

**Inside :**

Lest we forget - Lessons from the Emergency (1)

**ARTICLES, REPORTS, AND DOCUMENTS:**

The Emergency in India: Can History Repeat Itself? - Prabhakar Sinha (2); Scar on India's Soul - Rajindar Sachar (5); 40 Years of Emergency - Kuldip Nayar (6); Read between the lies - MG Devasahayam (7); PUCL Chhattisgarh: Report of a Fact-Finding Team: Killing of a civilian by security forces in Revali village (9); Reaching Out to the Masses - Prabhakar Sinha (14); Peoples' Union for Civil Liberties (PUCL) & Human Rights - D.L. Tripathi (16); Reckoning of modis first year - ? - Rajindar Sachar (19).

**PRESS STATEMENTS, LETTERS AND NEWS :**

Delhi PUCL: Press statement: Visit of civil society organizations at Atali village, Ballabgarh (8); PUCL Delhi Seminar for Interns on Women's issues, Communalism and Workshop on RTI - Mahi Pal Singh (9); PUCL Gujarat: A Peoples Convention - Organized since there has been Devastation in place of Development (12).

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## Lest We Forget - Lessons from the Emergency

25th - 26th June, 2015 will mark the 40th anniversary of the promulgation of the infamous Emergency in India by the Indra Gandhi government. The 21 months that followed demonstrated the slender string that holds democracy in India and the grim reality that the possibility of another Emergency-like period can never be ruled out. We carry four articles : one specially written for the 'Bulletin by Prabhakar Sinha, PUCL National President, who was a participant in the Anti-Emergency agitation and had been jailed during the dark days of the Emergency. We also carry an article by veteran journalist Kuldip Nayar, who paid the price for opposing Indira Gandhi by being jailed during the emergency period. The other two articles are by Rajindar Sachar, former President, National PUCL and MG Devasahayam, who as District Collector of Chandigarh had played a crucial role in protecting JP when he was held in custody in Chandigarh. Their articles are thought provoking and are re-published from a Special volume of *The Week* magazine for the benefit of our readers. We thank the magazine.

- V. Suresh, Chief Editor, *PUCL Bulletin* □

# The Emergency in India: Can History Repeat Itself?

Prabhakar Sinha

The anti-emergency day continues to be observed since 1977. The occasion has been used to recall the horrors of the emergency and condemn the then Prime Minister Indira Gandhi for eclipsing our democracy to save her throne. But a very pertinent and crucial question has never been raised. Granting that she declared the emergency for purely personal reasons, the question begging the answer is: why did she succeed? Why did the Legislature and the judiciary fall in line? Why was there no popular uprising? Why did the whole system surrender so abjectly to one person's authority? And if the causes of the collapse of the democratic system in one blow are still existent and unknown, what is the guarantee that history would not be repeated by another authoritarian Prime Minister suffering from the delusion that '(S)he is India', as Indira- supporters declared that 'Indira was India and India was Indira'.

The eclipse of our democracy in 1975 was not solely the result of the ambition of an authoritarian Prime Minister, but of a serious inherent weakness of our democracy of which she took advantage. The strength of a democracy lies in the involvement of the large majority of the people in the system. When the majority in a democracy is the real stake holder and perceives the system as its benefactor and protector, it feels that any attack on it is an attack on its own vital interest and fights for its preservation. But whenever and wherever, the democratic system alienates an overwhelming majority of its people by catering to the interest of a small elite, it gets emaciated and ultimately either gives way to some kind of authoritarian rule or oligarchy

masquerading as a democracy. Most of the former colonies which won freedom in the last century may be placed somewhere between the two extremes. Indian democracy has been moving fast from democracy to a system in which the façade of democracy is maintained, but the power and resources of the State are employed to serve a small elite comprising the rich, the politicians and the bureaucrats. In short, the overwhelming majority of Indians do not identify with our democratic institutions and do not feel they have a stake in it. There was no popular uprising against the declaration of the emergency because the eclipse of democracy was not perceived as an attack on their vital interest.

In the 1977 Lok Sabha election, Indira Gandhi was ousted from power due to the popular anger against the atrocities committed during the dark days of the emergency. She was wiped out in the Northern states but won in the south because the people in those states had not suffered as the people in the north. However, democracy is not only about freedom from atrocities, but is a system of government with the welfare of the people as its chief goal. Indian democracy has shunned it.

The root cause of this deviation is traceable to the composition of the Indian National Congress, which spearheaded the movement for independence. The organization was deeply and genuinely committed to the country's independence and took in its fold all those who were committed to this cherished goal. They included urban educated elite, landlords from the rural India, businessmen, industrialists and many others who

were alike only in so far as they shared the same goal. With this assorted group, it was not possible for the freedom movement to have a blueprint of a shared socioeconomic order after independence. However, a consensus had emerged during the freedom struggle in favour of a democratic form of government.

The party, which inherited power from the colonial rulers, was dominated by an elite, which had no genuine commitment to the welfare of the people though it had accepted it in principle. The Indian constitution reflects this reality. All the negative liberties ( i.e. freedom from the State's coercion) guaranteed to the people were included in its third Part of the constitution, which deals with the fundamental rights and which are justiciable; but all the measures required for the welfare of the people were pushed to Part IV dealing with the Directive Principles of State Policy. The pious platitudes in this part were made non justiciable to deprive the people of the right to force the State to use its power and resources for achieving the goal set forth under the Directive Principles. Making it non-justiciable was meant to set the State free from the obligation of following the directive principles and also to grant it the freedom to violate them. The foundation of our democracy shunning its responsibility and obligation as a welfare State was laid in the Constituent Assembly itself. Under the Directive Principles, the State has been directed to ensure the right to food, the right to work, to education, to assistance in the case of unemployment, old age, sickness disablement and in other cases of undeserved want. Several other rights were included for the welfare of the people. The State was also enjoined to secure for the

people 'a social order in which justice, social, economic and political, shall inform all the institutions of the national life' to direct its policy to ensure that the ownership and control of the material resources of the community are so distributed as to best subserve the common good and to prevent concentration of wealth and means of production to the common detriment'. T.T. Krishnamachari, a prominent member of the Constituent Assembly, described the Directive Principles as 'a veritable dustbin of sentiment ... sufficiently resilient as to permit any individual of this house to ride his hobby horse into it'.

Making the dream of a welfare State as envisaged in the Directive Principle non-justiciable has proved to be an act of grand deception and has excluded the people from being a stake holder in India's democracy. The traumatic experience of the emergency led to the realization that the State had been serving only the rich and the privileged, and there was need of course correction by serving the interest of the common man. It led to the abolition of the Right to Property as a fundamental Right (Art. 31) and making it only a constitutional rights (Art 300A) on the ground that 80% of the countrymen have no property, and this right served only a small minority. The other significant realization was that a vast disparity in income and any disparity in status, opportunity and facility poses a grave threat to democracy. Art. 38 was amended to incorporate the following: Art.38(2) - " The State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities of status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations." But

this amendment, which could have breathed life in our democracy, is also non-justiciable as it is in Part IV. The dependence of the political parties on the black money of the rich prevents them to serve the multitude and strengthen democracy.

Democracy is also a system requiring deep commitment to its values. In the face of the gravest of problems, it demands that a solution must be found without sacrificing or compromising its principles and values. This commitment was absent in the rulers of independent India. Immediately after Hyderabad's forced accession to India, the government was faced by an armed struggle of the peasants of Telangana under the leadership of the Communist Party of India. Patel ordered the police to shoot the trouble makers at sight without caring for the number of people dead. The comparison of Patel with Bismarck and his designation as an iron man might be an assessment worth admiration in the 19th century under a monarchy but is wholly unacceptable in a democracy. It was this anti-democratic mindset which guided the destiny of free India.

The authoritarian approach is evident in a slew of repressive laws enacted even after the adoption of the present constitution. The series of enactment of draconian laws began with The Preventive Detention Act, 1950 and is continuing without let or hindrance both at the centre and in the states regardless of which party is at the helm of affairs. At the time of the Emergency, there were fewer weapons in the arsenal of Indira Gandhi than are available to the present day rulers. No democracy has such draconian laws targeting its own citizens, especially during a time of peace.

The cold blooded organized killing

of the Naxals since the seventies of the last century, and the ongoing killing of the Maoists and the others under one pretext or the other without protest from the political class ruling the country is a telltale evidence of an emaciated democracy. The acquiescence in this ghastly crime against democracy does not augur well for its future.

Draconian laws are not enacted without a cause. When they are enacted in a democracy and the State resorts to killing and detaining its own citizens, it is always the consequence of the State serving a minority at the cost of the overwhelming majority. The repression is necessary to contain protest against the crime against democracy.

Much before the imposing of the emergency, Indira Gandhi had realized that independence of the judiciary was going to be an impediment to her authoritarian ways. She insisted that Parliament had an absolute power to tinker with the constitution. When the Supreme Court rejected this contention of her government, she retaliated by superseding three of the senior judges and appointing Justice Mr. A.N. Ray (who was then holding the fourth position, in order of seniority) as the Chief justice of India. Calls were openly given for a "committed" judiciary - an euphemism for a judiciary committed not to the Constitution, but to the Executive! Though her shameful contention that since the fundamental rights, including the right to life and personal liberty and the right to move the higher courts for the protection of the fundamental rights had been suspended, the people had no protection against the deprivation of their life or personal liberty was upheld by the apex court, she superseded Justice Mr. H.R. Khanna, the only judge who had

given a dissenting judgment. She transferred several judges of the High Courts to teach them a lesson and make an example of them for the others.

How much is the situation different today from what it was in 1970s? There is a government commanding an absolute majority headed by a person known for his authoritarian and ruthless ways. Anticipating hindrance from the judiciary he has gone out of the way to tell the conference of the Chief Justices of High Courts and the Chief Justice of India how they should conduct their business. He has advised them to not give undue weight to 'five star activists'. By any standard, it was the height of not only impropriety but impertinence. The Finance Minister of the present government has advised the judiciary to join hands with him to make an investor friendly judiciary by avoiding making 'excessive judicial interference'. He has arrogated the power to determine what is 'excessive judicial interference' - something unknown in the countries having an independent judiciary.

The Attorney General, arguing in favour of the National Judicial Appointments Commission, does less of arguing and more of insulting and threatening. Armed with the total support of the political class, which finds an independent judiciary a thorn in its flesh, he uses a tone and temper which poses a serious threat to the independence of judiciary. There is a concerted move to weaken and frighten it. It is not the formation of the Commission for appointment of judges (which must be judged fairly on merit), but the manner in which the case is being argued which reveals a dangerous mindset.

The institutions under the State are being packed with undeserving persons committed to the ideology

of the party. The autonomy of educational institutions are being destroyed by the Union Government's interference. All institutions in which the government has a say are being saddled with unfit persons on the sole basis of their ideological or political affinity/affiliation with the ruling party. The protests against the packing is being ignored as is characteristic of undemocratic organizations.

The party in power at the centre is the political wing of an organization whose iconic leader Golwalkar hailed Hitler as a hero and admired him for settling the Jewish problem (Hitler ordered massacre of millions of German citizens of Jewish origin). The Indian organization was formed to fight the Muslims and was not interested in India's independence. In fact, in Golwalkar's opinion, all the leaders who were fighting for India's independence were 'traitors'. The parent organization of the present ruling party is committed to have a Hindu Rashtra as the Muslim league was committed to have a separate Muslim nation. Theocratic States by their very nature are anti - democratic because they cannot accept the equality of the citizens belonging to other religions.

The conduct of the parent organization of the party in power is fascist. Its instigates vandalisation of the meetings expressing opinion it does not like, hounds the authors of books it does not approve of, uses violence to disrupt exhibitions it considers offensive and forces cinema halls to close down if it does not approve of a film. Its vigilante groups humiliate and assault young men and women at public places if they are suspected to be lovers. Dr. Moonje, who was a founder of the RSS with Dr. Hedgewar was a great admirer of the Italian Fascist leader, Mussolini. He took the pain to go to Italy to meet him, and wished to visit the institute where the Fascist

cadres were produced. It is on record that he greatly admired the fascist effort. Both Hitler and Mussolini had created organizations which disrupted meetings of the opponents, beat them up and did worse. Bajrang Dal, and various similar organizations are their replica. The Khaki pant and white shirt, which the RSS members don are not inspired by some Hindu tradition but is inspired by the uniform of the Nazi and Fascist organizations.

The government itself is committed to use all the resources of the nation and the might of the state to serve the handful of the rich; so much so, even the Congress Party, which itself has been in hands and gloves with the rich, has begun to accuse it of being a party of the rich! The consequence is further alienation of the people from the democratic process.

Democracy in India is in greater peril. The ruling party is determined to unabashedly serve the rich at the cost of farmers, workers and the rest of the people. Protests are inevitable. It is not likely that the government of an authoritarian party would choose the people and not its benefactors. If it chooses its benefactors, severe repression is the only course open to the government against popular protests. Whether it would declare an emergency or not is a speculation worth avoiding, but if it does it would be very difficult to fight it, because unlike Indira Gandhi, the present ruling party itself is committed to authoritarianism, has committed cadres modelled after fascist organizations, and has a big support among the people due to its communal appeal.

But ultimately, it is the people who have the last laugh, as is evident from the fates of all tyrants. □

## Scar on India's Soul

### Rajindar Sachar

Nations that do not remember their immediate past are in danger of repeating the same tragedy. This thought comes to me when someone under 35 years of age or even 55 draws a blank on being asked about the significance of June 25, 1975. Even newspapers never front-page it?some do not even carry the information; a few may just mention it somewhere in the corner of inside pages. Many opposition parties that were the victims of the Emergency choose to keep it low key, though the People's Union for Civil Liberties and such other organisations as usual hold protest meetings.

And yet, it was a day when India lost its democracy, and the US president sarcastically boasted that the US was now the largest democracy. Because of the sacrifices made by Indians under the inspiring leadership of Jayaprakash Narayan, the boast ceased to be true, but only after 21 months.

There was spirited resistance to the Emergency. Thousands went to jail, and many human rights activists worked underground. But, there is a limit to which unarmed people can fight an intolerant and a near fascist state that India had become those days.

In times of crisis like during the Emergency, the judiciary is expected to act as a bulwark against the excesses by the executive. But a fatal blow to freedom was struck by the Supreme Court judgment in the ADM Jabalpur case in 1976, holding that the right to life does not survive during the Emergency. The ruling

overruled the view of nine High Courts that the legality of detaining order passed by the government could still be set aside for illegality. In fact, in some cases, the High Courts had ordered the release of detainees. But, the Supreme Court, by a majority of four judges against one honourable exception of Justice H.R. Khanna, laid down thus:

"In view of the Presidential Order dated June 27, 1975, no person has any locus standi to move any writ petition under Article 226 before a High Court for habeas corpus or any other writ or order or direction to challenge the legality of an order of detention on the ground that the order is not under or in compliance with the Act or is illegal or is vitiated by mala fides, factual or legal, or is based on extraneous considerations."

The Supreme Court accepted the attorney general's argument that if a policeman, under orders of his superior, was to shoot a person or even arrest a Supreme Court judge, it would be legal and no relief available. I am shocked how the majority decision could rely on the *Liversidge vs Anderson* judgment, given during wartime in 1942 by the House of Lords (United Kingdom), when English courts subsequently felt so ashamed of that decision that a conscious effort was made to throw it in a dung heap.

Some commentators have ironically described the majority in *Liversidge* case as the court's contribution to England's war effort. Similarly, many in India are inclined to describe the majority in the *Jabalpur* case as the Supreme Court's contribution to the

continuance of the Emergency. Had it taken the same view as the High Courts, the Emergency would have collapsed because no court could have upheld the detention of stalwarts like Jayaprakash Narayan, Morarji Desai, Raj Narain, George Fernandes, Madhu Limaye and brave journalist Kuldeep Nayar on the ground that they were a danger to the nation's security. The inevitable result would have been the immediate release of these leaders, leading to an overwhelming opposition movement which would have swept away the Indira Gandhi government by mid-1976. Alas, how sometimes fate of nations can be influenced by the pusillanimity of a few individuals?in this case embarrassingly by the highest judiciary, which it can never live down.

Soon after the change of government, Justices Y.V. Chandrachud and P.N. Bhagwati expressed regret and conceded that they should have joined Khanna, which would have been the majority. But this crying over their earlier view is like crying after having deliberately spilt the milk. So much distrust in judiciary had been generated that Parliament took precaution in passing the 44th amendment to the Constitution (1978), which has taken away the power of the president to suspend Article 21. But, we must continue to remember that "eternal vigilance is the price the nation must pay for safeguarding the liberties of individuals". And the press should keep reminding the public of this frequently.

**Courtesy: The Week, 14.6.2015** □

## 40 Years of Emergency Kuldip Nayar

Forty years may seem to be a long period. But it is not long enough to efface the memory of a jungle raj which followed the imposition of the emergency in 1975. Prime Minister Indira Gandhi, mother-in-law of Congress president Sonia Gandhi, should have stepped down after the Allahabad High Court disqualified her for using the official machinery during election. The Supreme Court's vacation judge gave her reprieve by pronouncing a stay order.

Still she was not certain about the final outcome. There was reportedly a time, after the judgment, when she thought of stepping down till her exoneration and making Jagjivan Ram or the then UP chief minister, Kamalapati Tripathi, the Prime Minister.

But her son, Sanjay Gandhi, who subsequently became an extra-constitutional authority and ran the government, knew her mother's weakness. He, with the help of Bansi Lal, then Haryana Chief Minister, hired the crowd and paraded her "supporters" outside the Prime Minister's residence. After that Mrs Gandhi was really convinced that people wanted her and only a few disgruntled elements in politics were against her. Hereafter, her dependence on Sanjay Gandhi was absolute.

Sources from her residence revealed that she would talk about politics to Sanjay Gandhi alone and ignored Rajiv Gandhi who, she thought, was apolitical. It is equally true that he too took little interest in politics and excelled himself in flying. He was considered an ace pilot in the Indian Airlines which was then the only airline running the domestic traffic. It is another matter that Mrs Gandhi imposed politics on him and he, in turn, imposed his Prime Ministership on the nation. Strange as it may sound, the resistance was put up by parochial

forces, the Jana Sangh which is now the BJP, and the Akali Dal comprising the Sikhs. The secular forces including the Communist Party of India accepted Mrs Gandhi's autocratic rule without a demur. The Marxists were unhappy but prepared to lie low.

Pathetic was the role of the press. (There was no electronic media then). It preached valour and values, but a few people and papers showed resistance. Mrs Gandhi's remark that "not a dog had barked" was authoritative in tone and tenor. Nevertheless, it was a fact that the press had caved in.

Stung by her remark, I was able to collect as many as 103 journalists (I still have the list) at the Press Club by visiting personally the offices of some newspapers and the two news agencies. Among those present was Girilal Jain, then the Resident Editor of The Times of India. I read out the resolution I had drafted to condemn the emergency and the imposition of censorship. One journalist mentioned that some editors had been detained. I told the journalists present there to sign the resolution. I said I would forward it to the President, the Prime Minister and the Information Minister under my signature.

Before leaving the Press Club, I took the copy of the resolution along with me lest it should fall in the hands of the police. Hardly had I reached home when Information Minister V.C. Shukla, till then a friend, rang me and asked if I could drop in at his office. I was shocked to find a different Shukla, authoritative in tone and threatening in posture. He asked me to give him the paper on which the journalists had signed. When I said 'no' he warned me that I could be arrested. "You should understand it was a different government, run by Sanjay Gandhi, not Indira Gandhi," he said.

Still I followed up with a letter to Mrs

Gandhi which said: "...Madam, it is always difficult for a newspaperman to decide when he should reveal what... In a free society - and you have repeatedly said after the Emergency that you have faith in such a concept - the press has a duty to inform the public. This is sometimes an unpleasant task, but it has to be performed because a free society is founded on free information. If the press were to publish only government handouts or official statements, to which it is reduced today, who will pinpoint lapses, deficiencies, or errors?.."

However, when I tried to pick up the threads after I came out of jail following three month's detention, I found to my dismay that journalists were afraid to support me openly. The then Jan Sangh leader, L.K. Advani, was quite correct in his remark: You (journalists) were asked to bend but you began to crawl!

If I were to explain the emergency to today's generation, I would repeat the adage that eternal vigilance is required to defend the press freedom is as much truer today as it was when India won freedom some 70 years ago. Never did anyone expect that a Prime Minister after the High Court's indictment would suspend the constitution when she should have stepped down voluntarily.

Former Prime Minister Lal Bahadur Shastri would often advise to his colleagues: Sit light, not tight. That is the reason why he resigned as Railway Minister after a big accident at Ariyalur in Tamil Nadu. He took moral responsibility for what had happened.

It is difficult to imagine anybody following that precedent today. Yet, India is still looked upon by the world as a country where the value system exists. Parochialism or posh living is not the answer. The country has to go back to what Mahatma Gandhi

told the nation: Disparities drove people to desperation. There is a point in harking back on

the days of independence struggle. All had joined hands to oust the British. I wish the same spirit could

be revived to oust poverty. Otherwise, the independence comes to mean a better life only for the haves. □

## Read between the Lies

### MG Devasahayam

It all started on the night of June 25-26, 1975, when Fakhruddin Ali Ahmed, then President of India, in a nocturnal bout of supplication to Prime Minister Indira Gandhi, signed a crisp three-line proclamation:

*"In exercise of the powers conferred by clause (1) of Article 352 of the Constitution, I, Fakhruddin Ali Ahmed, President of India, by this proclamation declare that a grave emergency exists whereby the security of India is threatened by internal disturbances."*

The Emergency that followed extinguished freedom and democracy, suspended fundamental rights of citizens, fettered freedom of expression and resorted to illegal detention and abuse of citizens. The enactment of draconian laws, unparalleled in any democracy, followed suit.

To justify the demise of democracy, an Intelligence Bureau note was rigged up on July 21, based on which the Ministry of Home Affairs placed a document titled "Why Emergency?" in Parliament. The idea was to create a myth about the Emergency and sell it to the hapless public. This 'white paper' depicts Jayaprakash Narayan as the "Enemy No 1 of the state" and puts the entire blame for declaration of Emergency on the JP movement. It opens with words that rival the lies of the Stalinist propaganda:

*"The declaration of the Emergency and the various actions taken by the Government to restore discipline, order and stability in the country have been*

*welcomed by people from various strata of Indian society. The Prime Minister has said that the attempt of the Government is to put democracy 'back on the rails' and to ensure that the activities of an organised anti-democratic minority did not lead to the end of the very institutions of representative government which the nation had evolved over the years."*

Another myth marketed ad nauseam was that the Emergency ushered in an era of discipline in government departments and that trains were running on time. So much so Railway Minister Suresh Prabhu is stated to have dug up the Emergency period files to find solution to this chronic problem haunting the Indian Railways!

The ground realities, however, were diametrically opposite. I was then the District Magistrate (i.e. the District Collector) of Chandigarh. Within minutes of the Presidential Proclamation, Giani Zail Singh, then chief minister of Punjab, called up the Union territory's Chief Commissioner and directed him to severely discipline the media. He was specific that *The Tribune* should be sealed and not allowed to come out that morning. He even wanted the editor of the newspaper arrested under the dreaded Maintenance of Internal Security Act!

We did not comply with this direction, thereby incurring the wrath of Chaudhary Bansi Lal, then Haryana chief minister. In his inimitable style, he threatened that if the Chandigarh administration was not willing to act against *The Tribune*, he will get it done through

the Haryana Police. This was how Indira Gandhi was safeguarding 'institutions of government' and putting democracy 'back on the rails'!

More than the loss of personal freedom and liberty, the Emergency was about basic violations of democratic norms and the crude attempts to legitimise a new type of regime and new criteria of allocation of rights and obligations. The delicately crafted and carefully nurtured fabric of India's democratic governance was ripped apart and devastated by the imposition of a highly concentrated apparatus of power in the manner of totalitarian Russia.

The Soviet hand in this agenda is suggested by none other than JP himself. This is what he wrote in his *Prison Diary* on July 22: "Quite a number of Congressmen are disguised Communists. They will go with Indira to the ultimate end. They have always been enemies of democracy. Behind them is the right CPI and behind it is Soviet Russia. Russia has backed Indira to the hilt. Because the farther Indira advances on her present autocratic course, the more powerful an influence will Russia have over this country...."

The Emergency's blackest spot was an attempt on the life of JP during his confinement in Chandigarh. Mysteriously, starting early November 1975, his health deteriorated sharply. Owing to certain circumstantial factors, I, as the custodian of JP in jail, had serious suspicion about this conspiracy. My assessment was that the 'Delhi durbar' considered JP as the only person of stature who

could challenge the dynasty and remove it from power as and when elections came, and should, therefore, be put in harm's way. But by playing hardball with the PMO, this conspiracy was defeated by getting JP released and he was sent to Mumbai's Jaslok Hospital just in time for his kidneys to be saved. JP lived for four more years and succeeded in removing the dynasty from power in the early 1977 elections.

I had not suspected the Soviet link to this devious plot till I read this passage by Kuldip Nayar in a magazine to commemorate the 50th anniversary of the 1965 India-Pakistan war: "Soviet Prime Minister

Alexei Kosygin brought the two sides together across the table in Tashkent after the war to broker peace.... But destiny had something else in store. Within a few hours of the Tashkent declaration being signed, Lal Bahadur Shastri died under mysterious circumstances. His family believes he was poisoned. Now, I too feel there was foul play. There was no post-mortem.... The ministry of external affairs refused access to papers relating to Shastri's death."

Dynasty was the sole beneficiary of Shastri's untimely death. It would have been so if JP had also died in jail. It is beyond comprehension as to why successive non-Congress

governments have kept a tight lid over these two humongous mysteries.

The Emergency excesses have been benchmarked by the ruling elite and made into reference points for gross violation of civic and human rights. Over a period of time, India has also been drifting towards "state kleptocracy", a system wherein ruling establishments arrogate the power and resources of the state and govern at will. Myths notwithstanding, this is the stark reality of the Emergency fallout and the root cause of the all-pervading inequity and injustice in the midst of the country's rapid GDP growth. We can ignore this only at our peril!

**Courtesy: The Week, 14.6.2015** □

**Delhi PUCL: Press statement: 5th June 2015**

## **Visit of Civil Society Organizations at Atali Village, Ballabgarh, Haryana, on 5th June, 2015**

Today a team consisting of members of PUCL, NAPM, Khudai Khidmatgar and Socialist Party visited the Atali village in Ballabgarh District (Haryana) led by Justice Rajinder Sachar (Retd). Team met the Muslim residents who were attacked on 25th May, 2015, whose houses were burnt, belongings looted or destroyed and who had to flee from the village to save their lives and had taken shelter in a police station at Ballabgarh till 3rd June. The team was happy to see that elders of the majority community had approached them and assured them of their co-operation in protecting them and support in building the 'mosque' and on their assurance, as well assurance of the administration, they have returned to the village from 3rd June, 2015. However since their houses were burnt and their belongings totally destroyed or looted by the anti-social elements, they have to rebuild their lives from

scratch. The interim compensation at the rate of Rs.5000/- per family given to the victims by the administration is totally insufficient.

Besides the Muslim residents, the team members met SDM Dr. Priyanka Soni, some police officials including two ACPs who were present at the spot as well as members of the majority community of the village. Though the administration and the elders of the majority community asserted that they are committed to the building of the mosque, still there are some mischievous elements who, in spite of the court verdict against them and in spite of the compromise, seem to be unsatisfied and have again gone to the court of CJM, Faridabad, in appeal claiming that the land of the mosque belongs to the Panchayat and got a notice issued to the Mosque committee as well as the Panchayat. Matter is fixed tomorrow for hearing. However the team is surprised to note that though there

are more than eight temples, there is no properly constructed mosque in the village and the Muslim residents have been offering their prayers in a make-shift tinshed for more than a century.

The team urges upon the Haryana Govt. that (i) the task of building the mosque must be given top priority and urgency, and proper protection be given to the mosque committee for this purpose; (ii) Adequate compensation be given to the victims of violence so that they are able to rehabilitate themselves in a dignified manner; (iii) that those responsible for violence should be immediately arrested and prosecuted and (iv) that due protection be given to the Muslim families and their properties.

The team members were Justice Rajinder Sachar, N.D.Pancholi, Prof. V.K.Tripathi, Vimal Bhai, Faisal Khan, Rizwan Ahmad, Farah Sakib and Abdul Malik.

**N.D .Pancholi**, President, PUCL (Delhi) □

Delhi PUCL:

## **PUCL Delhi Seminar for Interns on Women's Issues, Communalism and Workshop on RTI**

PUCL Delhi organised a seminar for its interns on several issues facing our society and country at Gandhi Peace Foundation, New Delhi on 16th June 2015. It was attended by about 60 PUCL Delhi interns, mostly girl candidates, who are pursuing their law studies in various universities. The seminar was presided over by N.D. Pancholi, President, PUCL Delhi and attended along with others by Mahi Pal Singh, Amit Srivastava, Swati Sinha and Promod Mishra.

Ms. Kavita Krishnan, a leading social activist especially working on women's issues, spoke on discrimination against women and girls practiced in our society and encouraged by caste panchayats, like Khap Panchayats, and also the so-called religious leaders and politicians in all the matters related to them - bringing up, education, marriage, sexuality and family and social life.

In the second session Nishant Natya Manch led by Prof. Shamsul Islam

presented three songs which had a strong liberating message underlying all the three songs, especially the liberation of women from age old redundant practices which enslave them. A street play, an adaptation of Krishan Chander's play, was also presented focusing on how degradation in humanistic values has occurred in our society where even lives of people have no value. Prof. Islam also spoke on how some people are bent upon dividing people on communal lines and damaging the inclusive texture of our society for their own political ends. He also read out some portions of a small booklet sold by Geeta Press, Gorakhpur and written by a so-called 'Swami' in which beating of Hindu women by their husbands is fully justified. Interestingly, the same thing is repeated for Muslim women in a small booklet written by a Muslim scholar, which shows that when it comes to treating women inhumanly and unequally, all the religions are

equal.

The third session on the Right to Information was conducted by Venkatesh Nayak, Programme Co-ordinator, Access to Information Programme, at CHRI. The need for the RTI, important sections of the RTI Act, various problems faced by those making use of this Right to get information etc. were discussed in great detail.

In all the three sessions the participants took an active part raising various issues and their doubts and getting clarification on those doubts. They also shared their experiences in matters related to women, accessing information under the RTI Act, and communal questions raised in the society around them everywhere and every day.

At the end N.D. Pancholi thanked all the speakers and participants for taking an active part in the interactive seminar.

**Mahi Pal Singh**

17.06.2015 □

**PUCL Chhattisgarh: Report of a Fact-Finding Team:**

## **Killing of a Civilian by Security Forces in Revali Village (Dantewada) on 6th January 2015**

Revali village (Revali Panchayat) is approximately 65 km from the district headquarter in the Kuakonda block of Dantewada district, south Chhattisgarh. The village is home to Madia tribals who live in five paras (hamlets) of the village. On 6 January 2015, Bheema Nuppo (35 years-old, s/o Nanda) of Tadpara hamlet of the village, was shot at and died on the spot. In the following days, media reports of the case and developments on the ground raised several questions that called for an on-the-spot investigation. Our team of three members, undertook an investigation into the incident on 18-19 January. An update was undertaken just before the

completion of this report.

The incident

By the time we reached Tadpara on the 18th, it was dusk. Accompanied with a translator, we had traveled most of the way in a hired vehicle. We covered the last bit on foot. This involved crossing the Malangir river, quite narrow at this time of the year. Budari and Bheema Nuppo's house was not far ahead. We found Budari at home along with her five children: four daughters and a son. Her eldest daughter is in her teens; the youngest, also a daughter, is three-years old. Their house is made up of two huts located in a common yard, home also to a few hens and a family of pigs.

We were soon joined by other residents of the hamlet. Since the light would soon fade, they suggested that we first see the site. A fifteen-minute walk led us to the spot where the path descended to the river. On the basis of what Budari and others described, we learned that at around 9 am on 6 January, Budari and Bheema, had gone towards the Malangir river to cut jhatti, a shrub required for fencing. After an hour or so, when they had enough, Budari stayed back to tie the bundle while Bheema headed for the river for a bath. Soon afterwards, she heard the first shot. Dropping the bundle, she ran towards Bheema. She had reached

the trees close to the path when she heard another shot. Another villager showed us the spot where Bheema was catching crabs after his bath, when he was shot. Villagers also drew our attention to the plastic packet that Bheema had carried with him to keep the crabs.

Fearing that she would be seen, Budari hid behind a tree. From that vantage point she could see Bachelipara on the other side of the river where the forces had reached by then. She saw them fire many shots in the direction where Bheema was.

Through the dense foliage, under the fast-darkening sky, we could see the narrow river. In day light, the security forces would have seen Bheema clearly. Of the bullets they fired, one hit him on his right side near the waist, the second hit his left eye. They killed their target as was their intention. By the time Budari and other villagers reached Bheema, he was dead.

On our way back, Budari showed us the bundle of fencing material that lay where she had dropped it. Later, she also showed us three bullets that were found near the site where Bheema was, and an empty casing that was recovered from the other side of the river.

Women of Tadpara told us that the forces, around 300 in strength, reached their hamlet around 9 am. They had come to their village from the direction of Burgum and Pordem villages. Others of the area have mentioned that the forces passed through Kankadipara, Nahadi, Potali, Pordem and Burgum.

Many people of other paras of Revali mentioned that they had seen them. For example, Rakesh Tati (s/o Tangra), who was Sarpach from 2000-2005, a resident of Patelpara, said that he was in his yard when he was asked for direction to Bachelipara. We were also told how the forces harassed the residents of the villages they passed through, especially women. In Bhimapara, Mangdi Markam was pulled by her hair, slapped and beaten with a stick. When her elderly mother

protested, she was also beaten. Paik Markam was also beaten. They stole a torchlight, a banda (a knife) and Rs. 300 from her house, and helped themselves to three jerrycans of mahua liquor in the house of Madke Markam. In Tadpara, Hunga mentioned that they had taken Rs. 300 from his house as well as a hen. Malle, also had to part with her hen and Rs. 200. Deve said that they had taken a ganj (a vessel) from her house and Rs. 300. All along, the security forces were insulting and abusing people in Hindi; some were also speaking in Gondi.<sup>1</sup>

First Information Report (FIR) Budari said that after the villagers took Bheema's body home, word was sent to village leaders. Rakesh Tati, ex-Sarpanch, who was in the village informed another leader, Devaram Barse (s/o Kalla, locally called Deva), Up-Sarpanch, who had gone to Kirandaul with an ailing relative. Adivasi leaders of the area, like Bheema Kunjam of Jabeli and Nanda Sori of Bade Baidma, were also contacted. They arranged for a jeep to be sent to Revali the following day (7 January) so that Bheema's body could be taken to Kuakonda thana. Nine women and seven men accompanied the body. Upon reaching the thana, Budari accompanied with Singe (w/o Joga), Deve (w/o Deva), Lakhme (w/o Deva) and Joga (s/o Bandi) went inside to register the FIR. Deva, Rakesh, and other relatives and villagers stayed outside. Budari said that she related the events of that morning and what she had witnessed to the Thaanedar. She spoke in Gondi. She said that one of the police persons (tall and fair) was writing her statement; a local adivasi policeman was translating. According to Budari, he told her that "when you are asked as to who killed Bheema say that the Naxalites did so. You will then get five kandis (one kandi being equivalent to Rs. 20,000) as compensation."

Budari said that when they asked: "What kind of clothes were the policemen wearing?", Singe told

them that their clothes were similar to what they were wearing. At this the policeman got angry and said that "you must be a sangham member, that is why you are speaking so much." Budari maintained that her statement was not read out to her nor was a copy given to them after their thumb impressions were taken. Deva was then called in and his thumb impression was also taken without reading out the statement to him or ensuring that he read it first.

We have ascertained that Town Inspector Saradchandra, the officer-in-charge of the Thaanana was present that day (7 January). Bheema Kunjam, a member of the Auxiliary force (who was earlier a SPO) was also present. We understand from what Budari told us that these were the two police persons who were involved in taking down her statement and that Bheema was doing the translation. This question of who was the translator has become an important one. While Budari has maintained that she told the police that it was the security forces whom she saw shooting at and thereby killing her husband, the FIR records that it was done by "unknown uniformed Naxalites." The flawed and misleading FIR Budari got to know about this only on 11 January. According to legal procedure, she should have been given the copy immediately after registering the FIR. Instead, it is only after Soni Sori, a local leader of Aam Aadmi Party, started making enquiries that a copy of the FIR was provided. As part of our exercise of collecting facts, we tried to meet the Town Inspector (Thaanedar) on 19 January. We were told that he was involved in some inspection work close by. Despite waiting for many hours, leaving messages for him, and several attempts at contacting him by phone, including a message given to him via Soni Sori, he did not meet us.

In an interesting twist of facts, the police allege that Deva was the one who was translating, thereby putting

the onus of this important "error" on him. Budari has mentioned the translator to be Bheema Kunjam. Deva, for his part has clarified in an affidavit submitted at the Dantewada court on 27 February that after Budari and those accompanying her had gone inside the thana, he and the other villagers waited outside till he was called in by the thanedar. He went in to find the thanedar writing in a register. He asked Deva his name and position, which Deva told him. While leaving, in passing, Deva told Budari in Gondi to relate what she had seen as accurately as possible. Other than this, he said, he had no role in the writing or content of the FIR. On 27 February, Budari and Singe also submitted affidavits at the Dantewada court outlining their version of the events.<sup>2</sup> Later, the case was transferred from Kuakonda thana to Aranpur thana since Revali village falls under its jurisdiction.

#### Postmortem

On the same day, 7 January, as per procedure, Bheema's body was also sent for postmortem. Dr. Karma of the Community Health Centre at Nakulnar conducted it. Relatives and other villagers were surprised however to find that no incisions had been made on his body. Suspecting foul play, they decided to bury the body instead of cremating it, as was their custom, so that it could be exhumed, if need be.

The contents of the postmortem are not known. On 19 January, the second day of our fact-finding, we were keen to meet Dr. Karma but he was not available in his office in the hospital at Nakulnar. We were told that he had gone to the Dantewada government hospital but we did not find him there nor at his residence in Dantewada.

The same day, 19 January, we also met Additional Superintendent of Police (ASP), Ram Krishna Sahu. However, he was not helpful. He refused to part with information regarding movement of the police force and CRPF, of nearby police stations, on the 5 - 6 January. However, repeating the promise

made by the government on 17 January, he confirmed that a magisterial enquiry had been ordered.

16-17 January had been witness to a major protest rally in which thousands had participated in outrage at the incident and solidarity with Budari and her family. Under the leadership of Soni Sori, the march started from Arbe village, close to Revali, and headed towards Dantewada.

The protesters slept in the fields enroute. They had reached Kuakonda when the police stopped them. A dialogue ensued. They placed a list of demands to the Sub-Divisional Magistrate (SDM) and ASP including registration of a fresh FIR, a CBI enquiry, and adequate compensation for Budari and those who were harassed by the forces.

In response, the SDM promised to hand over the memorandum to the District Collector and promised that "appropriate action would be taken as per norms" in ten days. Subsequently, a magisterial enquiry was ordered.<sup>3</sup>

On 17 January, the government had invoked the infamous Section 144 of the CrPC to declare the peaceful assembly as a violation of the Model Code of Conduct, which was in effect due to the panchayat elections. At that time itself, people had asked: "How is it that restrictions under S. 144 only apply when villagers come out for a peaceful protest, and are not applicable to the security forces who conduct rampages in groups of hundreds? Which model Code of Conduct allows that?"

Section 144 was invoked once again a few days later. On 21 January, local papers reported that the state administration had registered an FIR against Soni Sori, Arvind Gupta (AAP member), several Sarpanchs, and some leaders from the villages from where the people had gathered in the protest.<sup>4</sup>

They have been charged with gathering in an unlawful assembly and intentionally disobeying the order of a public servant (Sections

147, 148 and 188 of the IPC). Soni Sori has attempted to procure a copy of the FIR, but has been unable to so far. The government has not taken any further action on the FIR. Update

Since our visit, we have learned that the Dantewada Collector has indeed ordered a magisterial inquiry into the incident, which is currently being conducted by the Deputy Collector, Mr. T R Ajapal.

However, no further steps have been taken by any authority to look into the grave allegations that are being made by the villagers. No steps have been taken to exhume the body and recover bullets embedded in it, or even to collect the bullets already in the possession of the villagers, and conduct forensic tests on them to reveal the weapons from which they were fired. No authorities have bothered to make any inquiries from the villagers about the incident.

The Collector has reportedly sanctioned a compensation of Rs. 5 lakhs for Budari but this is currently classified as compensation awarded to the next of kin of those who have died in Naxalite violence.

Budari has decided not to accept this compensation under these terms. More recently, Budari has been offered a government job, which she has not accepted as yet.

#### Conclusions and Recommendations

1. This is a case where there appears to be ample evidence pointing to the killing of an unarmed civilian by the security forces without provocation and without warning. The guidelines of the NHRC are very clear in this regard about the filing of FIR and investigation by an independent agency and ought to be followed in letter and spirit.

2. The obvious attempts at manipulation of the FIR, the refusal to correct it even when the errors have been brought to the notice of the police authorities, and efforts to make compensation conditional on the wording of the FIR, are also highly objectionable. They certainly do not instill in the adivasi people of

the area, a confidence in the functioning of the police and administration. In these circumstances, the demand of the wife of the deceased and other villagers for the re-registration of a proper FIR and a CBI Enquiry are not unreasonable.

3. Budari Bai should be provided with a copy of the post mortem report and all other necessary documents in regard to the killing of her husband which are her legal right, so that she may pursue any legal remedy as she feels fit.

4. While it can be appreciated that the security forces function under very difficult circumstances in this conflict ridden area, however the failure to take action in a case such as this would only increase the alienation of the local people and make the task of the security forces even more difficult in the long run. Thus prompt and effective action

should be taken at the highest level. (Bela Somari) (Rinchin) (V.T. Prasad Rao)

Bela Somari (nee Bhatia) is an independent human rights worker based in Bastar; Rinchin is an activist and PUCL member based in Raigarh; and V.T. Prasad Rao is an activist and PUCL member based in Bhilai.

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*1 On 12 March 2015, Paik Markam (d/o Buska), Madke Markam (d/o Joga) and Mangdi Markam (d/o Bhima) from Bhimapara and, Hura Kunjam (s/o Joga) and Deva Markam (s/o Joga) from Tadpara submitted affidavits at the Dantewada court detailing the harassment they experienced at the hands of the security forces on 6 January 2015.*

*2 We are grateful to the Jagdalpur Legal Aid Group for sharing the affidavits mentioned above.*

*3 News regarding the incident and its fallout was carried by local and national*

*media. Information about the incident was carried in Patrika, 12 January, 14 January and The Hindu, 17 January; about people's protest in Nai Duniya, 18 January, and Scroll.in, 20 January; and about the state response in Patrika and Nai Duniya, 23 January.*

*4 Patrika, 21 January 2015.*

#### **References:**

'Grameen ki sandhaispad maut', Patrika, 12 January 2015

'Police par hatya ka aarop', Patrika, 14 January 2015.

'Villagers accuse police of killing tribal' (by Pavan Dahat), The Hindu, 17 January 2015.

'Grameeno nai kiya thane ka gherav', Nai Duniya, 18 January 2015.

'Fighting for justice, a woman in Dantewada refuses to cremate her husband' (by Malini Subramaniam), Scroll.in, 20 January 2015.

'Soni Sori par achar sanhita ullangan ka mamla', Patrika, 21 January 2015.

'Nuppo Bheema hatya ki hogi dandadhikari janch', Nai Duniya, 23 January 2015.

'Hogi dandadhikari janch', Patrika, 23 January, 2015. □

PUCL Gujarat: 27th May 2015

## **A Peoples Convention - Organized since there has been Devastation in Place of Development**

Then it is essential to spearhead a movement from Gujarat

On completion of one year of Gujarat Government's regime, a peoples Convention was organized by over 50 Voluntary Civil Society Organizations and concerned citizens of Gujarat, which was named as "Sachchaai Gujarat ki ... (Bare truth of Gujarat)". 1,000 representatives came from various districts of Gujarat attended the Convention. Inaugurating the Convention, senior advocate of Gujarat High Court Girishbhai Patel stated that "this being a bad and liar Government, senior citizens like us feel ashamed." Biggest challenge before the people's organization and the civil society is that, this model of development is contrary and diametrically opposite to the fundamental rights and democratic values. This model is a challenge because it is based on ideology pursued by the R.S.S. It is a big

question, as to how the poor people will be able to get the education and health. To spearhead a Mega People's Movement, we all need to get united, so as to kick start a wide-spread movement similar to one which was launched in the year 1975. While giving a nice anecdote, he told that in earlier times, people went to watch a cinema in order to overcome their woes and came out with a feeling of cheer and joy. They experienced a feeling as if coming out from ecstasy of a dream. To-day, Modi Model has created a cinema like dream. After a lapse of one year, people is coming out from the day-dreams. Lies have to be fought against with truth alone.

At the outset, Gautam Thaker (PUCL) gave a brief out-line of the Convention, where after, Indukumar Jani (Editor Naya Marg) who presided over, told that BJP regime is there in Gujarat since 1995 and with it, there is complete annihilation

of the 'have-nots, poor and the middle classes, on all the fronts. For the first time in Gujarat, there is reduction in the number of farmers and rise in the number of farm labourers. Grazing lands are being frittered away in largess. There is weakest implementation of Forest Act in Gujarat.

Prof. Rohit Shukla had stated that the tall talks of Vibrant Gujarat is an illusion and as per saying currently in vogue, "Only the Fools Shall Not Come to Gujarat". When the State has been destined to be looted, then which industrialist will not take benefit from it? More than 12 crore accounts, under the Jan-Dhan Scheme have been opened out of which 70 % accounts are having Zero Balance status. During last 12 years, in the CAG Reports for Gujarat, severe criticisms have been made in the matters of Financial Planning and Management. The auditors have

stated that in the 10 % audit of CAG report, many scams on the fronts of Education, Health and Women welfare have come to light. While the lands, forests and grazing grounds are being looted, and if we do not raise our voice to-day then future generation will not forgive us. Prof. Hemantkumar Shah told that intellectuals of dynamic Gujarat will have to seriously think over about 3 to 4 Acts which have just been implemented. These include, GUJCTOC, Compulsory Voting and laws relating to Sanitation and Irrigation Acts. An atmosphere will have to be created to challenge and defeat the one "who proudly proclaims that whatever I say is the true development and that alone, is the correct direction." Senior Journalist & Gandhian Prakash N. Shah told that if we think about the talk of rowing or oaring a boat without releasing or separating it from the anchor then only we will have true understanding about the

'development'. Time has become ripe to tell the people indulging in lies, tall talks and hearsay tales to call a halt. Addressing the Convention, Yogendra Yadav (Swaraj Abhiyan) stated that agitation will have to be spearheaded against anti-democratic, communal violence prone, devastative instead of developmental steps initiated by the Prime Minister and its beginning will have to be made from Gujarat. This Convention was addressed by Rasikbhai Parmar (Advivasi Mahasabha), Nanajibhai Adhiyal (Banaskantha Dalit Sangathan), Karan Desai (Maldhari Vikas Sangathan), Mittalben Patel (Vicharati Jati Samuday), Dashrath Parmar (Urban Housing), Pankti Jog (Right to Information), Dr. Maherunnisa Desai (Muslims and Education), Vipul Pandya (Predicament of Unorganized Labourers), M. Vora (Issues facing

by Muslims) and Lalji Desai (Azad Vikas Sangathan), Chandubhai Shingala (Farmers Leader), Joseph Patelia (Food Security) etc. hereas from among invited leaders of political parties, Bharatsinh Solanki, President, Gujarat Pradesh Congress Committee, Sukhdev Patel from AAP, Rajkumar from C.P.I. and Tapandas Gupta from SUCI (C), Jayanti Panchal (New Socialist Party) supported and endorsed the Resolution passed at the Convention.

At the conclusion of the Convention, it has been decided that during 9th to 15th August, rallies may be taken out all throughout Gujarat and to plan a mega flag-hoisting and saluting programme on 15th August. Compeering of the entire function was handled by Dinesh Rabari and Meenakshi Joshi. Mahesh Pandya delivered 'Vote of Thanks'.

**Gautam Thaker**, General Secretary, PUCL Gujarat; Dinesh Rabari, Azad Vikas Sangathan

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## Resolution

Let All Civil Society Organizations Come Forward for A Combined Movement

Looking at the recent incidents, the country is deeply concerned and distressed. Under the guise of so called "Development Model", in order to benefit the industrialists and the affluent, a very large section of the society is being victimized or sacrificed. The Irrigation Act and the Amendments in the labour laws passed in the Gujarat State clearly prove that the Govt. is trying to offer water resources to the industries either cheaply or at free of cost and is giving free hand to exploitation of labourers.

Under the guise of unstoppable development, permissions are indiscriminately given to the industries which devastate the environment. Looking to this, policy appears to be that of devastation instead of development-oriented. The belief of "Education means that of Gujarat" has been pushed behind

at the 18th rank. Commercialization of education has led to 'qualitative education' for the rich; and 'mere literacy' for the children of the common men. Main Canal of the Narmada Dam has been ready since years but due to not laying of sub-canals of the dam, waters are ultimately drained down to the seas. It is a moot question as to when the thirsty people of Gujarat will get drinking water or for that matter, when will the agriculture get the irrigation water ! By enacting anti-people and anti-farmers laws such as "SIR", attempts are made to snatch away lands of the people. This is a sorry and sordid picture of Gujarat's Development.

Currently, people of Gujarat, especially farmers, farm labourers, Dalits, Advasis, unorganized labour class, cattle breeders and the deprived groups such as fishermen, salt-workers, Muslims-Christians which form minority community are unhappy. There is a long list of excesses over the women of Gujarat and injustices suffered by

them. In such a situation, all will have to wake up and get united. Instead of implementing the laws relating to Land Acquisition which is already passed way back in 2013, attempts are being made to extend benefits to the industrial houses by bringing in Ordinance. To sum up, by taking away, Water resources, Lands and Forests from the hands of the people, their livelihood and means of subsistence are being snatched away. Moreover, anti-farmer policies are being implemented which induce farmers and even the villagers to abandon their villages and to compel them to commit suicides.

In order that such hidden political game may go on unchecked and that affluent people of the world may get free hand here for exploitation of all and that no voice of dissent against it may ever be raised, laws such as GUJCCOT which paralyze the democracy are being enacted. In the face of such Acts and Laws, the concerned civil societies feel a sense of fear in openly protesting

from the bottom of their heart, against cases such as "Back to Home" (Ghar Vapasi) and communal riots emanating from such laws.

Govt. has suffered severe set backs or gross failure but is unwilling to admit it. For example, the reports of 'CAG' have year after year, made public, number of illustrations on mismanagement on the fronts of Education, Health and Women Welfare and in the areas of profiteering and inefficiencies. Instead of making debates with open mind in the Legislature House, Govt. tables such reports just before minutes of sessions of the Legislative Assembly is about to end. Governmentization of the Sahitya Academy is its recent illustration.

On the fronts of Black Money, Unemployment, Economic progress etc. Central Govt. has performed miserably lowly. It has literally battered to pieces, promises, assurances, hopes and expectations given during the election manifesto. Till now the pillars of the country such as Democracy, Socialism and Secularism were being nurtured well but these very fundamental values are being attacked from all directions. Because of all these incidents and happenings, Indian Society has felt let down and stunned. Attacks on these 'three-fold values', for the benefits of a few handful industrialists deserve to be decried.

While it has become inevitable to urge upon the ruling regime to "call

a halt", to-day's mega convention appeals to the civic societies as a whole, to get united to tread on a path of Massive People's Movement and expresses hope that all the Civil Society Organizations shall play important role in it. Anti-people policies of the Govt. must be opposed tooth and nail, in a non-violent, Gandhian way by arousing and awakening people's awareness and in a peaceful and constitutional way.

#### **Resolution proposed by Gautam Thaker**

*(Resolution passed in a People's Convention called "Truth of Gujarat" (Sachchaai Gujarat Ki), presided over by Indukumar Jani, organized by over 46 No. of Voluntary Organizations from all over Gujarat) 25-05-2015; Ahmedabad. □*

## **Reaching Out to the Masses**

### **Prabhakar Sinha**

The post independence civil liberties/human rights movement is more than forty five years old. Several voluntary organizations have been active since 1970s. Many activists have suffered including those who paid with their lives. In spite of the movement, the State remains undeterred in ruthless violation of human rights. In fact, the influence of the human rights organizations instead of increasing has been waning in course of time. It is undisputed that but for their resistance, the human rights situation would have been much worse; but that is a poor consolation and offers no reason for satisfaction or complacency. The reason for the State to so blatantly violate human rights with impunity are many, but the one which is of paramount importance to us is the indifference of the masses. The section of society which has some understanding of the value of human rights is indifferent because it does not (though mistakenly) feel

threatened, and is also influenced by the government propaganda that the human rights organizations are concerned only about the human rights violation of the terrorists, Maoists, insurgents etc. but not the violation of human rights of their victims. Though this disinformation is baseless, human rights organizations can never be a match for the formidable propaganda machine of the State to counter it. They have to find new ways of reaching out to the people to mobilise public opinion against the bulldozing of their rights.

Why did the State succeed in its sinister design to malign the rights organizations? One of the major reasons has been our almost exclusive concentration on the cases of violation of extreme kind not encountered in the day to day life of the ordinary people. The victims of killing in fake encounters, in the police custody, disappearances and atrocities committed under the black laws are

generally (not necessarily) persons engaged in political activities who are not committed to use only peaceful means. The common man does not identify with them and does not realize that a fight for their human rights is also a fight for their rights also. If the human rights movement had adopted a two pronged approach and simultaneously worked to protect the human rights of the citizens under the ordinary laws of the land, the isolation from the masses could have been avoided.

As far as the PUCL is concerned, its founders(which included members of the political parties also) were fully conscious that mighty Indira Gandhi was thrown out of power not by the combined strength of the opposition ,but the formidable power of the angry masses which had been trampled upon and humiliated during her emergency rule. The constitution they framed envisaged an organization which would engage with the masses, take up their

causes, address the issues which affect their day to day life and create the social consciousness without which civil liberties could not be protected. Upholding and promoting civil liberties and democratic way of life was given the pride of place in its constitution. The constitution duly recognizes that there can be no democracy or civil liberties without securing the principle of dignity of the individual, the rule of law, freedom of thought, independence of the judiciary and freedom and independence of the press and mass media. Side by side with the repeal of repressive laws, the constitution aims at ending or mending the ordinary laws of the land which oppresses and represses the masses in course of their day to day life. The object of the organization includes opposing police excesses, working for the reform of the 'judicial system so as to remove inordinate delays, reduce heavy expenses and eliminate inequities.' Its concern is not confined to the atrocities committed by the State but also includes those committed by the society. It specifically mentions combating social evils which encroach on civil liberties, such as untouchability, casteism and communalism. Prima facie, it appears a tall order and may look somewhat utopian, but not if a close look at the constitution is taken. Aware that such a Herculean task is beyond the capacity of a civil liberties organization, the PUCL was made an organization of all those (including the members of political parties in their personal capacity) who were committed to the protection and promotion of civil liberties in the country. It was envisaged that since civil liberties were in the interest of all political parties and organisations barring the opponents of civil liberties, the cause would be espoused not only by the PUCL but all the

organizations committed to civil liberties in their own interest. But since the PUCL does not have an agenda other than civil liberties, it was not envisaged that it would participate in the activities of other organizations whose agenda are not confined to civil liberties only and is not shared by all of PUCL's members, whose commitment is confined only to PUCL's aims and objects. During the early eighties of the last century when many influential members of political parties remained actively associated with the organization, its message had a wider reach. Later, when they themselves became part of the ruling parties, their association ended and so did the advantage of their presence in the organization. But it is to their credit that while they remained in the organization, they did not ask for a price.

The organization has been doing laudable work and has achievement to its credit to make us proud, but now it is imperative that while continuing to take up the issues it has been doing, it reaches out to the masses by taking up their causes which have been neglected so far. The issue for a national campaign should be such as to find resonance in every heart throughout the country even if it does not touch every heart. While urging the Executive Committee to apply its mind to the question, I would like to suggest that securing recognition of the principle of the dignity of the individual' passes this test.

Nobody, from the rich to the poor, would oppose it in principle though the privileged may be averse to according due respect to those they do not consider their equal. It would find resonance not only throughout the country, but in the heart of every person, specially the masses who are subjected to unjustified indignity. The issue of the dignity of the

individual is not only personal but is causally related to the weakening of our democracy and threat to its future and fate. And finally, no human rights organization worth its salt can bypass it in view of the following in the Preamble of the Universal Declaration of Human Rights:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'

India became independent on 15 August 1947 and a Republic on 26th January, 1950. The people of India ceased to be the subjects of the British empire and became citizens of a free democratic country with guaranteed right of equality and of the privilege of having one vote on an equal footing with the highest and the mightiest. They were declared masters of the public servants and which, in fact, they are because they pay indirect taxes (like all the others who do not pay income tax because they earn less than Rupees Two Lac) which fills the coffer from which the public servants are paid for their livelihood. They are the masters who elect the government to serve them for a certain period. All this is true in law but not in fact. In fact, they are reduced to the status of inferior citizens or second class citizens whom everyone better placed than them considers it his right to treat with contempt. They have been made to believe that that is their real place and lot in the society, just as the persons lower in the hierarchy of caste were made to believe that that was their station in the society or just as the untouchables were made to believe that they really were untouchables.

Apart from the outrage involved in this phenomenon, it has made our democracy hollow by excluding the masses from the political process. They have been reduced to the

status of indifferent spectators of the game of politics played by the politicians. Most of the issues debated in the legislatures are Greek and Latin to them. Barring a few issues which may appear of relevance to them, they are indifferent to all that is going on in the country. When the affairs of a democracy becomes a matter of indifference to a majority of its citizens, it foretells its doom.

We should launch a campaign to secure the due recognition of the dignity of every person which continues to be denied to them. The approach of the campaign should be two pronged: going to the masses to make them conscious of their dignity and the respect due to them and approaching the State to eliminate /remove practices followed in the government offices which is against the dignity of the individual. A beginning may be made

with simple demands to which no principled objection may be made or which may involve huge expenses. The following demands may be made all over the country:

1. All forms of address or behaviour to a person visiting a government office which undermines equality and denotes inequality between him/her and the public servant should be banned and declared a punishable misconduct.

For example, 'Tum' in Hindi is used by a superior for someone whom he considers inferior. Any person who is poor receives a 'Tum' even from a class IV employee in a government office because a poor person is considered inferior'

2. Any form of greeting denoting inequality of status between a government functionary and a visitor should be replaced by a form of greeting which denotes equality. For example, the use of *Pranam* is

hierarchically determined. The person inferior in status folds his hands first and utters the word '*Pranam*' first. Shaking hands should be declared the recognized form of greetings (Women may be excused if for cultural reasons if they feel averse to do it).

3. No visitor in an office should be kept standing while the government functionary is sitting down. Either the visitor should be offered a chair or the functionary should stand up.

These and the other such measures cost neither principles nor money, but they have great potentiality to revolutionise the mindset of the people. The campaign may appear very simple and mild, but has the potentiality of Gandhi's '*Namam Satyagrah*' which was laughed at the beginning even by his devoted followers, but which shook the foundation of the British Empire. □

## Peoples' Union for Civil Liberties (PUCL) & Human Rights

D.L. Tripathi

*It was for 15th March 2015 that I was invited by the District Legal Authority, Ajmer to speak on the matters PUCL has been taking up and on Human Rights. I tried to compile in a shape of written document. While in the workshop I summed it up in 17-18 minutes, the script as desired was passed on to the Secretary District Legal Authority. .*

*- D.L. Tripathi, Vice-President, PUCL Rajasthan*

PUCL is a human rights body formed in India during Emergency in 1976 by the veteran -Gandhian late Jaiprakash Narayan who was detained in Chandigarh for opposing emergency in the country imposed by Smt. Indira Gandhi. When released he formed it to oppose suppression of Civil & Political rights during Emergency. Its founding Conference held in 1980 when it was renamed as PUCL from PUCLDR ( Peoples Union For Civil Liberties & Democratic Rights).

Justice V.M Tarkunde served as President, Arun Shourie as Gen. Secy., Y.P.Chhibar as Executive Secy. Rajni Kothari, Justice Rajinder Sachar, KG Kannabiran, Arun Jaitley and many renowned dignitaries joined it and led it.

FUNDING:- It does not accept any

money from any Funding Agency- Indian or Foreign. Office Bearers and Activists bear the expenses.

WORK:- Supports grassroot movements that focus on organizing and empowering the Poor rather than using State Initiative and violation of human rights issues. It has brought to light cases of bonded labour, Children in Prison, violence against Women, plight of undertrials. Worked for hundreds of people detained in Pakistan/India accused of espionage-trivial crime-minor trespassing. World wide known case is of release of Dr. Vinayak Sen charged for sedition on alleged links with Maoists-sentenced to life imprisonment, later released by SC.

Raise awareness on Civil liberties and human rights among public.

Campaigned against draconian laws such as TADA/ POTA/NSA/ AFSA. Initiated and Contributed a lot for new Prison Act/Jail Manual and help to under trials. Prepared Reports on Human Rights violations such as in J & K, On communal riots in Aligarh and elsewhere.

Other works--- Relief through SC :- PIL in SC on starvation deaths- PIL in SC since 2001--- Many important orders affecting and helping the poor passed by SC-such as Keeping in stock at Block hd. Qrs. 35 kg. of wheat to save the lives of deprived and dying of hunger, Right to Food Act comes in this context. In 2004 Petitioned SC for providing Mid Day meals to children of Primary School level -It directed all governments in the country to do it -with no shortage

of funds plea accepted.

Anganwadi Workers:- In PUCL Vs. Union of India-Order dated 13.12.2006 mandated the increase of these Centres to 14 lakhs by December,2008 from existing 10.53 lakhs, and to make them operational by providing manpower etc. Judgment Date 9.07.2007.

Fake Encounters in Imphal- Judgment on 5.02.97 by SC.

PUCL Vs. Union of India- 13.03.2003-Right to information of Voter to know the Antecedents of a candidate-such as Qfn., Criminal Cases involvement and Property details. Govt. made amendments in RP act 1951 invalidating judicial decisions-so far in the matter of convictions and not offences cognizance of which have been taken by Courts. Section 33 B amended saying no information as per Court decisions but only as per Act/Rules-HELD \_\_ Legislation has no power to ask instrumentalities of State to disobey or disregard decisions of Courts.. the amendment quashed and held illegal.

The judgment in ADR & PUCL Vs. Union of India says:- " Right to know the background of a candidate is a fundamental right of a VOTER so that he can take rational decision of expressing himself while exercising his statutory right to vote."

First time Nominations according to this historic decision from 2004.

PUCL Vs. Union of India-Judgment dated -27.09.2013-NOTA-None of the above. This right is available at least in 12 countries.

The important issues are:-

- (i). Human Rights violations under ordinary laws.
- (ii). Under Draconian Laws
- (iii). Communalism-Communal violence and State Response.
- (iv). Human Rights of marginalized communities-Dalits, Tribals, Women, Sexual Minorities and others.
- (v). Development process, Ecology & Human Rights---Large scale displacement/ fair compensation

and rehabilitation etc.

AT District/State level Activities:- State level AntiSati Movement led to passing of the Act in 1987.

Human Rights Education;- Our active participatory role has helped opening of the subject in many Schools and in Colleges. Our Effort is to see that it is started in government Schools right at the start. That would help mitigating untouchability, mutual hatred and would prove to be a great step towards a homogenous, harmonious fraternal society stopping communal riots.

When Trishul were being distributed and Communal hatred was being spread- We organized a most impressive programme of distributing flowers to citizens and gave a message of peace, harmony and brotherhood. April 12,2003 at Ajmer.

Organised a Sadbhavna Yatra after 2002 Communal riots/massacre in Gujrat for communal harmony wherein a large number of people from all shades and religions participated...which was instrumental in neutralizing the communal hatred atmosphere against the minorities.

Convention on Torture by Police ( July 2008 at Ajmer -I was one of Jury Panel)--- Experience showed that only the deprived vulnerable sections of the society were the victims. They continue to be the same without any change in the attitude of Police. The 2006 SC verdict asking States to replace Police Law by new ones asserting that the Police must be people friendly, but no government of any state could claim to be in line.

We consistently campaign against child marriage, Mrityu Bhoj, education of girls, child labour-For these we go to villages with other organizations and create awareness of the rights and about welfare schemes of the government for children, youth, women, Senior citizens. Domestic violence is the

order of the society, mostly in rural areas after taking liquor-we take up their cases and help them. PUCL, SASWIKA, MAHILA SALAH AVAM SURAKSHA KENDRA and District Legal Services Authority can be contacted for help.

Every week as per the order of the DG Jails we visit Central Jail Ajmer and meet those prisoners who are under trials and also those who have been languishing there for many years- interview them understand there problem relating to Parole/Bail/ Release from Jail etc. and help them without any charge.

The Vidhik Sahayata Pradhikaran at Ajmer has been doing tremendous work to provide relief to the victims. Their work has been recognized at national level and they deserve all laurels and congratulations. They are doing inspiring work to be emulated.

SEMINARS:- we have organized Seminars to create more awareness in the people of their rights and duties as well on umpteen occasions. Late Justice J.S. Verma and Prashant Bhushan on impact of RTI on Corruption, Justice G .S. Singhvi ( As SC Judge ) and Justice Rastogi of Raj. HC on Judicial reforms, Aruna Roy and Sri Wajahat Habibullah the then Chief Information Commissioner (Central ) on Transparency and Accountability through RTI Act are the main high lights amongst a series of such Seminars we have been organizing-sometimes at our own and sometimes in collaboration with Citizens' Council Ajmer.

Common Issues:- The bad Smell in Anasagar was taken up with NHRC, The Pollution matter of Bhattas in Anasagar lake to the Environment Department, Divider on Capt. DP Chaudhari Road, For stoppage of dismantling of Kachi Basti population homes, Reports to NHRC on the genuineness of the decisions of Admn. To impose Curfew for a weeks time during small riot converted into a

communal riot in 1998 not only at Ajmer but also at Nasirabad, Bewar and Kishan Garh. As a result some compensation to victims granted. NHRC Team visited Ajmer at our instance.

A vigorous campaign to create awareness for Right to Information Act in the people was carried by us on number of occasions. RTI helped us in getting information on city Traffic problems, Parking, Conservation of Anasagar lake, JNNURM Projects and number of such issues and a large number of individual issues in day today life.

#### Human Rights

Human Rights are an ancient and universal phenomenon as old as humanity, not borrowed one. The expression human rights as a term has come to be known since World War II and the founding of UNO in 1945. The source of human rights is attributed to HUMANISM a system of views based on respect for dignity of man, concern for his welfare, his all round development and the creation of favourable conditions for social life.

Globalisation with human face:-

"The real wealth of a nation is its people and the purpose of development is to create an enabling environment for people to enjoy long, healthy and creative lives. This simple but powerful truth is too often forgotten in the pursuit of material and financial wealth." These are the opening lines of the FIRST Human Development Report published in 1990.

Einstein said, " The existence and validity of human rights are not written in the Stars .... Those ideals and convictions which resulted from historical experience from the craving for beauty and harmony- have been readily accepted in theory by men ---and at all times have been trampled upon by the people under the pressures of their animal instincts."

However in the present context it is widely known that it was in the back drop of unprecedented destruction

and disasters perpetrated by men against men in world war II that UN was established in 1945 for promotion of international peace and prosperity. The proclamation of UN-Declaration on Human Rights took place on December 10,1948. Our Constitution -its Preamble, Fundamental Rights and directive principles of State Policy-elaborately provide the basic human rights for Indian People. The Preamble says:- We the People of India have solemnly resolved to constitute India into a sovereign Socialist, Secular, Democratic Republic and to secure to all its citizens\_ --

" Justice- Social, Economic, & Political;  
Liberty- of thought, expression, belief , faith and worship;  
Equality- of status and opportunity and to promote among them all;  
Fraternity-assuring the dignity of the individual and the unity & integrity of the nation.

Fundamental rights:

Art.14-18-----Equality

19-22-----Right to freedom of speech etc.

36-51 Directive principles of State Policy. Art. 37- Frame law to meet these provisions.

Mahatma Gandhi said, "I feel myself related to every other individual in this world and realize that I cannot be happy until smallest of them is happy."

A considerable number of Indians are below the human rights line. Women, Children, SCs/STs and Tribals, Ethnic, Religious and linguistic minorities groups and indigent people are out of bounds notwithstanding the constitutional Equality.

SC's role is praise worthy in expanding the ambit of Art. 21 of the Constitution of India on Human Rights to include\_\_ --Human dignity, Right to speedy trial, right to free legal Aid, rights of prisoners to be treated with dignity and humanity, Right to bail,Right to compensation for custodial deaths, right to know, right to livelihood,right to protection

of health & medical care, right to protection of children, equal pay for equal work----

On hand cuffing---Police or Jail authority have no power to handcuff any accused.

Women - Rape physical torture-common everywhere.

Bride burning-Dowry and harassment

Art. 39 A - The State shall ensure that the operation of legal System promotes justice on a basis of equal opportunity and shall in particular provide FREE LEGAL AID to the same.

Weaker Sections:- Legal Services Authority Act -1987 is meant -" For Free and complete service to the weaker sections of society.

Cicero Stated\_ " In the midst of Arms law stands mute."

Judicial Activism is no permanent solution to any problem, but a temporary relief. It is a moving spirit which makes the judges more conscious and concerned about the unusual things taking place around them.

The COURT of ATHENS did injustice to Socrates when he was tried and condemned to death in 299 BC.

The COURT OF JERUSALEM failed to do justice with Jesus Christ

The Court of France could not do justice with Joa of Arc and she was burnt alive in 1431.

In order to ensure protection of human rights we created so many Forums- say National HUMAN RIGHTS COMMN, State Human Rights Comns, SC/ST Comn./Safai Karmchari Comn.,Women Comn. and so on and so forth but the end result is that perpetuity of human rights violations continue.

COURTS Duty:- Looking at the illiteracy and poverty prevailing in our country there has to be extraordinary measures to create awareness in the people. In cases of violation of rights every one cannot approach the Courts. The Legal Aid Authority is there but

generally the victim is discouraged from approaching them. The Indian Constitution really enables the Indian Courts to accord due recognition to Human Rights. Fostering respect for International law is an obligation of the State under Article 51 of the Constitution. Therefore, it has become the duty of the Courts of the Land to take due Notice wherever there is grave violation of human rights by the State or by any authority under the State or an individual.

In the COURT at Apex level the Fee charged by Advocates was ( As published in India Today of 17.04.2013:-

Harish Salve 25-lakh for full day, Ram Jethmalani-5 Lakh per appearance, Mukul Rohatgi 25 lakh for a day, Majid Memon 10 lakh a

day , Satish Maneshinde 10 lakhs a day and Abhishek Manu Singhvi- 25 lakh per day...

In the situation justice is beyond reach of the people in general.

The way ahead has to be Education of Human Rights from grass root level-with the concept what I expect from others I should not falter for that.

A N D

A vigorous campaign on human rights through Seminars, School/ College level debates, Essay Competitions, workshops, symposiums etc.

YES we have advanced but Crime has not decreased- particularly against women despite passing of Criminal law Amendment Act 2013 after Nirbhaya incident of Delhi, Protection of Children from

Sexual Offences Act-2012, Protection of women from Domestic Violence Act 2005, Inserting 498 A in IPC, Sexual Harassment of women at workplace ( Prevention, Prohibition & Redressal) Act 2013 and with so many National and State level Commissions to provide relief to them.

After 2006 SC historical judgment on Police Role so many State Police Acts were enacted in 2007-08 pinpointing that Police should be people friendly but the Attitude remains unaltered.

There remains much to be undertaken with a mission to create a most civilized society where all citizens have an enabling environment to have long , healthy and creative lives with peace and security and with all dignity.

15.03.2015 □

## Reckoning of Modi's First Year - ?

**Rajindar Sachar**

Every new central Government in India is judged after a semi honey moon period of one year by the public and the press. Partisan Critics normally pose questions on their own so as to deliberately embarrass the governments, because it is possible that government on its own may never have claimed success on those counts. So let us be extra fair to Modi Government - Judge it only by what it on its own claims its principles and politics.

As per press reports Modi recently warned B.J.P. members from spreading communal hatred, acknowledging that provocative comments made by some of his party colleagues were totally uncalled for and declaring that constitutional guarantees of religious freedom and non discrimination were non-negotiable. As a theoretical proposition, no one can disagree. This is consistent with accepted wisdom, namely "that in any country the faith and the confidence of the minorities in the

impartial and even functioning of the State is the acid test of being a civilized State". But how different is the ground reality.

This principle was grossly breached by a Muslim Minister of Modi Government when justifying Beef Ban on TV and he felt bold enough to make an atrocious statement advising Muslims to go to Pakistan if they wished to eat Beef. This should have resulted in summary dismissal, but one has not even read public rebuke of him by Modi. Not only that, but BJP seems to justify this policy by putting the farce of excuse that since large number of population (meaning Hindus) are against it, banning is justified. But on this curious reasoning, as at least 14 crores Muslims are in India (a population exceeding almost every country of Europe), why not then ban Pork/Ham. Eating habits of population of various religions can not be a matter of government policies, unless of course the real purpose is to hit at the economy of

these communities who may be living by that business.

Personal safety, equal treatment by State is another test by which minorities would judge Modi. Recent happenings in village Atali (Ballabgarh, Haryana) A team of Socialist Party (India) and PUCL recent visit to Atali Village disclosed the partisan and communal face of Haryana B.J.P. Government. It was on 25th may, 2015 that a mob of Hindus attacked Muslim Houses and destroyed a part of mosque which was being built by Muslims on admittedly wakf land. Muslims in panic had to flee from the village and take refuge in Ballabgarh Police Station and could only return on 3rd June, 2015. There is still panic and state of uncertainty. But Haryanas B.J.P. Chief Minister has not deemed it necessary to visit the village and assure Muslims that justice will be done to them. Rather his callousness in the matter is frightening. The Chief Minister went on official tour to Faridabad on 7th

June, 2015, a distance of about 15 - 20 K. Meter from the village which is in news throughout India for the last 3 weeks. But such is his shameful indifferent conduct that he does not consider it necessary to visit village Atali and give (leave apart solid concrete assurance of police protection and compensation for damage done to Muslim properties), but just even some consoling words to Minorities. But then I am told Chief Minister Haryana's eligibility was not his political abilities and work but his exclusive RSS work over the last two decades - it seems his anti Muslim bias - a trade feature of RSS training continues to still guide him in his duties as a Chief Minister. In that context is it any surprise if claim of Modi's concern for the Minorities is treated only an empty verbosity. In that context, would not Modi consider in the interest of his own credibility to publically admonish and remind C.M. Haryana of the obligations and principle of Raj Dharma, so expounded by Hindu Shashtras.

B.J.P. leader Amit Shah who is really running the party is a deep quiet conspiratorial personality. He very innocently seeks to avoid entering into arguments on building Ram Temple and abrogation of Article 370 of the constitution by pleading that B.J.P. has not been given this mandate on these issues. And yet surprisingly lesser B.J.P. minions indulge in provocative slogan of completing the project of "Ram Mandir" and Abrogation of Article 370 of the constitution. Modi keeps conspiratorially silent. That is why when Modi stresses that his sole agenda is development for all it does not cut ice with the minorities, apart from the fact that in reality Modis development programme is corporate friendly and anti labour. Modis visit to Israel is being

projected as a big visit, but surprisingly he is not combining it with visit to Palestine. In my view this decision apart from reflecting anti Muslim bias is bad for the reason that Israel is by overwhelming majority of U.N. members and even by U.S.A. government (Modis close ally President Obama) being criticized for over decades for not vacating its illegal occupation of Palestine territory which is recognized as an independent nation by U.N. This is also a breach of India's own consistent policy right from the beginning which has been demanding vacation of Palestine territory. Is it any surprise that if Muslims in India (and for that matter overwhelming Hindus even) would consider such a limited visit as an anti Muslim bias of Modi Government.

Modi is making all efforts to assure Army that he is committed to one Rank One Pension in Army, like the civilians already enjoy it. So what is holding him back. The jugglery of civilian bureaucrats that it will mean an additional expense of Rs. 8000 crores - but then let the civilian bureaucrats also tell us what is the cost in equal past pension already being enjoyed by civilian since 1986. And pray, let Modi find out what relief is being given in Minimum Alternative Tax already due from Corporate Sector, mostly foreign (which at the minimum is said to be Rs. 30,000 crores). Any wonder, if this unsympathetic approach by Modi Government has made the army ranks uneasy and being discriminated. I hope Modi realizes the consequences of delaying justice to the army and pandering to civilians and corporate sector. I am sorry, the review above is certainly not complimentary to Modi's claimed impartial governance. □

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