agencies, ghettoisation of minorities and so on, she pointed out the ineffectiveness of the state agencies and the politically partisans of the police.

Connected with but different, but equally worrying is the raising intolerance of the descent and the action to suppress the freedom of expression which finds expression in different ways by way of attack on young women in Karnataka accused of going to hotels and bars or the attack on artistes.

In such a context of violence and intolerance, she said PUCL had the challenge of addressing human rights violation while at the same time working to expand the democratic space making it inclusive of all shades of opinion.

Assault on democratic causes and democratic rights are

Some of the issues that she flagged attention to are

Denial of political plurality especially in the construction and interplay and mainstream opinion to

Denial of the right to dissent and difference. There is almost no public space for the public anywhere in the country.

Pushing through without public debate and anti-poverty agenda a people-unfriendly destructive development agenda. The so called anti-poverty agenda of the state constitutes an extreme assault on the livelihood and rights of the poor people of the country.

Aruna pointed out that PUCL had an important role to play to tackle these issues on the ground while at the same time play a leading role in exposing the negative designs of the Indian state.

Discussion on the General Secretary's report, which was read out by Mahi Pal Singh (which has since been published in the previous issue of the PUCL Bulletin) followed. The Second Session on Reports of States was presided over by Sanjay Parikh, Vice-President, PUCL in which reports of their activities along with various suggestions for improving the working of the PUCL from various State Branches were presented. Besides others, Vinay Kumar Kanth, R. Murali and Radha Kant Saxena participated in the discussion that followed.

A number of state committee members participated in the discussions that followed.

Apart from clarifications, additions and gaps in the GS report NC members raised a whole host of issues relating to the future direction that PUCL should chart for itself. These involve discussions on National office and State office

relationships, scope of PUCL's activities, organisational structure, finances and other related issues.

The following are some of the key issues raised by members arranged thematically.

The following summary is based on the report of the 3 member Committee of Rapporteurs consisting of Vinay Kumar Kanth (Bihar), R. Murali (TN) and Radhakanth Saxena (Rajasthan).

Reimagining PUCL - Widening PUCL's work

A spirited discussion took place around the issue of PUCL's role in widening the human rights discourse and debate. This reflected in terms of debate on the issues of the relevance of PUCL in the future, the PUCL mandate, type of leadership role PUCL should play in expanding the conceptual and ideological contours of human rights and so on. The Old preoccupation with Civil Liberties issues should be given up to embrace a range of new issues that are currently challenging the human rights movement, which go beyond the boundaries of traditional notions of civil liberties. Issues related to environmental rights, ECOSOC (Economic, Social and Cultural) rights, nationality issues, democratic rights, sexual preference issues and so on have become flashpoints across the country. While concentrating on the core strengths of PUCL which continue to remain on custodial and police crimes, state abuse and violence and crushing of dissent and fundamental freedoms, PUCL, both nationally and at state levels should work to addressing other rights violations issues, whether they be terms democratic rights issues or broader category of human rights issues.

This raises several related issues: Should PUCL concern itself only on issues of violations after they have taken place or also proactively address future sites of human rights challenge or violations.

How should PUCL relate itself with other grass roots or mass organisations, trade unions, campaigns and human rights

movements / organisations.

What type of activities should PUCL engage in? Ranging from being a resource centre, documentation of human rights issues, intervening with state and police agencies, advocacy role and so on.

What should PUCL's organisational structure be? Both in the national office as also the state offices.

How should PUCL reorganise itself to take a leadership role in expanding human rights discourse and ideology.

How should PUCL address issues which have a basis in social processes and practices like gender and sexual violence, where at some stage the state agencies intervene in? For example sexual violence as a tool of torture has been a weapon used both by state forces during communal and caste incidents as also by socially dominant sections when they attack or suppress other socially marginalised groups during times of conflict.

It was decided that these issues should be discussed by every state unit, preferably with the debate and discussion taking place in district unit levels and finally culminating at the national level.

The following roles were highlighted: (i) Interventionist role (as when PUCL directly intervenes in human rights violations issues); (ii) conflict resolution or mediatory role (by way of Fact finding Team's, coordination with other organisations to help defuse or solve social issues) (iii) educative role, (iv) advocacy role. These and other roles need to be discussed across the organisation. The following issues were highlighted:

Police Encounters and Custodial Deaths / Violence / Crimes.

Attack on Human Rights Defenders. Communalisation of state and saffronisation of state agencies.

Complicity of political players – including political parties, groups and organisations in emergence, continuation and spread of human rights violations.

Human rights violations committed by non-state players as for example

by caste or community dominant groups.

The breakdown of Criminal Justice System (CJS)

A great amount of discussion focused on the way the Criminal Justice System has literally broken down, especially within and amongst the lower courts at the Magistrate and District Court's levels.

The complicity of Judicial Magistrates with the police is manifested by way of not playing the judicial role envisaged for them by the Constitution as also decisions of the Supreme Court which have time and again highlighted that the Magistrate's courts are not post offices to process remand reports and requests of the police but to independently assess and evaluate documents pertaining to prosecutions launched by police and to independently come to a legal position and decision.

A number of absurdities were also reported by different state units in the functioning of the CJ System. All of this made it imperative for the PUCL state units to monitor the functioning of the CJS across the states they functioned in, not merely in cases of political significance but in the general course of functioning. This was based on the fact that these courts vitally impact and affect the lives of millions of ordinary citizens, in routine cases, not just in politically significant cases.

PUCL to take an informed stand and to initiate countrywide discussions on crucial issues of 'Politics of Resource Grabbing, Appropriation of the Commons, (anti-people and destructive) Development Paradigm currently pursued' and so on.

Rethink and review PUCL Organisational Structure, Work Culture and Style of Functioning

A fair amount of discussion ensued about the current organisational functioning, relationship of national office to state office, responsibilities of national office as also of state leadership, relationship between state leadership and district units and so on.

Many members pointed out that the

style of functioning currently was very ad hoc and was based on different perceptions of roles at each state level. Considering the assault on human rights defenders and worsening human rights violations context made it imperative for PUCL to finalise a set of guidelines which would guide different state and district units so as to help each unit to determine its activities and functioning.

Leadership in other or parallel human rights organisations

Although the PUCL Constitution is clear about this, in working, a number of issues arise esp when office bearers of PUCL occupy or hold leadership roles in other organisations. This, it was felt needed to be discussed and decided upon.

Expanding PUCL Publications and Web site

The importance of making the PUCL website more attractive and engaging was brought out by a number of speakers. It was also suggested that PUCL should come out with more reports of the varied issues coming within the widened definitional framework of human rights.

In this context a suggestion made was to bring a periodic ATLAS OF HUMAN RIGHTS VIOLATIONS. This was an issue which almost all members agreed upon was the fact that considering PUCL's reach across India and the range and diversity of issues addressed by different state units, PUCL should actively engage to come out with a PUCL ATLAS OF HUMAN RIGHTS VIOLATIONS. The modalities and methodologies could be evolved by setting up a committee of members from different state units and the national office and the process be fine tuned.

The Issue of the Jharkhand PUCL Raising the issue of the Jharkhand PUCL, Dr. Binayak Sen, Vice-President, PUCL emphasized the need of introspection. He added that adequate answers are needed to explain the events which have taken place there. Justice Rajindar Sachar also added: Let us discuss things

with no holds barred and with an open mind.

Referring to his resignation from the three-member committee, which was formed to supervise the PUCL Jharkhand State Executive Elections, as mentioned in the General Secretary's report, Mahi Pal Singh explained the circumstances under which he did so. He informed the National Council that although the previous National Council meeting held at Jaipur had mandated the National Executive to form a three member committee to discuss all issues with all concerned in the Jharkhand PUCL and thereafter ensure smooth election of the State PUCL Executive Committee under its supervision, the General Secretary had handed over to the three member committee formed by him a list of 30 State Council members from the State from only three districts of the State, leaving out more than double the number of State Council members belonging to six district units from the State which were completely unrepresented in the 30 member list. Members belonging to these six left out districts, and many even from amongst the listed members, had been protesting and writing to the National office bearers regarding this undemocratic move to weaken and truncate the State PUCL. Twelve State Council Members from among the 30 had informed the National Executive of their decision not to participate in the election as a mark of protest if representatives from the rest of the State were not allowed to participate in the election process. Considering their appeal not to get the State Executive committee elected by leaving out 2/3rd of the State PUCL members out of the election process, he refused to be part of any move that would ultimately weaken the State PUCL and hence resigned from the committee. In fact, two valid members did not get any letter to participate in the election, twelve including these two did not participate and out of the seventeen who participated several were not

even members of the PUCL as their names had been deleted from the membership list available in the National office on the instructions of Prabhakar Sinha as they had failed to renew their membership for two preceding years, thus bringing the number of valid members who participated in the election to a minority even in these three districts and less than 20% in the whole State. Of course, life and patron members belonging to the six districts who had been associated with the PUCL for a long time were also kept out of the election process along with annual members.

Further, the newly elected Executive had sent to the National office several names for participation in the National Council meeting even before the meeting to elect them had taken place and their names were published in the local newspapers although the meeting called for electing them as National Council members, which was held on 29th July 2012 also failed to do so.

In the light of these facts, Mahi Pal Singh questioned the validity of the State Executive Committee election and requested the National Council to consider the gravity of the situation in Jharkhand where a strong PUCL was needed, and not a weak and truncated one, and to take corrective measures.

Prabhakar Sinha raised objection to Mahi Pal Singh's raising these questions and objected to his raising the issue before the National Council because it had already been discussed in the meeting of the office bearers of the National PUCL and secondly because even the National Council had no power to dissolve a State Executive Committee under the PUCL Constitution. He also asked why he had not raised these objections earlier. To this Mahi Pal Singh replied that he had raised the matter in the meeting of the office bearers also and was raising it now before the National Council because it was the National Council meeting held at Jaipur which had suggested that a three member committee should be

formed to diffuse the crisis in the Jharkhand PUCL after talking to all concerned and get the State Executive Committee elected taking into confidence all concerned and as such it was necessary to report back to it what had happened there. Secondly, it was necessitated because in the General Secretary's report read out before the Council, a reference had been made to his having resigned from the three member committee and the National Council needed to be informed why he had done so. Thirdly, the serious irregularities like non-members electing non-members as office bearers had come to light after the meeting of the office bearers in the National office and just before the NC meeting. So they could not have been discussed earlier and there would have been no time, opportunity or usefulness of discussing them after the National Council Meeting. So far as Prabhakar Sinha's remark that even the National Council had no power to dissolve the State Executive Committee under the PUCL Constitution, Mahi Pal Singh expressed his total agreement but expressed his wonder as to how the General Secretary did so by dissolving the Jharkhand PUCL Executive Committee which would otherwise have got automatically dissolved after the new election, and who took the decision to keep away 2/3rd members of the State PUCL from the election process which, in any case, was their right as members of the PUCL. He also stated that in a membership based organization the rules of fair-play are that no member can be kept away from the election process and nobody who is not a member can be allowed either to elect or be elected as an office bearer of the organization and the PUCL being a membership based democratic organization cannot by any logic be an exception. Anything contrary to this rule can only be interpreted as arbitrary, undemocratic and illegal.

On the proposal of Sanjay Parikh, Vice-President, PUCL who was presiding over that session, it was

decided that after the National Council Meeting, the National Executive members will meet and verify the details presented by Mahi Pal Singh and if they are found to be correct, a three member committee will be formed to take necessary corrective measures.

The third session on Right to life and personal liberty, draconian laws and the role of the judiciary and the National Human Rights Commission and the fourth session on Life, personal liberty and dignity of the common person under the ordinary laws: **Threat and Dangers – Challenges before PUCL and the Rights Defenders** were combined and Dr. Binayak Sen presided over the session. Prabhakar Sinha presented two papers on **The Plight of Life, Personal Liberty and Dignity of the Common man under the Ordinary Laws** and the other on **Life and Personal Liberty vis-à-vis the Draconian Laws, the Judiciary and the National Human Rights Commission** (the full text of the papers presented is being published in the Bulletin separately). Besides presenting a detailed paper on the latter, Ravi Kiran Jain, Vice-President, PUCL presented the facts related to Ms. Seema Azad's case. He lamented that she had been sentenced to life imprisonment without even a shred of evidence to prove her links with the Maoists, not to say of anything on which she could be held guilty on sedition charges. Ms. Kavita Srivastava and Chitaranjan Singh, both Secretaries, PUCL also spoke on the issue and presented a strong case for the repeal of Sedition, UAPA, AFSPA and other repressive laws which were being used by the State to muzzle democratic dissent and to crush pro-people movements throughout the country. V. Suresh also presented his views on the subject.

During the discussion, the role of the National Human Rights Commission, which depends on the reports of those very officers for reaching a conclusion who are responsible for booking people on false and baseless charges, was critically

examined leading to the conclusion that it had failed to protect even the rights of Human Rights Defenders who were targeted by the State and made to suffer for their work of defending the rights of the people, particularly those of minorities and marginalized people. A proposal for bringing out a special issue of the PUCL Bulletin examining the role of the NHRC was also made.

The Election of the National Executive Committee

This session was presided over by (Justice) Rajindar Sachar. He read out a panel of the following names and proposed that the panel be elected as office bearers of the National PUCL. The motion was adopted unanimously and the following were elected as the office bearers:

1. President – Prabhakar Sinha,
2. Vice Presidents – Ravi Kiran Jain, Binayak Sen, Sanjay Parikh, P.B. D'Sa,
3. General Secretary – V. Suresh,
4. Secretaries – Mahi Pal Singh, Chitaranjan Singh, Ms. Kavita Srivastava,
5. Treasurer – Ms. Ritu Priya

On the proposal of Prabhakar Sinha all the State Presidents and General Secretaries were elected as Ex-officio members of the Executive Committee.

The last session on **Strengthening PUCL – Common Agendas, Plans for the Future**, which was devoted wholly to organizational matters and suggestions for improvement in the working of the organization was presided over by Prabhakar Sinha. Various speakers gave their valuable suggestions for the improvement of the working of the organization.

Speaking on the topic, Mahi Pal Singh said that the reports presented by the State Branches showed that a lot of work was being done in the States but the same was not reflected in the PUCL Bulletin as these reports are rarely sent to the National office. He requested the State office bearers not to confine

themselves to sending these reports to the local newspapers only but also send them to the National office so that they could be published in the Bulletin and members from other states could also gain from their experiences.

He further said that though the PUCL had a big name and was doing very good work yet during the previous years so many of its State Branches had become inactive or non-existent. Maharashtra and Mumbai Branches were very strong Branches in the past and had done tremendous work during and after the Emergency, but after the demise of M.A. Rane and some of the senior members becoming inactive because of their age, both the Branches had become non-operational. In the same manner the Kerala, West Bengal and Odisha State Branches had also become defunct. There is a need to revive these Branches and the task has to be taken up with urgency.

Speaking about the membership, he said that for a membership based organization, the membership of about 3,800 in the country is very small considering the challenges that the PUCL has to face these days. We need more volunteers for the organization – for holding protests and demonstrations and even for spreading awareness about human rights. He referred to an occasion when the prestigious JP Memorial Lecture had to be cancelled as there was almost no audience. Besides, our finances come primarily from friendly donations and the number of our donors is going down with every passing year. The other source is our membership which is going to be the only source of our income in the coming years. As such, the membership needs to be increased. It is true that we cannot grow into mass organizations like the party based mass organizations, but it is equally true that the 'People's Union' cannot survive without the support of a large number of people. We have to take up people's causes, involve them in our work of protecting the civil liberties and then enroll them as our members. More members will

mean more volunteers and leaders for the future. As such the idea of restricting membership or selective membership, whereas the PUCL Constitution allows unrestricted membership to all who wish to promote civil liberties and human rights irrespective of their differing views on political, economic and social issues. Only the State Council and the National Council have the authority to refuse membership to any one and also to expel any member who works against the aims and objects of the PUCL. In both the cases a special majority of 2/3rd members is required.

By raising the imaginary spectre of undesirable elements entering and hijacking the organization, we only betray the weakness of the organization to resist and fight such tendencies even if they were to occur as feared. However, this has not happened in the 36 yearlong history of the PUCL and the danger of its happening does not seem to be looming large in the foreseeable future to become too circumspect. By being too suspicious and not having faith on the declaration given on the membership form signed by a prospective member we may at best be able to check the entry of a member who may or may not be really undesirable, but by doing so we may certainly end up in blocking the entry of really dedicated and 'desirable' individuals in the organization, that too when the provision of weeding out undesirable elements is present in the PUCL Constitution (although recourse to invoking this provision has never been needed in the past) and by doing so we shall not be doing a service to the cause of civil liberties for which the PUCL has always stood. Besides, the PUCL Constitution describes the criteria of membership in Article 3 (a) and the Constitution does not give the authority to amend this section even to the National Council, which has otherwise been invested with the authority to amend the Constitution under Article 10. Article 3 (a) read with Article 8 (f) and Article 10 of

the Constitution make the procedure of joining the PUCL absolutely clear and open and this is what the framers of the Constitution wanted it to be. Any other prescription by way of interpretation of the membership rules is unconstitutional and arbitrary. In any case, there is no scramble for membership of the organization for the obvious reason that the PUCL does not, in fact cannot, bestow any special benefits or privileges on its members. Only those who are genuinely interested in promoting the objects it pursues

approach it for membership and they need to be welcomed, not turned away.

We should also be vigilant about renewing our membership when due, which we tend to forget, or instead become life members and also encourage others to do so, so that the membership does not lapse.

He also emphasized the need to start thinking about and raising special funds for setting up an office of its own for the PUCL.

Resolutions

A three member drafting committee

consisting of Prof. Vinay Kumar Kanth, Prof. R. Murali and Radha Kant Saxena aided by Ms. Sudha Bhardwaj was formed to draft a resolution to be passed by the National Council, which they drafted and presented to the National Council. The resolution was unanimously adopted incorporating some of the suggestions after some discussion, which followed the presentation.

Mahi Pal Singh, Secretary, PUCL. Inputs received from V. Suresh also included in the report. □

Resolutions Passed at the PUCL National Council at Delhi on August 4-5, 2012

1. The PUCL expresses its deep concern over an increase in the number of custodial deaths in police stations and jails all over the country and demands that the governments, judiciary and commissions take note of this trend and initiate urgent corrective action. The conditions of jails and other custodial institutions require immediate attention and so does the style of functioning of enforcement agencies, where third degree methods are being routinely resorted to.

2. The PUCL condemns the arrests/ detention of a large numbers of persons from all over the country in fabricated cases, under various IPC sections and draconian laws. This is generally happening to people in the name of Maoism and Terrorism or against those who are raising their voice and struggling against State policies. The PUCL resolves to raise its voice against this form of repression.

In particular we would like to condemn what is happening in Kudankulam, Tamil Nadu, where thousands of persons have been charged with sedition in the course of a popular struggle against the starting of a nuclear power plant there. We demand that both the State and the

Central Government stop the police repression now and allow the people to express their dissent.

The PUCL notes with concern the arrests/ detention of members of the minority community in Bihar, Andhra Pradesh, Uttar Pradesh and some other states by central agencies in the name of terrorism even without informing the local police or following prescribed norms.

The PUCL is dismayed that thousands of indigent adivasis are languishing in jails of the tribal areas of Chhattigarh, Jharkhand, Odisha, Maharashtra, Madhya Pradesh and Pashchim Banga who are being denied the right to adequate defence and fair and expeditious trial. We denounce the State Governments who are openly violating constitutional norms.

The PUCL condemns the attacks on Human Rights Defenders and RTI activists including foisting of false cases on anti-mining activists in Rajasthan, or the arrest of Shri Jaipal Nehra of the Delhi PUCL where files were opened up after 28 years only out of vindictiveness so that he would not depose against the powerful in another case.

We demand that all such allegations are enquired by independent agencies and all such false cases should be withdrawn soon after such enquiry. Further, criminal cases should be instituted immediately and invariably against the personnel responsible for framing up people in false cases.

The PUCL resolves to work for the release of these prisoners who have been falsely implicated and against the draconian laws under which they have been arbitrarily booked.

3. The PUCL demands effective prosecution by an independent agency of the security personnel responsible for the killing of ordinary villagers including minors in Kotteguda Panchayat of district Bijapur, Chhattisgarh in the intervening night and morning of 28th-29th June 2012, in the name of an "encounter" of "hard-core Naxalites".

It further condemns the act of the Andhra Pradesh police in arresting some of the affected villagers Kotteguda Panchayat along with activists of the Andhra Pradesh Civil Liberties Committee who had brought them to Hyderabad to give them a public platform so that they could raise their voice against the injustice.

The PUCL resolves to work towards justice for those who were wrongly killed in Bastar and demands the release of the activists who were arrested in AP.

The PUCL once again demands an immediate cessation of 'Operation Greenhunt' and similar operations under whatever name which have been unleashed by the Indian Government along with state governments of 9 states across Central to East India in the name of countering the Maoists. The state support to vigilante groups armed with weapons paid from state funds and the covert policy of encouraging illegal actions against all those not toeing the government's line as being in support of the Maoists has resulted in immense destruction of adivasi villages and properties, deaths of hundreds of innocent tribals, unleashed extreme violence against women and children and in general threatening the very survival of local villagers in the areas covered by Operation Greenhunt.

4. The PUCL feels that the government should guard against subversion and misuse of the agencies of the criminal justice system for achieving political ends. In particular, the PUCL is anguished by the role of a section of the judiciary, both subordinate and higher, in cases pertaining to political activists and human rights defenders. The conviction of Seema Azad is a recent case in point in which on flimsy charges and lack of credible evidence, she has been awarded the harsh punishment of life imprisonment. The PUCL resolves to work for her release.
5. The PUCL is worried about the communalization of the governance and government machinery. We are particularly concerned about the communalization of the police force being reported from some states like Rajasthan, UP, Bihar,

Kerala and Karnataka, sometimes commencing from the recruitment process itself, or encouraged by the state level political masters. This is against the letter and spirit of the Constitution and the PUCL demands that effective steps are taken to prevent this trend.

6. Despite clear directives from the Supreme Court, in several states, including Bihar, Jharkhand and Chhattisgarh among others, police or paramilitary forces are being stationed in school premises interfering with their normal functioning. The PUCL condemns this practice and demands that such stationing of troops in schools should be prohibited completely forthwith.
7. The PUCL demands immediate and universal distribution of food grains through the Public Distribution System in a situation where food stocks in the FCI and other godowns have crossed 80 million metric tonnes. We condemn the decision recently taken by the Government of India to export foodgrains and demand a ban on such exports until hunger and malnutrition are eliminated.
8. The PUCL condemns the callous and indifferent attitude of some State Governments to the plight of children disregarding their rights under the Convention of the Rights of Children. Recently, in the districts of Gaya and Muzaffarpur in Bihar, more than 300 children died apparently of encephalitis and little action was taken by the concerned Government. In Uttar Pradesh, a rampant rise in child prostitution and trafficking is being reported as in some other states. The PUCL demands that the government takes charge of the children of the country, particularly of the marginalized sections, through proper education, health care, nutrition and protection.
9. The PUCL notes with deep concern the growing anti-women

attitude, mindset and violent acts by several Khap Panchayats in states like Haryana, Uttar Pradesh and Rajasthan, despite specific orders of the Supreme Court, made worse by the statements of persons in authority like a member of the National Commission of Women, political leaders or senior police officials. The PUCL also condemns the cultural and moral policing being resorted to in some states at the behest of certain political groups and demands stringent action against the same.

10. There is a noticeable increase in cases of atrocities on dalits in all States, including for instance, dispossessing them of land by the forest department and police force in Chandoli district of Uttar Pradesh, or in Kushinagar district where dominant castes uprooted them. The PUCL demands strict implementation of the laws and punishment to those who perpetrate atrocities against dalits.

11. The PUCL reiterates its demand

- 1) of reviewing all laws providing for preventive detention by the State Executive since they dilute the basic principle of separation of powers between the executive and the judiciary and are against the basic tenets of the Indian Constitution and the fundamental rights enshrined in Article 21.
- 2) of immediate repeal of sec. 124A IPC dealing with sedition as also its manifestation in sec. 2(o)(iii) of the Unlawful Activities Prevention Act, 1967 as an 'anachronism of democracy'. In this regard the PUCL resolves once again that along with other organisations it would continue its nationwide campaign of collecting 1 million signatures to present

to Parliament so that there is effective action.

3) of immediate repeal of the Armed Forces Special Powers Act as it is antidemocratic in character on account of the widespread human rights violations caused by its misuse in areas where conflict exists such as the North East, Kashmir and other parts as also the impunity with which the armed forces have been allowed to get away with terrible human rights violations including the killing of innocent civilians by security forces. The PUCL and other human rights organisations recognise the valiant and determined fight of Irom Sharmila of Manipur who has been on a hunger strike for over 10 long years demanding the repeal of AFSPA as also accountability of armed forces personnel for human rights violations inflicted on people of Manipur and other north eastern states.

4) of immediate repeal of the Unlawful Activities (Prevention) Act, 1967 which has incorporated all the draconian provisions of TADA (P) and POTA and led to misuse of the law in many parts of the country against citizens protesting against anti-people policies and actions of state governments, demanding accountability of the rulers and seeking to enforce the rule of law.

12. Oinam (Manipur) massacre and rampage

The PUCL views with great concern that victims of violence and brutalities perpetrated by soldiers of Assam Rifles on the residents of Oinam village and surrounding areas in Senapati district of Manipur in July 1987, mostly inhabited by Naga people, where large number of innocent villagers were killed, injured, women raped, property looted and burnt, have not yet been paid any compensation for the wrongs done to them. It is further matter of great concern that despite the voluminous evidence placed by the victims of violence against the accused

officials of the Assam Rifles and the defence personnel led by the accused officials in the petition filed on behalf of the Naga People's Movements For Human Rights (NPMHR), and despite the fact that final arguments in the petition were concluded in 1992 in the Guwahati High Court, the judgment in the case has not yet been delivered. The PUCL therefore demands that the Central and the State Government of Manipur should take immediate steps to compensate such victims who have been waiting for justice for the last 25 years and redress their grievances.

13. Demand for compensation to oustees by Damodar Valley Corporation

It is really shocking that villagers and residents who were displaced to build the dam in Jharkhand by Damodar Valley Corporation 60 years ago have not yet got compensation and jobs as promised to them. The PUCL urges the Central Government as well as the Damodar Valley Corporation to immediately pay compensation and jobs as per scheme to such oustees as promised. □

PUCL Report on Muzaffarpur Rape Cases

An application for an enquiry was given by social activist cum journalist, Anil Prakash to the State PUCL appealing for an enquiry in two rape cases in Koppi and Ghanaur villages under Katra police station of Muzaffarpur district. The Muzaffarpur edition of different newspapers had been publishing a series of reports related to these rape cases and questioned the police enquiry. Taking cognizance of this application, Bihar PUCL had constituted a team for an enquiry of these incidents in its weekly meeting on August 12, 2012. The team constituted Prof Daisy Narain, Shahid Kamal, both Vice President of state unit, Nivedita Jha, Ex-secretary of PUCL and Journalist, Jitendra, state general secretary of

PUCL, Rajeshwar Paswan, a member.

Mode of Enquiry:

The team visited the site of occurrence and other places to meet concerned persons on 27 August. They met large number of persons besides procuring and perusing some of the documents including the FIR filed by the victims' families, postmortem reports, and forensic report. Newspaper reports were also perused by members of the team.

Gangrape of 14-years-old of Khushboo Kumari of Koppi village of Panchayat Siyatpur P.S Katra on 12 July, 2012

Victim's family versions: Mother of the deceased, Ranju Devi, 45, father Ravinder Singh, 47, aunt, uncle

Upendra Singh, 52, cousins and other family members said that Khushboo Kumari, 14 year-old, class VIII student, after school and daily tuition returned home at around 6.00 p.m. Then she went to meet nature's call towards her orchard, south of the village. As she did not return home for more than an hour, the family members suspected something foul and they started searching for her.

With the help of villagers, they found the body of Khushboo Kumari in a bush, where she was strangled to death by her dupatta while her lower garment (Shalwar) had blood stains. It was reported by the family members that there was vaginal bleeding. Her dead body was brought home at around 10 pm.

They informed the Katra Police station through village chowkidar, Krishnandan Singh. But for several hours police did not come.

According to family members, the perpetrators had bribed the policemen. The family members suspect Awadhesh Singh, 30, Trilok Singh, 28, both unmarried, Subhash, 35, Pankaj Singh, 40, both married, were the main perpetrators of this heinous crime. The perpetrators were the relatives of the victim's family.

But in their complaint to the police dated 14 July, 2012, victim's uncle, Devendra Singh, accused Awadhesh Singh, Trilok Singh and Pankaj Singh. These perpetrators had been in the habit of threatening and intimidating the family members. The absconders and their family members are still, threatening them to revoke the cases.

The family members, especially college going young girls of the family are in fear. The villagers have been living in fear after this incident. They put lots of restrictions on the movement of their female members.

Eye witnesses and other villagers' version:

Suresh Sahni, 72, an old man and daily wage labourer lives in a small hut at the corner of the field where the orchard begins. He was appointed as the orchard guard for a co-villager Ramchander Singh, another relative of the victim. The hut, located at the outskirts of the village, was 'infamous' as a place for the get-together of drunken youth and men of the village. There were few empty liquor bottles still scattered around the hut. After the incident, he was forced to remove the hut.

Mr Sahni said that he saw Khushboo Kumari going towards the field around 7 pm. It was dusk and darkness had started enveloping the village. The possible perpetrators, Awadhesh Singh, Trilok Singh, Pankaj Singh and Subhash Singh were at his hut and in inebriated condition. They also saw the girl going to attend nature's call. Within few minutes, first Awadhesh Singh and later Trilok Singh went towards

the direction of the girl, who by then had gone behind the bush. Subhash Singh was walking to and fro on the road as if on guard, while Pankaj Singh was sitting with Mr Sahni.

Sahni said that the absconders and their family members have been threatening me not to dispose before the court.

Perpetrator's family version: The house was locked and no one was there to make comment from their side.

Police's version: The Station House Officer of Katra Police Station, Manoj Kumar, said he got information of this incident in the morning. I ordered the policemen to seize the body and register the complaint. It was an incident of murder, not of rape.

An FIR no.- 95/12 was lodged on 13 July, 2012, only two persons were made accused, Awadhesh Singh and Trilok Singh.

The main accused Awadhesh Singh was arrested. According to Investigation report, the accused confessed that he had tried to rape the victim but failed due to intense resistance. In desperation, he along with his friends strangulated her, with her dupatta, to death. The other accused, Trilok Singh, is still absconding.

Conclusions:

1. At first sight it, seems to be that rape, was the result of family feud which culminated with the death of the young girl.
2. The formal complaint filed by the victim's family members on date 14 July, two days after the occurrence of incident, but the police lodged its FIR dated on 13 July, 2012. The date of the FIR and that of the complaint lodged by the family is a mismatch.
3. The family is in fear, especially young girls. No attempt has been made to assuage the feeling of the family.
4. The family is getting constant threat from the absconder as well as members of the accused family.

Gang rape of Meera Sahni w/o Chhote Sahani of Deeh tola of Ghanoura village under Katra

police station on 19 May, 2012

Victim's family version: Chhote Shani, husband of Victim, Inder Devi w/o Ram Chander Sahani, relative of victim, Kailash Sahani and other villagers said Meera Sahani, 35, w/o Chhote Sahani, was mother of five children. Her husband lived in Kolkata to earn his livelihood. On the night of 19 May, 2012, an unknown phone call came on Meera Sahani's mobile around 9 p.m. The caller, who didn't identify himself, told her that her elder son, Rajesh Kumar, 14, has been murdered near the school. There was a religious function in progress in the school campus.

Meera Sahani, who was living in a single room with her five children, was landless. Without informing nearby family members and neighbours, she in desperation moved out in the stormy night. The persons, who were waiting for her outside, feigned ignorance and asked her to sit on his bike. They took her to a quiet place, west of the village and gang raped her.

With the intention of murdering her at a different place, they took her in unconscious condition, to different places. In the meantime, she fell from the motorcycle into a nearby pit, sustained serious head injury. In a state of confusion, they all left her unconscious and in semi nude condition and fled. Around 10 pm, a villager Madan Rai, told her sons that their mother Meera Sahni was found lying in the roadside pit and that they should go with a sari and bring her. He walked away after giving this news. The villagers at first took her to Primary Health Center at Katara, where she was referred to Sri Krishna Medical College and Hospital, Muzaffarpur then referred to Patna Medical College and Hospital, where she died on May 24, 2012.

Chhotu Sahani reached Patna on 20 May and directly arrived at PMCH. On 22 May, he came to his village and went to Katra Police Station to lodge an FIR but police didn't accept his complaint. On 25 May, police registered the FIR after intervention from socially influential persons like ex-DGP Ram Chandra Khan, senior

Journalist Anil Prakash and others. In the complaint that was lodged Mr Sahani named of six persons: Rituraj Singh alias Pachchu Singh, Awadhesh Ray alias Madan Ray, Vinod Singh alias Nagendra Singh, Chandra Shekhar Singh, Raj Kumar and Pappu Singh. So far police hasn't arrested anyone.

The political workers of ruling parties Maheshwar Prasad, Rajendra Kumar Singh, Vishwanath Singh, have been passionately supporting the theory of accident as the cause of death.

The social composition of the village is dominated by Bhumihars, a landed upper caste, then there were landless Mallah caste (Fishermen community), an extremely backward caste, and few houses of dalits.

Police's version: The SHO of Katra Police station, Manoj Kumar, said Meera Sahani was not raped, she was injured due to accident of the motorcycle. FIR was filed by Chhote Sahni on date 25.05.2012 in which he accused the above six persons.

Postmortem report and Forensic Report: These reports prepared on 24 May, 2012, five days after the incident. There would be possibility of tampering with the evidence. The local policemen didn't show interest and kept themselves oblivious of the whole development.

Postmortem report no. 1234/12, dated 24.05.2012, states that her death was due to head injury. Whereas, the Forensic report no. VK/55, dated 28.05. 2012 rejected the theory of rape.

Conclusion

1. There is enough proof that she was raped. Police had no explanation how she was found in a semi nude condition, if it was merely an accident.
2. Police did not register the FIR on time. It had acted only after social pressure.
3. According to the victim's husband, he went to the police station to lodge complaint on 22 May but police didn't entertain him.

4. Police didn't divulge details; even ignored this fact of the mobile call, which the deceased had received on her mobile.

5. Members of the upper caste raised the question of the victim's character and a woman of the village said that she was loose and would often go out alone in the night, which women of good families don't.

The question is do women, even if one accepts some are of 'loose character', have the right to life and security. Social condemnation of women is widespread and affects impartial enquiry and justice. This is usually the case with women belonging to dalit and deprived sections of the society.

6. Police observed that the victim had gone out in the night to attend a religious function but made no attempt to enquire whether the woman was actually seen in the religious fair.

7. Due to mounting pressure exerted by women's organisations and others the case is being re –investigated.

Recommendation:

1. There is need of an impartial enquiry. The oft repeated observation of PUCL need to be repeated that FIR must be lodged on time as further enquiry depends on what has been recorded in the FIR. Delivery of justice will improve if the first step is taken carefully and FIR is recorded.
2. A mechanism should be developed to check police inactions regarding not lodging or entertaining complainants.
3. Mahila thanas should be opened in every district to look into cases of violation of the rights of women. Also, there should be intensive training of police personnel on the different dimensions of human rights.
4. Environment of intimidation and fears exists in the family, even after nearly two months of the incident. The police should help

the family to come out from this fear. When the suggestion was given by the team to have police presence in the locality, the casual reply was that it is being done but with what effect remains doubtful. There should be more sensitization of the police force regarding gender based crimes and crime against those who are weak.

5. Police was not cooperative in lodging an FIR. A mechanism should be developed to counter the intentional delay in lodging an FIR, which should be done more promptly and honestly. Repeated PUCL observation regarding FIRs has fallen on deaf ears.

6. Interestingly the village has a woman mukhiya. Apparently the attempt being made to make women's presence felt in the decision making bodies, so that their voices can be heard, appears rather ineffective. Women representatives, in the PRI system need more orientation programmes so that they can effectively fight for rights of women.

7. Public perception of post mortem documents is that these are manipulated and changed, as these reports can be purchased. There is a loss of faith in the systems that have been created and people are confused and disgusted.

8. Toilet facilities are found lacking in most rural households in Bihar. There are many cases of rape and sexual harassments of women taking place in the early hours before sunrise or when dusk sets in, when women go to the field to attend nature's call. These are basic facilities and relate to women's right to life and dignity. Amidst all the talk of development at the macro level there is neglect of ground realities and difficulties that surround the life of women.

Report sent by Jitendra, General Secretary, PUCL Bihar □

Letter regarding Release of 7 Sri Lankan Tamils from Special Camp:

K. Ramanujam IPS,
Director General of Police, Tamil Nadu
Rajaji Salai, Chennai 600004

Sub.: Release of 7 Sri Lankan Tamils from Special Camp for Sri Lankan Immigrants/ Refugees, Poonamallee

-
Humanitarian Intervention required urgently.

Dear Mr. Ramanujam,
Greetings!

We write to seek your personal and urgent intervention in the case of 7 Sri Lankan Tamils currently held in the Special Camp for Sri Lankan Immigrants/Refugees at Poonamallee, Thiruvallur District. These SL Tamils have been on a hunger fast for the last nearly 2 weeks demanding that the Government act on assurances given previously that their cases will be considered positively and that they will be released from the Special Camp.

The demand of these Tamils, irrespective of the cases that may be against them, is a very reasonable one and something which requires sensitive and humanitarian consideration by the police and the State Government. What they have experienced is utter and stony silence from both the State Government and the Police. In an insensitive and brazen fashion, the police, particularly the Q branch has responded by intimidating and threatening their family members who are desperately seeking to help them.

The core of the demands by these Sri Lankan Tamils is very simple: "Please treat us equally and with dignity". They ask they, like other Sri Lankan Tamils who are co-accused in the same cases and have been released from the camps, also be permitted to leave the camp and live with their families. Most of them have spent from 2 to 4 years in the Camp;

some of them have also been acquitted in criminal cases filed against them. A few of them are also suffering from injuries or ailments and all of them uniformly have given in writing that they will follow the law of the land and will go through the trial process in pending cases and seek a judicial verdict.

We are sure you will appreciate that this problem needs to be handled with a great sense of sensitivity and humaneness. The problems faced by Sri Lankan Tamils fleeing the war and a brutal regime in their home country found a refuge in Tamil Nadu which has always responded in a supportive manner. The present Government has in particular gone the "extra mile" to ensure that the SL Tamils living in Tamil Nadu don't face problems and live with a modicum of dignity and self-esteem. While so, the existence of such Special Camps is a humanitarian anathema and aberration, marring the good work and name of the Government, and we should also add here, the police department too. It is therefore that we are appealing to you directly, to intervene and help to release these hapless and helpless Sri Lankan Tamils, who have no future in their own country and are facing a bleak existence here in Tamil Nadu.

We have provided salient details of 7 Sri Lankan Tamils, who are currently in Poonamallee camp, whose health is in precarious condition because of their hunger fast in the Annexure. The details would show that all of them have suffered incarceration for long and have gone through the criminal justice process and secured acquittals. They long to rejoin their families to start building up their lives shattered by the unfortunate anti-Tamil pogrom and war launched by the Sri Lankan state in their own country.

It is a cruel travesty, that our country, known for its kindness and accommodativeness should treat these unfortunate Sri Lankan tamils in this heavy handed manner,

denying them the most elementary of democratic courtesies: the chance to be and privilege of showing themselves to be 'law abiding persons'. Circumstances may have compelled them to commit acts considered illegal; they have already suffered the consequences of such acts, even if they are considered to have been committed by them (we highlight this in view of the fact that a number of them have secured acquittals from Indian courts and there is every chance that they could secure similar acquittals in the remaining cases too).

Going through the documents relating to these inmates of the Poonamallee Special Camp, it does not appear to us that these 7 persons are hard core criminal elements requiring them to be incarcerated for such long intervals. 3 of the 7 inmates, Chandrakumar, Suganthan and Gangatharan have suffered serious injuries during the war in Sri Lanka and still suffer from them here; additionally Gangatharan and Darshan also suffer from acute diabetes, making life very difficult in the camps. Their case should be considered sympathetically from a medical point of view and they be permitted to rejoin their families living outside the Special Camps. The other 3 too, have already suffered a lot and no harm will be done if they too are permitted to leave the Special Camp for Sri Lankan Immigrants / Refugees, Poonamallee.

We would also like to point out that while the laws makes a distinction that the Special Camps for Sri Lankan Immigrants / Refugees set up under the Foreigners Act, 1946 are different from prisons and hence they are deemed not to be 'imprisoned or incarcerated', this is merely a legal fiction, in reality. In fact, these camps use previous sub-jails or prisons with cells becoming 'rooms' and operating just the way any regular sub-jail or prison works. Security is very stringent, and the camp is treated like a high security area with high walls made secure with concertina wires, perimeter

fencing, high police towers and armed patrolling of the perimeters 24/265 days. Entry is highly restricted and prior permission is required. So while on paper, these camps are described as "Residences" they are armed fortresses. We mention this as such places have a damaging impact on the emotional and physical well being of both the inmates as also their relatives and family members. Whatever the justification for such Special Camps existing in India before the end of the war in Sri Lanka in May, 2009, considering the fact that the LTTE has been announced by the Sri Lankan government itself to have been destroyed in battle on 18th May, 2009, there is absolutely no justification for the continuation of these Special Camps for Sri

Lankan refugees in Tamil Nadu any longer.

The existing criminal justice system is robust enough to handle any exigencies, if at all, required. What is required is to enforce the law with a humane and considerate spirit, not in an iron fisted, heavy handed manner.

The Tamil Nadu Government has demonstrated its human rights commitment by demanding justice for war crimes committed against Tamils in Sri Lanka by asking the Indian government and international community to take action for war crimes and crimes against humanity. We hope this good name is not tarnished by actions such as keeping these Sri Lankan Tamils in Special Camps for refugees in Poonamallee

and Chinglepet for so long that these Tamils begin to say that they are facing a regime in Tamil Nadu, as cruel and brutal as the Sri Lankan state.

We appeal to you Sir, and through you to the Tamil Nadu government to urgently intervene and assure the fasting Sri Lankan Tamil inmates of the Special Camp for Sri Lankan Immigrants / Refugees Poonamallee that you will recommend to the Government accepting their demand and permitting them to leave the Special Camps and rejoin their families.

Expecting a timely and humanitarian action from you, Sir,

With regards,

S. Balamugugan, General Secretary, PUCL Tamil Nadu & Pudukkottai

Details of Persons Undergoing Hunger fast unto Death in Special Camp, Poonamallee

1. Chandrakumar @ Siranjeevi Master @ Arul selvam @ Selvam @ Bala @ Raju s/o Palanimari, was confined to the Special Camp by order dated 17.6.2010. He has sustained bomb blast injuries (during the war in Sri Lanka) on his right hand and legs and has more than 20 splinter injuries on his body. A 4 inch bone in his right elbow/hand was broken during the bomb blasts and has been surgically treated using a metal plate. He is unable to freely use his limbs and requires assistance for even normal activities. He has been prosecuted for smuggling medicines, in which the trial is going on. 11 co-accused in the case have been released from camps and are appearing before trial court. He had gone on hunger fast in 2011 demanding that he be allowed to join his family so that they can tend to him in view of his medical predicament. Despite assurances, he has still not been released. In view of the accusation of being a LTTE

member in Tamil Nadu, his family in Sri Lanka has been targeted and some members of his family are missing. He has a wife and young children who await his release.

His medical condition which is as such very precarious is presently serious and unless immediate steps are taken to positively respond to his request for release, he risks serious health breakdown, including possible death.

2. Sayanthan @ Jayamohan s/o Thiagu, has been in the Special Camps for the last 3 ¼ years; He was confined to the Special Camp in Chinglepet from 4.5.2009 and in the Poonamallee Camp from 11.3.2010. Even at the time of his arrest in Cr. No. 58 of 2010 on file of Chinglepet Town PS he was found to have sustained body injuries requiring treatment, and has been suffering medically since then. All the other co-accused in the above case have since been released from the Special Camp after obtaining bail on 12.3.2010. He has been forced to go on fast 5 times previously, as each time, the assurances given of

positive response has been belied with no explanation as to why he has been singled out for such harsh treatment.

3. Gangatharan @ Murthy @ Muthanna @ Muthu @ Seran s/o Natarajan: Has also been continuously held in Special Camps for the last 3 ¼ years; first in Chinglepet Special Camp from 4.5.2009 and in Poonamallee Special Camp from 16.2.2010. He has also been implicated in Cr. No. 58 of 2000 on file of Chinglepet Town PS and all other co-accused have been released on bail and from the Camps. At the time of arrest, he too was found to have sustained injuries in his body.

He is a severe diabetic and has to be administered special food.

4. Chenthuran @ Murugan s/o Rajendran, has been in Special Camps for the last 13 months. He was first lodged in the Chinglepet Special Camp on 18.7.2011 and shifted to the Poonamallee Camp from 2.8.2012. He was arrested in 2001 even when he was in Batticaloa in Sri Lanka and was released subsequent to the intervention of the ICRC

(International Committee of the Red Cross). He also seeks release to live with his own people and be able to live a dignified life, even if in economically strained circumstances.

5. Darshan @ Thangaruban s/o Thangarasa was lodged in Special Camp, Poonamallee pursuant to order dated 26.4.2012. He is a diabetic / kidney ailment patient and is under medication and on special dietary management. He has repeatedly appealed to the Government to raise the daily food allocation made by the Government of Rs. 70/- to Rs. 150/- to enable him to meet his dietary requirements. Getting no timely and favourable reply, he too has been forced to undertake the hunger fasts.

6. Deepan @ Thillai @ Pratheepan s/o Shanmuganathan has been housed in the Special Camp subsequent to order dated 4.4.2012. Prior to that he had been acquitted in a criminal case after spending 4 years in jail. The remaining solitary case filed by Q Branch, Trichy pending before the Judicial Magistrate, Pudukottai he has been appearing before the trial court but the trial is not yet concluded. He wrote to the authorities that pursuant to his acquittal his marriage alliance was fixed and just as it was about to be finalised he was detailed in the Special Camp, Poonamallee. He wrote to the Government seeking release on assurance that he will appear and complete the pending prosecution, and in

the meantime he be permitted to get married.

7. Deva @ Thambidurai @ Parameswaran @ Suruli @ Nathan s/o Thambidurai has been in the Special Camp pursuant to order dated 4.4.2012. Between 7.1.2008 till 2.2.2011 he was in Puzhal jail and then in Chinglepet Camp. He was acquitted of the criminal charges in April, 2012 but was detained under the Foreigners Act in the Special Camp, Poonamallee by above referred order. He has 2 young sons aged about 12 and 8 respectively. As the sole earning member and head of the family, his continued incarceration has affected his family life and children. He seeks release from the Special Camp to rejoin his family. □

Kudankulam Nuclear Power Plant commissioning should be deferred

M.G. Devasahayam*

It is famously said: "In public domain, truth is not the truth, perception is the truth". This adage could be related to the discourse on the Kudankulam Nuclear Power Plant (KKNPP). While the arguments in favour of the plant is that it will generate electric power essential for 'development', People's Movement Against Nuclear Energy (PMANE) say that the plant will be 'destructive' to the life and livelihood of the Project Affected People (PAP).

While the touted 'truth'-that the plant is the safest in the world- is couched in utmost secrecy, public 'perception'-serious misgivings on the safety of the Plant is out in the open. As the nuclear establishment is racing towards the commissioning of the plant this perception among the PAP is increasing and not diminishing. And there are several reasons for this.

First and foremost, the project is

being commissioned without any legal Environmental Impact Assessment (EIA), a fact admitted by the Ministry of Environment & Forests in a sworn affidavit filed in the Madras High Court. According to this affidavit, environmental clearance for Units 1 and 2 was given 'as early as 9th May 1989' and renewed on 6th September 2001. Since EIA Notification under Environmental Protection Act came into existence only on 27th January 1994 and provision for public hearing was introduced only on 10th April, 1997 there was no need for KKNPP to go through these critical processes.

Nuclear establishment has taken shelter behind this fig-leaf to ram a 2000 MW nuclear power plant down the throat of over 1.5 million PAP without even going through the most basic process of EIA and public hearing. What is more, Nuclear Power

Corporation Limited (NPCL) has been consistently refusing to share the Site Evaluation (SE) and Safety Analysis Report (SAR) with the PAP.

This forced PMANE to appeal to the Central Information Commission who in turn ordered NPCL "to provide an attested photocopy of the SAR and SE Report after severing any proprietary details of designs provided by the suppliers to the appellant before 25 May, 2012." But the NPCIL has refused arguing that SAR 'is a third party document belonging to a Russian company' and therefore 'cannot be shared with anyone.' NPCIL even threatened to take CIC to court. Obviously NPCL is more interested in protecting a Russian company (third party) than safeguarding the PAP (first party)!

In the face of such persistent stonewalling, the humble PMANE scientists dug deep and did some quality research. Result is the

startling revelation that there has been a serious breach of contract and perhaps deceit in that the VVER reactor under commissioning at KKNPP differs from the one featured in the inter-governmental agreement between Russia and India. According to documents published in 2006, there was no weld on the beltline (middle portion) of the reactor pressure vessel (RPV). Now AERB says that there are two welds on the beltline of the RPV installed at KKNPP exposing it to high failure risk that could lead to offsite radiological contamination. If the reactor is hot-commissioned, it will be virtually impossible to subject the vessel to a detailed inspection and remediation. From a safety perspective, the IAEA-mandated study of pressurized thermal shock has to be done before commissioning the reactors at Kudankulam.

Pure fresh water is a critical input for KKNPP during operation as well as safety of the spent fuel. While approval for the plant was given in 1989, AERB mandated accessing of fresh water from two reservoirs through pipelines with an on-campus

reserve of 60,000 cubic meters, sufficient to maintain the spent fuel pool and the reactor cores (under shutdown mode) for 30 days. These sources are not available and have been replaced by four imported seawater desalination plants with a reserve of 12,000 cubic meters of water i.e. just 20% of what was stipulated by AERB and that too from artificial source. This is serious breach of safety, because fresh water is the only remedy in the event of a nuclear emergency.

All these takes us to an essential pre-requisite before the plant is commissioned-mock evacuation drills in the 30 km or at least the 16 km radius of the project. This has not been done. On June 9, 2012, the Tirunelveli district administration and the NPCL officials went through some motions in the remote hamlet of Nakkneri of hardly 300 people and claimed that the 'mock drill' was a great success. According to a fact-finding team that went to the village subsequently, on that day revenue officials accompanied by a large posse of policemen came to the village, got some papers signed and announced it as 'mock-evacuation

drill'. The district administration as well as NPCL has been extremely secretive in the matter!

No EIA, no public hearing, no sharing of Site Evaluation and Safety Analysis, no natural fresh-water, no evacuation drill and to cap it all breach of contract and installation of low quality Pressure Vessel. By all accounts it is 'no-go' for the project. The least the nuclear establishment should do is to defer the commissioning process and undertake a comprehensive review and analysis of all the fears expressed. While doing so the two cataclysmic events- 2004 Tsunami and 2011 Fukushima nuclear disaster-that rocked this part of the world since KKNPP was given 'environmental clearance' should be factored in.

Heavens are not going to fall if a few hundred megawatts of nuclear power are not added to the grid in a mad hurry. Much more important is the safety of the plant in the perception of the PAP.

***M.G. Devasahayam is the Convener of PMANE Expert Team □**

Press release: 22 September 2012

Dharna against the Koodankulam Nuclear Plant

Today a Dharna was organized at Jantar Mantar, New Delhi against the commissioning of the Nuclear Plant at Koodankulam, Tamil Nadu and the police atrocities on peaceful protesters. A press release was released at the end of the Dharna.

Press Release

We a committee of movements and social activists have organized a Dharna on 22nd September, 2012 at Jantar Mantar, New Delhi to voice our support to the People's Movement Against Nuclear Energy and their democratic struggles to Stop Koodankulam Nuclear Plants. We protest the police atrocities on villagers including children, women and senior citizens, who gathered to show their support to the agitation

against the nuclear power plant at Idinthakarai on 10th September, 2012. We strongly condemned the killing of Anthony John in police firing as it is an insult to the democracy and civil rights.

We condemn the police atrocities against the nonviolent people's struggle which continues for more than 400 days which could not be underestimated. The state provokes the people of Koodankulam by the

illegal actions of police by engaging plundering the houses of villagers and filing false cases on the peaceful protesters. We, the group of movements, plead to the Government of India to reevaluate the Nuclear Project in Koodankulam and to respect the people's voice regarding the nuclear disaster and their livelihood.

We appeal to the civil society of our nation to understand the ground level

facts related to this struggle. There are more than 200 false cases on 1,50,000 people residing in around Koodankulam including waging war against state, sedition and conspiracy. There is a prohibitory order under 144 CrPC in and around Koodankulam since March, 2012. The deployment of heavy police forces makes the people to suffer without essential commodities like food, milk and water. The day to day life of the villages located around Koodankulam has been disturbed for a long period of time, and even the basic medical cares to the villagers have been denied due the blockades. There is a glooming ambience in this area like a war stricken land imposed by the local administrators. These stark truths should be informed to the civil society of India to address the real issue of the suffering mass. We submit the following demands to the Government of India and State Government of Tamilnadu:

1. Call back police forces from the villages.
2. Vacate immediately the prohibitory order.
3. Withdraw all cases filed against protestors unconditionally.
4. Release all the 45 detained villagers immediately.
5. Constitute an inquiry commission to evaluate the police atrocities and provide compensation to victims for the loss of properties etc..

6. Take legal action for the violence of police forces.
7. Stop terrorizing local inhabitants by illegal search actions and physical threat to the innocent villagers.
8. Provide all the information and documents related to the Nuclear Plants to public.
9. Shut down the Koodankulam Nuclear Plants to save the environment and livelihood of the people.

Dharna Organised by: Friends of Koodankulam Anti Nuclear Movement, PUCL-National, PUCL-Delhi, AISA, SFI -JNU, Students Against Nuclear Plants, Indian Renaissance Movement, Artists Against Nuclear Plants, Champa-The Amiya & B.G. Rao Foundation, Citizens For Democracy.

Report by Mahi Pal Singh, Secretary, PUCL National. □

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