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Whither Human Rights?

The first four months of 2016 have seen an extremely worrying trend of brazen disregard for constitutional values and human rights exhibited by the ruling BJP dispensation both in the Centre and also in the different states that they rule. Starting with the carefully planned, diabolically orchestrated and specifically targeted attack against progressive students of JNU in February, 2016 to the virulent and polarising campaign on “nationalism” versus “anti-nationals” and dubbing of anyone who did not agree to say “Bharat Mata ki Jai” as traitors, the entire spectrum of groups forming part of the Sangh Parivar, ranging from the RSS to the ABVP to the BJP itself, the politics was very clear: push through a divisive discourse, create and expand cultural, political and communal schisms, strengthen the basis for “hate politics” and unleash violence, both overt and covert. As the events following the suicide of Dalit scholar Rohith Vemula in Hyderabad and the student unrest in Hyderabad Central University showed, the BJP showed that they were not averse to using the caste card too, in their bid to divide, politicise and control politics.

In Chhattisgarh, both veiled threats and violent attacks were launched on a group of young women lawyers who are part of the Jagdalpur Legal Aid Group (JAGLAG) providing legal aid to hapless and helpless adivasis in Bastar region of Chhattisgarh caught in the middle of the ongoing war launched by the State Government against the Maoists. The provision of legal aid to hundreds of adivasis from interior areas, suffering illegal arrests and false prosecutions and languishing in jails and prisons for years on end, was not acceptable to the police and state government. A similar fate befell Malini Subramanian, a doughty journalist reporting from the badlands of Bastar region and Bela Bhatia, a reputed scholar writing on events in the Bastar region. The sheer scale of aggression and violence sadly ended up in forcing the lawyers, journalist and scholar – all women - out of Bastar.

Of concern, is the role or rather non-response of the political parties and equally importantly, of the judicial system also, in the face of open and brazen lawlessness exhibited by ruling party cadres, their affiliated units and the government itself. In Delhi, in the eye of full media glare, BJP's Delhi MLA OP Sharma brazenly assaulted Ameerque Jamei, a CPI leader outside the Patiala House courts complex; a team of 6 senior and reputed lawyers, sent by a Supreme Court bench to monitor and report on violence against Kanhaiya Kumar, President of JUNU Students Union inside the court premises, was itself attacked by persons wearing lawyers attire; the threatening language used against the senior Advocates' team and violent assault were filmed and submitted as evidence. Yet the Bench showed reluctance to firmly and immediately act to haul up the assailants or even to censure the police, who stood aloof watching the mayhem created by ruling party lawyers and others, inside

court premises. A firm and immediate response from the court that such lawlessness will not be countenanced would have sent clear signals to the ruling party men that the long arm of the law will catch up with them thereby acting as a deterrent to future trouble mongers. Despite the fact that these acts of violence committed by lawyers were publicly telecast in 'real time', the Bar Council also did not think the issue was serious enough to launch immediate and firm action against the said lawyers. Even though some token action was launched, the message that went through was clear: ruling party members enjoy impunity and can get away with the most flagrant of violations of law.

Similarly the hounding out of the women lawyers of Jagdalpur Legal Action Group (JagLAG) from Bastar also raises fundamental issues of constitutional importance. The lawyers were providing legal aid to some of the most impoverished of people in the entire country and were thus performing a constitutional imperative. Their being forced out of Bastar is not merely an issue of physical violence but also being prevented from performing a constitutional duty of providing legal aid and

defence. The only weapon they used was the Constitution of India and the laws of the land. Even the police do not allege that they used anything else other than the law, in their efforts to safeguard the fundamental rights of the adivasis. The attack on them and preventing them from offering legal services is not only a violation of their fundamental rights but also a brazen assault on constitutional values, rule of law and the basic structure of the constitution itself.

What is equally of concern is that despite the widespread reporting of the attacks on these women lawyers and preventing them from providing legal aid to adivasis, the higher judiciary has not intervened to uphold the primacy of the Indian constitution and the hallowed principle of 'rule of law'. The professional body of lawyers too is conspicuous by their lack of response to these open assaults on constitutionalism. The political parties also stand out in the absence of condemnation of the action against the lawyers, as also the journalist and scholar or in demanding accountability from the Chhattisgarh government and police to the lawlessness prevailing in the state.

Of a different type of constitutional

assault was the dismissal of the Congress led- Uttarakhand government by the Central Government which imposed President's rule on 27th March, 2016. Although at the time of going to press, the Uttarakhand High Court has struck down the Presidential Order imposing President's Rule in the state, the issue of abuse of power by the BJP government at the centre does raise worrying issue of their respect for constitutional ethos and values.

All these incidents highlight the important role that the citizens of the country in general, and the human rights organisations, in particular, have to play in the coming months as sentinels of democracy. Eternal vigilance is indeed the call of the day, if rule of law, fundamental rights and directive principles of state policy have to have any meaning and substance for ordinary Indians.

We carry an article by Justice Sachar on the imposition of President's rule in Uttarakhand which was written before the verdict of the Uttarakhand High Court quashing the imposition of President's rule. We carry the article in view of the important issues raised. We also carry a number of other articles on the situation in Chhattisgarh. □

The President's proclamation on Uttarakhand and the way the matter has been dealt raises delicate question of the functioning of constitutional bodies. Justice Rajinder Sachar has dealt with some aspects of it in this article:

President's Rule in Uttarakhand – Its Various Aspects

Rajinder Sachar

The imposition of President's rule, article 356 of the constitution on the recommendation of the BJP Central Government, in Uttarakhand State governed by Congress has again revived the debate held even during the Constituent Assembly debates about the propriety of such a provision. Broadly one can make a safe assertion that it has been often misused by whichever party was in government at the Centre. The reluctant resort to it by the Nehru

Government to dismiss the Nambudiripad Government (no doubt pressurized by Indira Gandhi; I have it on the authority of Justice Krishna Iyer who was a Minister in Nambudiripad Government and had met Nehru to dissuade him to do so) was amongst the first blow on Provincial Autonomy.

Another important case of dismissal was in 1977 when Janata Government dismissed Congress states Governments on the puerile

plea that the party had lost confidence because in the parliamentary election Congress lost disastrously which plea the Supreme Court rejected outright.

Similarly the Supreme Court rejected the action of Central Government when its Governor Mr. Buta Singh dismissed the opposition ruled Bihar Governments (in this case Ex Congress Law Minister HR Bhardwaj made the sensational public disclosure that he had been

asked to influence Supreme Court Judge about it, but he refused to do so, and thereafter was black listed by Congress High Command). The Supreme Court held the proclamation illegal.

But the Presidents rule in Uttarakhand is a mixed bag, brought up and acted queerly by both the main parties, Congress and BJP. A resume of facts leading to the President's rule shows the ugly face of both parties. Uttarakhand assembly has 70 members. Before suspension Congress had 36 members supported by 6 independent MLA (total 42). Then gradually 9 Congress MLA led by Bahuguna formed a separate group and announced their intention to vote against Rawat. Earlier one B.J.P. member had crossed over to Congress – BJP asked speaker to disqualify him but speaker refused to do so. During budget debates the Speaker of the Assembly even rejected a valid request for division of votes and instead declared it passed.

On 26th March night the Central Government recommend President's rule which has been accepted. I must frankly admit that neither the Congress nor BJP has come out clean. BJP effort at encouraging defection of Congress MLA shows that main parties in their lust for power are willing to break all moral rules. Let me quote what an MLA should do if he is going to join another party. In 1946, Acharya Narendar Dev of Socialist Party, when it was still in the Congress was an Congress MLA from U. P. Assembly. When Socialist Party decided to come out of the Congress, Acharyaji, whom Gandhiji had even wanted him to take over as Congress President, without any hesitation following moral stand resigned his seat and fought election again on Socialist Party ticket, though he lost.

I feel that apart from moral grounds, Congress Committed a grave mistake in persuading the speaker to disqualify Bahuguna and others not only after the President had imposed President's rule instead of relying on Anti Defection law which provides an easier course by resorting in 10th Schedule of the Constitution which provides that; A Member of a house belonging to any political party shall be disqualified for being a member of the house ---.

If he votes or abstains from voting in such house contrary to any direction issued by the political party to which he belongs.....Thus if rebel Congress MLA had voted against the budget or even abstained they would have been legitimately disqualified. Further clause 9 provides that a decision of Speaker shall be final. Further clause bars the jurisdiction of the Court. But now things have gone beyond the Speaker. Disqualification after Presidents rule is a nullity, apart form the fact that no voting in the Assembly was allowed by the speaker, and hence no charge against Bahuguna and others for defection can be levelled against them.

The matter was naturally taken to High Court where single judge without issuing a notice to central government passed an ex-parte order fixing the date for a floor test to be held in the Assembly. Such a strange order had to be stayed by the Division Bench, which will now hear both the parties on the next date.

I may in this connection mention a precedent in the U.P. Assembly, on a matter of confidence vote, the Supreme Court dealt with it in a most novel way. It allowed debate in the Assembly but directed the proceedings to be televised so as to avoid any wrong presentation of what happened in the Assembly, of course subject to the order of the

court later on – (after all no one should object all proceedings being televised as parliamentary proceedings are televised every day). Thereafter the Division Bench could deal with the matter.

There is another unusual novel way for Congress to act. Under article 356 of the constitution the notification would cease to operate after expiration of 2 months unless before the expiration of that period it has been approved by resolutions of both houses of parliament.

At present the opposition is in majority in Rajya Sabha. If Congress can rely on its colleagues why not give an embarrassing slap to B.J.P. in this Constitutional matter and let B.J.P. face public ridicule. Of course it is a different matter if there are chinks in the opposition – in which course naturally we will have to await for the decision by the Division Bench to sort out this ugly mess.

The matter is now in Court. My one still hope that both the parties who have disgraced themselves at the bar of public opinion for encouraging defection and equally resorting to money power and have given bad name to politics, show some remorse and make a joint request to the President and Election Commission to hold new election to the assembly within three months or so. If they don't show that mutuality, may be the court in its wisdom could so direct so that an unpleasant of chapter of public chicanery can come to an end at the earliest.

Postscript: On Thursday, 21.4.2016, the Uttarakhand High Court quashed the Union Government's order imposing President's Rule on the state on 27th March, 2016. As the Hindu reported, the situation must be viewed "on a larger canvas of democracy, federalism and the rule of law". A floor test to prove majority has been ordered on 29th April, 2016. It is most certain that the Central government will move the Supreme Court against the High Court's ruling. **Editor** □

Police State¹ Pavan Dahat

In March 2011, a group of Special Police officers (SPOs) and members of the anti-Maoist vigilante group, *Salwa Judum*, attacked the convoy of social activist Swami Agnivesh at Dornapal town in Sukma district, when he was trying to fetch help to three villages allegedly attacked and ransacked by security forces and SPOs. A Jagdalpur-based television news reporter who accompanied Swami Agnivesh that day recounted the horror many years later, when he was the bureau chief of a regional news channel. "A huge mob, armed with *lathis*, stones and traditional weapons, was marching towards us. Some of them were hiding AK-47s and SLRs. As the mob neared our convoy, stone throwing began. The mob was not even ready to listen to a senior police officer who was sitting inside the vehicle of Swami Agnivesh. I tried to film the attack with my small camera but soon realised that some of the protesters were coming after me with big stones. I can still feel the terror of that day. One of them carried a big stone and walked alongside me, abusing. I could see death in front of me but did not react and kept walking back slowly to our vehicles which were moving back towards Sukma. Luckily, he did not throw the stone and I managed to get into the vehicle and got back to Sukma."

Such excesses were common during the heyday of *Salwa Judum* and they were well documented and reported by the English press, which led to petitions in the Supreme Court and the subsequent ban on *Salwa Judum* and SPOs in 2011.

In January this year, four Jagdalpur-based journalists were visibly worried when they told this correspondent in Raipur that the situation was "going from bad to worse. What used to happen in Dornapal, Bijapur and Karkeli during *Judum* days will now happen

in major towns like Jagdalpur, Dantewada and Bijapur."

When asked for reasons for the worry, one of them replied: "The entire *Salwa Judum* network, its leaders and SPOs have been given a new lease of life by some officers heading the Bastar police, and the former *Judum* guys are back with their self-proclaimed anti-Maoist armies under different names."

The reporters' fears came true in less than a month. A police team asked the freelance journalist and former head of the International Committee of Red Cross in Chhattisgarh Malini Subramaniam why she was visiting the forests and writing about tribal issues.

On February 7, a group of around 20 men gathered outside Malini Subramaniam's house in Jagdalpur where she lived with her 14-year-old daughter. The group was furious over her reports regarding "fake" Maoist surrenders, "fake" encounters and "alleged" atrocities on tribal women by the security forces, and chanted slogans. Next day, her house was pelted with stones and her car was damaged. The police took two days to register a complaint. According to Chhattisgarh Home Minister Ajay Chandrakar, a complaint was registered against unknown assailants and investigation was on. The Home Minister used the words "unknown assailants" despite Malini Subramaniam identifying three people belonging to a self-proclaimed anti-Maoist vigilante group active in Jagdalpur, called the *Samajik Ekta Manch* (SEM), one of them a nephew of the local *Bharatiya Janata Party* (BJP) MLA.

Soon after, in what appeared to be a coordinated move, the landlords of Malini Subramaniam and Jagdalpur Legal Aid Group (Jag LAG), a team of lawyers providing free legal help to undertrials in Chhattisgarh, asked them to vacate their houses and forced them to leave Bastar, diminishing the last

ray of hope for thousands of tribal people locked up in different overcrowded jails of Bastar. This was followed by an attack on tribal activist and *Aam Aadmi Party* leader Soni Sori with an acid-like substance on February 20. Some self-proclaimed journalists and leaders, close to senior police officers posted in Jagdalpur, formed various WhatsApp groups and began a scurrilous campaign against everyone raising the issue of alleged fake Maoist surrenders and alleged fake encounters. Those who questioned the police version were branded as Maoist sympathisers. Journalists and activists speaking out against the atrocities on Bastar's tribal people were forcibly added to these WhatsApp groups and abused.

The self-proclaimed vigilantes were successful in trapping a fearless journalist from Dantewada named Prabhat Singh. Prabhat Singh had been critical of S.R.P. Kalluri, Inspector General (I.G.) of Police for Bastar range, and had reported many police atrocities in Dantewada. He was arrested for a sentence he posted on a WhatsApp group about someone sitting in the lap of "mama". A complaint was registered under Section 67 of the Information Technology Act, and according to Singh's brother, he was abducted by some plainclothes policemen in a Scorpio vehicle. According to his lawyer, Singh was tortured all night in police custody.

Next day, Dantewada and Jagdalpur police suddenly realised that there were "grave offences" registered against Singh a year ago. He was produced in court with four cases against him and was sent to judicial remand. On March 26, Deepak Jaiswal, a journalist with the local Hindi daily *Dainik Divyashakti* and a close associate of Singh, went to the Dantewada court to witness the proceedings in his case. The Dantewada police woke up to a case filed against

Jaiswal in 2015 and swiftly arrested him and sent him to jail. The fault of these two journalists was that they wrote and reported independently and did not buckle under police pressure. With the arrest of Singh, every journalist based in Bastar is scared to write even a sentence against the police.

On March 26, Bela Bhatia, a social activist and researcher and the partner of well-known economist Jean Dreze, who resides in a village eight kilometres from Jagdalpur, was told to leave Bastar by members of a vigilante group and policemen.

Meanwhile, a "rumour of the possibility of a journalist getting killed in cross-firing" is being spread in Bastar these days, apparently to scare the national media from coming to Bastar and reporting from the ground. Almost every human rights group, lawyer, journalist and political worker who questions the police version of the happenings in Bastar is either out of the district or in jail.

When asked about the current situation of Bastar, a senior politician from the region said: "This is just the continuation of *Salwa Judum* or you can call it *Salwa Judum 2*. But this time you won't find anything on paper. No registered organisation but loosely formed vigilante groups in order to have an escape route if the case comes up in the higher judiciary."

There is a common link to the 2011 attack on Swami Agnivesh's convoy near Dornapal, the ransacking of three villages in Sukma and the current crackdown on social activists, independent journalists and human rights lawyers in Bastar: Shiv Ram Prasad Kalluri. In March 2011, as Special Superintendent of Police (SSP) of the then undivided Dantewada district, Kalluri, who was the most controversial officer in the State, was unceremoniously removed after the two incidents. He has been Inspector General of Police of Bastar range since July 2014 and openly supports *Salwa Judum*, calls himself the biggest enemy of the Maoists and their

"urban network of sympathisers" and speaks only to "nationalist media".

With Kalluri as the Bastar police chief, former members of the banned *Salwa Judum* have formed a "Vikas Sangharsh Samiti" (VSS) termed as *Salwa Judum 2*, led by Chavindra Karma, son of Mahendra Karma, the Congress leader who played the main role in organising *Salwa Judum* in 2005 and was killed by the Maoists in 2013.

When national media started reporting on it, Kalluri said: "When we speak to the Maoists or their supporters and NGO intellectuals about the killings carried out by the Maoists, they ask you to look into the history of political vacuum. The Maoists have more supporters than opponents. The VSS is an effort to fill that vacuum, but the national media termed it as *Judum 2*. This fight does not mean killing and raping. It's a big initiative. The media from outside is hell-bent on defaming us. My personal opinion is that the VSS is not wrong."

At a press conference organised outside the house of Mahendra Karma, Kalluri shared his thoughts on the group. "Even *Salwa Judum* was not wrong. It was also an attempt to bring peace [to Bastar] by peaceful means. Unless the VSS doesn't do any wrong, they have full rights to work here. What wrong did *Salwa Judum* do? What was *Salwa Judum*? All the tribal people and leaders of this area who were exploited got together against Maoist exploitation. Outsider Maoists are coming here and exploiting people. The people of Bastar never asked for Maoism. When the case on *Salwa Judum* was going on in the Supreme Court, our people could not present our case properly. I wasn't posted in Bastar then. But if someone goes against the VSS in the court now, I will answer."

Reacting to the eviction of JagLAG, Kalluri said in a press conference in Raipur: "I am not calling them Maoists but if you verify the jail records, just see how many times they [JagLAG] have gone to meet

people and who the people they met were. The local people of Bastar were agitated over [JagLAG] and the law and order situation could have been threatened." When asked about the eviction of Malini Subramaniam, he said, "There is the PLGA [People's Liberation Guerilla Army] and there is also an overground Maoist structure. I am beating their PLGA inside the forest, so why should I worry about Malini Subramaniam and JagLAG?"

Kalluri controls everything in Bastar now, from the administration to the Police Department, and has been involved in confrontations with almost every human rights activist and journalist in Bastar in the last six months. He shares a good rapport with all former *Salwa Judum* leaders, including P. Vijay, Sattar Ali, Madhukar Rao and the family members of Mahendra Karma.

Officers who had been critical of him were removed from the anti-naxal wing of Chhattisgarh one by one. The list includes former Anti Naxal Operation (ANO) I.G. Deepanshu Kabra, former ANO Additional Director General R.K. Vij and former Bastar Superintendent of Police Ajay Yadav. Another pet project of Kalluri is the SEM. According to the Editors Guild of India's recent fact-finding report from Bastar, the SEM is an informal but controversial organisation in Jagdalpur.

The report says: "The administration calls it a citizen's forum and claims that people from all walks of life are members of this organisation. The Collector of Jagdalpur, Amit Kataria, said that many religious organisations are also part of it and they are against the Maoists. But many journalists call it the urban version of *Salwa Judum*. They, however, did not want to oppose it openly. They said off the record that the Manch is sponsored by the police and it takes its orders from the police headquarters. The fact-finding team met one of the coordinators of this organisation, Subba Rao, to understand the working of the

SEM. He introduced himself as editor of two dailies, one morning and the other published in the evening. When asked whether his main occupation is journalism, Subba Rao was candid enough to explain that he is basically a civil contractor and he is working on some government contracts. The fact-finding team met more than a dozen journalists in Jagdalpur, but he was the only (so-called) journalist who claimed that he had never experienced any pressure from the administration. His statements about the arrested journalists were the same as the administrations. He termed Santosh Yadav and Somaru Nag as informers for the Maoists. He said that what Malini Subramaniam was reporting was very biased and was glorifying Maoists and painting a picture of the police as exploiters. He denied that SEM was behind the attack at Malini's residence."

The main focus of *Salwa Judum* was on evicting people from their villages to clear the land for projects. Now a different policy is being applied. Entire villages are asked to come to the police station for some programme or the other and a propaganda is made out of "large-scale Maoist surrenders".

Since Kalluri took over as Bastar I.G., more than 700 "Maoists" have been shown as surrendered Maoists. But most of them have gone back to their villages in the interior parts of Bastar and are living in fear of the Maoists. Many are migrating to neighbouring

States. The rule is clear: "If you are not with the police then you are a Maoist." Unlike in the time of *Salwa Judum*, when people were forced to join rehabilitation camps, an atmosphere is being created in Bastar to force people to give up their land and migrate to other parts. Huge claims are made about construction of roads and other infrastructure, but extremely slow development can be witnessed on the ground, with unaccountable funds shown as having been spent on Bastar.

According to a senior editor of a Hindi daily in the State, Kalluri's openness to willingly accept all the negative publicity is beneficial for the government. Kalluri openly tells people that he has been "directly appointed" by Prime Minister Narendra Modi and enjoys the full backing of National Security Adviser (NSA) Ajit Doval. But the fact is that his own Police Department is against him. "Three powerful bureaucrats, Home Secretary B.V.R. Subramaniam, Chief Secretary Vivek Dhand and Director General of Police A.N. Upadhyay, are shielding him for their own benefit. These three have managed to influence the Chief Minister about the great work Kalluri is doing in Bastar. The Chief Minister has been told that Kalluri is being unfairly targeted because he is going after the Maoists. But if you look at the Maoist insurgency in the national context, it is losing its sheen in every State and not just Chhattisgarh," said the senior

editor, requesting anonymity.

Despite having his entire department against him, Kalluri is thriving in Bastar because no other I.G. wants the posting. According to an I.G.-level officer posted in Chhattisgarh, Kalluri is more active against people like Soni Sori and against JagLAG than in carrying out anti-Maoist operations. The recent Maoist attack on a Central Reserve Police Force (CRPF) team in a civil locality of Dantewada district of Bastar, which resulted in the killing of seven CRPF men, puts a big question mark on Kalluri's claims of controlling and confining Maoists to a relatively small area.

According to a bureaucrat, the Chief Minister will find it difficult to continue with Kalluri for a long time. "The State is one of the financially better-managed ones in India. There have been no communal incidents since the formation of the State. Except the Maoist insurgency in Bastar, Chhattisgarh is perceived to be a start-up-and investor-friendly State. However, the government of the day can't afford to have negative publicity for a long time," he said. But a senior leader from Bastar, who is no more active in politics, said: "Officers will come and go, but what about some monsters who have been set free now? Can they be controlled even after those who created them leave Bastar for good?"

¹ <http://www.frontline.in/cover-story/police-state/article8465618.ece> @ 21.4.2016 □

Amnesty International India: Press Statement, 18.4.2016, New Delhi

"Blackout in Bastar: Human Rights Defenders under Threat"

Over the last six months, human rights defenders in Bastar, Chhattisgarh have faced a relentless crackdown by the police and self-styled vigilante groups, leading to a near-total information blackout in the state, Amnesty International India said today.

'Blackout in Bastar: Human Rights Defenders Under Threat' describes how journalists, lawyers and activists have been harassed,

attacked and locked up for investigating excesses by security forces and seeking justice for human rights abuses.

"Over and over again, Chhattisgarh authorities have stood by and watched as their critics are intimidated and attacked by groups which seem to enjoy police support," said Aakar Patel, Executive Director, Amnesty International India.

"Even worse, the police have themselves arrested journalists on trumped-up charges. The ominous message the state government is sending to defenders is clear: shut up or face the consequences."

Four journalists – Santosh Yadav, Somaru Nag, Prabhat Singh and Deepak Jaiswal – have been arrested on politically motivated charges since July 2015. Another journalist – Malini Subramaniam –

was forced to leave her home in February 2016 following attacks on her home and police pressure on her landlord.

Kamal Shukla, the editor of Bhumkal Samachar, a Bastar newspaper, said, "We are always reminded by the state police that our lives will be in danger if we don't follow the government narrative. And now we have these vigilante groups backed by the state that just makes it difficult for independent journalists to work in Bastar."

In February, Adivasi activist Soni Sori had a chemical substance thrown at her face by unknown assailants who warned her not to file a complaint against a high-ranking Bastar police official for an

alleged extrajudicial execution.

Bela Bhatia, an independent researcher, has faced intimidation and harassment from so-called vigilante groups called the Samajik Ekta Manch (Social Unity Forum) and Mahila Ekta Manch (Women's Unity Forum), for helping Adivasi women file police complaints of large-scale sexual assault and other abuses allegedly committed by security force personnel.

Human rights lawyers of the Jagdalpur Legal Aid Group, which provides free legal aid to Adivasi pre-trial detainees, were also forced to leave their home in Jagdalpur in February following police pressure on their landlord.

Isha Khandelwal, a lawyer from the

group, said, 'Chhattisgarh has become like a police state now. What the police can't do legally they make these vigilante groups and what's really worrying is that these vigilante groups openly and blatantly threaten and harass people. Chhattisgarh has become a very dangerous place for those who question the government.'

"The state police continue to use abusive laws like the Unlawful Activities Prevention Act and the Chhattisgarh Special Public Security Act to stifle the right to freedom of expression," said Aakar Patel.

"The Chhattisgarh government's open contempt for constitutionally guaranteed rights and freedoms needs to end now." □

SC Spotlight on Chhattisgarh Rights Abuses

The Supreme Court has expressed concern over growing human rights violations in Chhattisgarh, a Maoist hotbed, with the Centre and rights activists blaming each other for the state's volatile atmosphere.

Journalists, lawyers and civil rights activists have reported being targeted and hounded out of Bastar district after being branded Maoist sympathisers. Tribal activist Soni Sori, who had protested against an alleged fake encounter, had her face burnt with a chemical in February.

"We want to know what is happening in the state. This type of reaction should not be there. People are to be given protection by the state government," a bench of Justices V. Gopala Gowda and Arun Misra told solicitor general Ranjit Kumar during the hearing of a petition on alleged fake encounter deaths.

Kumar stoutly defended the security forces, saying hundreds of them have been killed in Maoist ambushes.

Senior counsel Colin Gonzalves, appearing for families of victims, complained that in several alleged extra-judicial killings, police were not registering even the mandatory

FIRs.

"Both are not good. This is not done... in a situation like this what should be done?" the bench asked.

The court was dealing with a petition filed by Himanshu Kumar and certain other tribals whose families were allegedly massacred in 2009 by security personnel in collusion with the now disbanded *Salwa Judum*, an anti-Maoist militia propped up by the state. The *Salwa Judum* stood disbanded after the apex court in July 2011 declared it an unlawful organisation.

Himanshu and the others in their petition alleged that 19 innocent tribals were massacred at Singram village on January 8, 2009. Again on March 18, 2009, three tribals were killed by security forces inside a *Salwa Judum* camp in front of their wives.

Gonzalves told the court that till date, even the formal FIR has not been registered and urged it to constitute a special investigation team (SIT) to probe the killings.

The petitioners have submitted that since the CBI too is under the Centre, they want an independent SIT to hold the probe. The solicitor general submitted that he had no objection.

The court then asked Kumar and Gonzalves to give a list of officers mutually acceptable to both parties for constituting such a team. It listed the matter for further hearing after four weeks.

Human rights organisation Amnesty International said journalists and human rights defenders in Bastar have been at the receiving end of abuses by both the security forces and the Maoists. Local journalists Santosh Yadav and Somaru Nag have been in judicial custody since July and September 2015, respectively, on charges of having links with Maoists. Santosh, who has faced repeated police harassment in the past, is booked under the Chhattisgarh Special Public Security Act and the Unlawful Activities (Prevention) Act, both of which violate international human rights law and standards. Two journalists - Prabhat Singh and Deepak Jaiswal, working as contributors to national media organisations - were arrested last month on the same charges.

Journalists in Chhattisgarh have been protesting against what they say is growing police harassment and a deteriorating work

environment, especially in Bastar. In December 2015, chief minister Raman Singh met protesting journalists and reportedly acknowledged the challenges they faced. He also proposed to set up a committee to look into issues faced by them.

Amnesty has pointed out that journalists in Chhattisgarh have been targeted by Maoists, too, in the past. It said that in December 2013, journalist Sai Reddy was killed allegedly by Maoists who suspected him to be working with the police. Another journalist, Nemi

Chand Jain, was found dead under mysterious circumstances in Sukma district in February 2013. In 2011, two journalists, Umesh Rajput and Sushil Pathak, were killed in Chhattisgarh.

Courtesy: The Telegraph, 21.4.2016, http://www.telegraphindia.com/1160421/jsp/nation/story_81368.jsp#.VxleBtR97IX @ 21.4.2016 □

Is Chhattisgarh A 'Police State' of Democratic India?

Pushkar Raj*

A 'police state' is said to be one where citizens experience living, freedom of movement and expression of opinion subject to police monitoring and control. The mineral rich state of Chhattisgarh in India aptly qualifies for this notorious title as the events of the recent past demonstrate.

After its creation in 2000, Chhattisgarh enacted its own police Act in 2007 on the direction of the Supreme Court of India. The Commonwealth Human Rights Initiative (CHRI), an organization advocating for police reform in the country, considered the new law worse than the previously prevailing 1861 police Act that it replaced due to the poor supervision and accountability provisions under the new law.

Justifying its character, while the police arrested 60,279 persons in 2007 (before the new police Act came into operation), it initiated police action against 7,39,435 people in 2014 - a twelve times jump. Out of these 1,44,017 people were served with the bail-able warrant and 81,329 were sent to jail under non-bail able warrant. 4,88,366 people were made to come to the police station for questioning (National Crime Research Bureau Report, 2008, 2014).

Since 2007, there has been extraordinary rise in the police activity in the state. Consequently Chhattisgarh jails are the most crowded in the country accommodating more than two and half times of prisoners than their capacity.

As against their capacity of 7612 prisoners, the state prisons are accommodating 17671 prisoners (Chhattisgarh government statistics, January 2016). Out of

these 57.6 per cent were under trials in October 2013 (National Human Rights Commission, September 2013).

The under-trials are a shame for any constitutional democracy. However, while its own legal aid system remains dysfunctional, the state police have cracked down on Jagdalpur Legal Aid Group (JLAG) - composed of four lawyers - providing free legal aid to jailed tribal for about three years. The JLAG members were coerced by the police to vacate their rented accommodation in February 2016 and leave the city (Indian Express, 19 February 2016).

The article 19 (e) of constitution of India provides for right to reside and work in any part of the country. However, police forced Malini Subramaniam, a journalist reporting from the state, to leave like JLAG (Indian Express, 19 February) for reporting on police atrocities against the indigenous people.

Prabhat Singh, a local journalist was arrested for posting a message on social media criticizing a police officer who is in charge of the region (Indian Express, 23 March 2016). Two days ago, another journalist was arrested from outside the local court while waiting to file an anticipatory bail in a seven month old case (Indian Express, 27 March 2016).

Two other journalists are already in jail for not cooperating with the police on various trumped-up charges. 160 journalists and civil society members from across the Country have demanded their release and action against the police officer in charge (The Hoot, 19 November 2015).

The police of the state are accused

of one of the worst kind of sexual violence against the women, reminding one of the infamous Maya Tyagi case of Uttar Pradesh in June 1980.

Arrested and tortured by police in 2009, Soni Sori was subjected to the vilest kind of sexual violence in police custody leading to an appeal before the Supreme Court of India. The court was 'anguished' to note that as per Soni Sori's allegation stones were found in her private parts and rectum (*The Hindu*, 9 December 2013).

It is a disgrace that the police officer who allegedly supervised sexual violence against Soni Sori was awarded President's gallantry award!

The police demolished a Gandhian organization, *Vanvasi Chetna Ashram* (VCA) running for about seventeen years alleging that it was built on government land despite the case being before the court (Ramachandra Guha, *The Telegraph*, 23 May 2009).

VCA was engaged in empowering indigenous people imparting vocational skills and legal literacy. It highlighted complicity of the police in torture and rape of local people insisting that a FIR be lodged against the accused.

The police have patronized several organizations such as *Nagrik Samaj Manch*, *Maa Danteswari Adivasi Swabhimani Manch*, *Vikas Sangharsh Samiti* etc. These groups, composed of former SPOs, may be called 'social mafias' which are available to police to violently oppose human rights activists from other parts of country when they visit the state to meet the victims of police atrocities. (*The Hindu*, 8 January 2010, 27 March 2011).

In Chhattisgarh today four players stand out: complicit politicians, plundering corporate, unaccountable police and hapless indigenous people. While police continues its brutalities against vulnerable tribal, it does not want

any witness to its oppression. Therefore, it is hounding out every one deemed inconvenient to it without caring for the constitutional freedoms. The Supreme Court of India, as the guardian of Indian constitution, must take *suo motu* cognizance of the police

aberrations and restore constitutional order in the state.

**The writer is a Melbourne based human rights researcher and writer. Formerly he campaigned for police reform in India. He was also formerly the National General Secretary of People's Union for Civil Liberties (PUCL) □*

PUDR Letter: 26th February 2016

Additional facts regarding Open Letter to the Chief Justice of India for immediate intervention into physical attacks and eviction drives against women activists by police and vigilante groups in Chhattisgarh

Honourable Sir,

In continuation with our previous petition dated 22nd February 2016 seeking your intervention into the above matter, we would like to furnish some additional facts which have emerged in the interim and which add to our existing apprehensions about the situation in Bastar.

1. Intensification of harassment of women activists: Besides the shocking attack on Soni Sori on February 20th, 2016 for which she is undergoing treatment in Delhi, we have also learnt that the harassment of the two lawyers, Shalini Gera and Isha Khandelwal, is continuing as the district bar association has issued yet another resolution against them. There is also news of a police complaint filed against them in the last few days. The harassment is in tandem with what activist-academic, Bela Bhatia, is reportedly undergoing. On 23rd February, the SHO from Parpa PS with a uniformed personnel visited her residence. Although the official reason proffered was that of police protection, the fact that they photographed her and her house, and that two personnel in civilian clothes also visited her, casts doubts on the nature of the visits. We fear that the present harassment could well be connected to the fact that as a member of the WSS (Women against Sexual Violence and State Repression) team, she was the complainant in the Peddagellur

incident for which an FIR was filed under the amended IPC on 1st November 2015, a point mentioned in our petition.

2. Obstruction in filing of FIRs against guilty personnel: We believe that the harassment of the two lawyers has increased in recent times as they have helped in filing FIRs under the newly amended IPC which allows for filing of complaints against members of the armed forces deployed in the area for committing rape and gang-rape, and also for filing charges against sexual harassment. In this context, we would like to draw your attention to the additional information that we have gathered apart from the 1st November 2015 FIR mentioned above and in our petition. Two other FIRs have also been filed on 23rd January and 27th January 2016 at Bijapur PS and Kukanar PS, respectively. The first pertains to the incident at Nendra village (PS Basaguda, District Bijapur) where security forces had entered the village, looted homes and sexually assaulted, raped and gang raped women. The FIR under sections 376(2)(c), 376(2)(a)(iii), 376D, 354, 354B, 323, 395 of the IPC was filed with much difficulty on 23rd January as the police had initially refused to lodge it. The second instance pertains to the incident at Kunna village (PS Kukanar, District Sukma) where security forces entered the village and sexually abused and punished women and looted and raided their homes on

12th January 2016. Again, in this case too, the Adivasi Mahasabha (affiliated to the CPI) had to put immense pressure on the administration before the latter agreed to receive the complaint from the victims themselves.

3: Need for Prosecution: It is pertinent to point out that in the few cases cited above there is an urgent need for prosecution to commence. However, we are not sure whether the police has initiated investigations into them, or the fairness with which they would have proceeded. It also needs to be recognized that there are several instances of state excesses for which no FIRs have ever been lodged. Lack of information aids repression as an artificial normalcy is created out of absence or paucity of real information. Further, while we all believe that due process of law must prevail, we feel that the long arm of the law has receded into lawless times. Our apprehensions about the petitioners and countless victims are greatly increased as we fear for their lives and liberty.

We therefore request for your kind and urgent intervention in this matter. For your perusal here is the link to the Open Letter dated 22nd February 2016 : [http://pudr.org/?q=content/open-letter-chief-justice-india-immediate-intervention-physical-attacks-and-eviction-drives-Deepika Tandon, Moushumi Basu, Secretaries, PUDR □](http://pudr.org/?q=content/open-letter-chief-justice-india-immediate-intervention-physical-attacks-and-eviction-drives-Deepika-Tandon,Moushumi-Basu,Secretaries,PUDR)

Legal Framework to Affirm Rights of Transgender persons: The Chaotic Legal Landscape

Gowthaman Ranganathan, Advocate, Alternative Law Forum, Bengaluru

The legal framework around the rights of trans persons in India at this moment can at best be described as confusing. A well meaning but vague judgment of the Supreme Court, an exhaustive report by an expert committee under the Ministry of Social Justice and Empowerment, which has not yet been implemented despite directives from the Supreme Court, and multiple bills on rights of transgender persons which are at various stages of discussions in the Parliament has resulted in making it difficult for transgender persons to realize their rights. In fact, the rights of transgender persons runs the risk of being lost in the bureaucratic maze prescribed in these documents. The following text will explore some of these developments critically.

1. National Legal Services Authority v. Union of India', (SC: 2015)

April 15, 2016 marked the second anniversary of the NALSA judgment. This landmark decision of the Apex court was welcomed by trans persons across the country and marks an important moment in realizing the rights of transgender persons who have been marginalized for many years. Despite the fact that it is a landmark decision, it is unfortunate that the judgment has, on some issues, provided more confusion than clarity. For instance, on the one hand, the judges uphold an individual's right to self identify as man, woman or transgender. However, on the other hand, it goes on to say that a psychological test shall prevail over biological determination of gender. One would understand self identification as a process devoid of any form of medical intervention, psychological or otherwise. The judgment has accepted the recommendations of the Report of the Expert Committee on the Issues Relating to Transgender Persons ('MSJE Report') and directed the central government and the state governments to implement the recommendations within a period

of 6 months. The recommendation suggest the formation of a district level screening committee which will in turn make its recommendations to a state level Transgender Board which will provide identification for transgender persons. The Committee and the Board will include members from the transgender community, the District Welfare Officer, mental health professionals and social activists. The formation of the Committee and Board to oversee the identification process runs the risk of diluting self identification as the fundamental test for identification.

The judgment also states that medical intervention of any nature, including hormone therapy or sex reassignment surgery shall not be mandatory for identification as transgender, and in fact any demand made for medical intervention shall not only be immoral but also illegal. Gender identity is an innate experience of a person's lived reality and should not be authorised or validated by an external agency. Hence the Supreme Court's decision to affirm the right of self identification is indispensable in realising the rights of trans persons.

There exists uncertainty surrounding the appropriate nomenclature for transgender persons. The MSJE Report categorically states that the term "transgender" shall be used and terms like "other" or "others" shall not be used. The text of the judgment uses "third gender" and "transgender" interchangeably which results in confusion. Many members of the transgender community have opposed the usage of the term "third gender" as it presumes a hierarchy of genders, which is inherently patriarchal. Further, even the term "other" connotes indifference to a large section of the population. Thus, only the term "transgender" should be used in all official documents.

The term transgender is often understood to include primarily

male to female trans persons. However, this is untrue, since a substantial section of the transgender community is constituted of female to male trans persons also. However, they are rendered further invisible as they are assigned female at birth which curtails their mobility and also there are not many cultural references of Female to Male transmen. Though the judgment mentions female to male trans persons in passing, the fact that the violation of their rights was not substantially dealt with has resulted in uncertainty, wherein questions with regard to inclusion of trans men within the transgender identity is being asked. However, it can be assertively said that the judgment applies to everyone across the spectrum of transgender identities including transmen as is clear from the MSJE report as well. In an attempt to mainstream members of the transgender community, the judgment has prescribed that transgender persons be included as members of the socially and educationally backward classes (SEBC). The judgment has prescribed reservations for the transgender community. However the details of how this would translate into reality have been left unanswered, leaving it at the mercy of subsequent legislations and bureaucratic measures. In fact, a clarification petition pending before the Supreme Court has not just asked for an extension of time for the implementation of the judgment, but also states that the Supreme Court is not the appropriate authority to determine the status of a section of the society as SEBC, as that is the duty of the National Backward Classes Commission.

The reason that is often given to have an external authority monitoring the identification process is to prevent misuse of schemes and benefits that may be provided on the basis of one's identity, such as the scheme for reservation. To address this criticism, it is important to understand that there is a

distinction between the right to self identification and schemes connected to one's identity. While it may be true that there might be a need to provide certain checks and balances to monitor any schemes and benefits connected to the identity, it does not warrant monitoring of the right of self-identification. Further, needless to mention, the monitoring authority shall not demand that there be medical or surgical intervention to validate one's claim.

Since the mechanisms prescribed in the judgment have not become a reality, it is advisable for trans persons to self identify as man, woman or transgender by way of an affidavit. The said affidavit can be used as a valid document to officiate name and gender in all official documents.

The judgment observes that Section 377 of the Indian Penal Code, which criminalises adult same sex relationships has a colonial mark, and has historically been used as a tool of harassment against transgender persons. It does not however make any further comments since judicial propriety requires that the Division Bench in the NALSA judgment refrain from commenting on the merits of the decision of the Division Bench in *Suresh Kumar Koushal v UOI*, which affirmed the constitutionality of Section 377. It is unfortunate that many ways of sexual expression of transgender persons could potentially be penalised under Section 377. Thus, allowing Section 377 to continue in its current form in the Indian Penal Code, 1890 is contrary to the rights of transgender persons. Section 377 being antithetical to the rights of transgender persons, it should be struck down for the complete realisation of their rights.

2. Rights of Transgender Persons Bill, 2014

The Rajya Sabha passed the Rights of Transgender Persons Bill, 2014 unanimously, which is a historic event that has happened after 47 years. This Bill was introduced by Tirichi Siva, a Member of Parliament from the DMK Party. The Bill is now before the Lok Sabha for consultation.

The Bill affirms the right to equality and non-discrimination of

transgender persons and also provides for the creation of National and State Commissions and a Special Court for transgender persons. Notwithstanding the progressive provisions in the Bill there are however certain aspects of the Bill which are left wanting.

The Bill does not address police violence which is an everyday reality for many trans individuals and provides no mechanisms to redress violence by the police. In addition to violence by the police, it is important to acknowledge the violence perpetrated by family members as well. There exist testimonies of transgender persons, as has been extensively documented by the People's Union for Civil Liberties, Karnataka Report of 2001 and 2003, which speak of violence by family members from a very young age.

The Bill also has not provided for provisions that will affirm the rights of transgender persons in their personal sphere, including the right to marriage, inheritance and adoption. Further, as mentioned earlier, Section 377 could potentially penalise sexual expressions of transgender persons. The Bill however does not make any effort to strike down this provision. Notably, the Bill does not affirm sexual rights of transgender persons and the continuing presence of Section 377 negates other rights guaranteed to transgender persons by the Bill.

In its current form, it is not mandated that the National and State Commissions to be constituted under the Bill be headed by transgender persons. It is important to note that there are many transgender persons who are accomplished in their field and are able to be heads of the commissions. Hence it is urged that the commissions be headed by transgender persons who have worked for many years in securing the rights of the community.

Further, the Bill does not provide a mechanism for an identification process and it is not clear whether the mechanism prescribed by the MSJE Report will continue. Since this Bill shall be serving as a conclusive legislative measure to acknowledge rights of trans persons, it is vital that a mechanism for self identification process, in line with that identified by the Apex

Court, be stated.

It is also important that the definition of "transgender" includes persons with intersex variation. Often, persons with intersex variation and trans persons are conflated, thereby negating the specificities of these identities. Hence it is important that the rights of persons with intersex variations should also be specified in the Bill.

Various groups working on the rights of transgender persons have given a detailed criticism of this Bill, including the statement by the Karnataka Transgender Samithi. We urge the government to take cognizance of the concerns raised and hold a national consultation so that the Bill will translate into a truly effective legislative measure.

3. Rights of Transgender Rights Bill, 2015 (released by the Ministry of Social Justice and Empowerment)

Subsequent to the introduction of the Private Member's Bill discussed above in the Lok Sabha, the Ministry of Social Justice and Empowerment introduced a separate Bill. This Bill briefly addresses police violence and prescribes a procedure for identification and provides a clarification for reservation for transgender persons. Despite these changes, this Bill dilutes a lot of measures attempted in the Private Member's Bill. For instance, despite the fact that it acknowledges police violence, there is no accountability measure provided in the Bill to address police violence or any violation under this Bill. An accountability mechanism, which is a basic requirement of a sound legislation, is therefore absolutely lacking in this Bill.

Further, the identification process embodied in the Bill is taken from the MSJE Report. This process raises concerns of an external agency diluting the right to self identification of transgender persons and hence it needs to be relooked. In fact, self identification by way of an affidavit has been popularly recommended by the members of the transgender community also.

Additionally, as in the case of the Private Member's Bill, this Bill also does not address concerns around

sexual rights of transgender persons, personal rights and violence by family.

The clarification provided in this Bill with regard to reservation states that transgender persons from Other Backward Class or the privileged caste will be treated as OBCs for reservation and transgender persons belonging to Scheduled Caste and Scheduled Tribe will be covered by the scheme pertaining to reservation for Scheduled Castes and Scheduled Tribes. Such a measure however does not take into consideration the double discrimination which is faced by a transgender persons

belonging to the Schedule Caste or Schedule Tribe community, and hence it needs to be relooked. Further, both the Bills do not make it mandatory for the recommendations of the MSJE Report to be implemented, as has been held by the Supreme Court in the NALSA Judgment. It is feared that the exhaustive recommendations in the MSJE Report will remain unfulfilled if not made mandatory by an explicit provision under these Bills.

Conclusion

In conclusion, these multiple efforts seem to be happening in isolation and not in consultation with

transgender communities. It is extremely important to bring about harmony in these efforts. In that direction, it is important that there is a national consultation organised by the government which will include all transgender communities working across the country and is not limited to groups in certain geographical locations and a sincere effort be made in a way that the spirit of the Supreme Court decision, the exhaustive recommendations of the MSJE Report and the aspirations of the transgender community are not lost.

(Gauri Pillai, student, WB-NUJS, assisted in the writing of this article). □

PUDR Press Statement 23rd March 2016

Condemn Police Brutality on Students and Teachers in University of Hyderabad

PUDR strongly condemns the brutal police action unleashed on students and teachers at the University of Hyderabad campus on 22nd March 2016. This took place when students were protesting against the return of the Vice Chancellor Appa Rao Poddile to the campus after he had gone on leave following the suicide of Dalit PhD scholar Rohith Vemula in January. Prof. Appa Rao, alongwith Union Minister Bandaru Dattatreya and others, is one of the main accused in the case for abetment of Rohith's suicide and has also been criticised in the past for his anti-Dalit attitudes. His return to official duties at a time when no action has yet been taken against anyone for this crime angered the student community and they began a peaceful protest outside the Vice Chancellor's Lodge where an Executive Committee meeting was in progress.

There was massive deployment of CRPF and RAF personnel who lathi charged and beat up students. Female protestors were also brutally beaten, grabbed and molested by the police forces. Protesting students were rounded up, chased and dragged into police vans. It is estimated that around 36 students and at least three faculty members were also arrested and

taken to undisclosed locations. There was no information of their whereabouts overnight though it is now being suggested that they have been taken to Miyapur and Chandanagar police stations. Apart from this, over fifty students have been injured in the attacks.

The police also raided hostels in what seemed like a search for a predetermined list of students and teachers. It is suggested that the VC and other complicit elements in the faculty have chosen to crack down upon those students who have been vocal and active in the resistance following the institutional murder of Rohith Vemula. Dontha Prashanth, one of the students who was suspended along with Rohith and has been a frontrunner in the students movement for justice, was also brutally thrashed and dragged in to the police van yesterday. Some of the teachers who were arrested, like K Y Ratnam and Tathagat Sengupta were also quite prominent in siding with the students on this issue.

Following the violent crackdown on students, a strike has been called by the non-teaching staff, apparently on instructions from the VC, resulting in the shutting down of hostel messes. Students have also reported lack of water for

drinking and other purposes and cutting off of internet facilities in the campus. The media has also been prevented entry in the campus as the administration seems to be on an all out offensive to prevent any information from the campus getting wider coverage.

Notably, activists belonging to the Akhil Bharatiya Vidyarthi Parishad (ABVP) had barricaded the VC's Lodge in a move to prevent the protestors from reaching the VC. They also locked the gate from inside and were in fact responsible for much of the vandalism and property damage which the media and authorities have blamed on the protesting students. It is shameful that media reports till now have focused only on the 'vandalism and hooliganism' of students and completely ignored the violent police action on students in the University Campus.

PUDR reiterates that using violent force on students and deploying armed personnel on university campuses is an unacceptable use of state power. The nexus between university authorities, Ministry of Human Resource Development and student's wing of BJP is especially significant in the increasingly fascist nature of our universities. It is also condemnable that basic necessities of food and

water have been denied to the students in an effort to weaken their resistance.

PUDR demands that:

1. All students and faculty be released from police custody and

charges against them removed

2. Restore normalcy in the campus and ensure dialogue with the students on their demands

3. Remove Appa Rao from the position of Vice Chancellor to

ensure justice for the death of Rohith Vemula.

Moushumi Basu, Deepika Tandon,
Secretaries, PUDR

URL:

<http://www.pudr.org/?q=content/condemn-police-brutality-students-and-teachers-university-hyderabad> □

PUDR Press Statement_24th March 2016

Stop Surveillance and Harassment of Kashmiri Students!

Peoples Union for Democratic Rights (PUDR) expresses its outrage at the harassment and arrest of Kashmiri students in Mewar University, Rajasthan, and other educational institutions, amidst an intensifying surveillance of Kashmiris across the country.

On 14th March, 2016, a rumour was spread on WhatsApp that “Kashmiri students are cooking beef”, in their hostel room in Mewar University, following which a 200 strong mob comprising of Bajrang Dal activists and Vande Matram Sangathan gathered outside the hostel. The four students who were allegedly cooking beef, fled from fear. The mob beat up some other Kashmiri students. The police, not finding the students who were allegedly cooking beef, arrested four other Kashmiri students who lived in the room opposite. They were detained in the police station overnight. On Tuesday 15th March, the four Kashmiri students who had actually been cooking meat – Saqib Ashraf, Mohammad Maqbool, Shaukat Ali Butt and Hilal Ahmed turned themselves in. They acknowledged that they had broken the rule of vegetarianism in the hostel by cooking meat. But it was buffalo meat, not beef.

The police rationalised the initial, wrongful arrest as an attempt to protect the Kashmiri students, and as preventive action to prevent the situation from escalating as the police feared that the mob would start pelting stones. Revealingly, it didn't strike the police to control the mob using other means. Rather it chose to satisfy dominant sentiment and the mob's demands by arbitrarily picking up four, uninvolved Kashmiri students. For the police, one Kashmiri is as good as another. The four boys who had been cooking meat, too have committed no criminal offence; they

have only broken a hostel rule. Nevertheless they were charged under Sec 151 CrPC for disrupting the peace, kept in the PS overnight and produced before the magistrate on the 16th. They have alleged that they were made to sign a good conduct undertaking, before being released on bail.

Significantly, the police has taken no criminal action against the mob that beat up the boys, despite activists of the Bajrang Dal openly declaring that they had led the mob. The only action taken by the police was to register a case against one person under Sec 108 CrPC for circulating a false message. The police has also raised concerns with the University that several incidents of violation of law and order have been reported from the University.

The University authorities have attributed the incident to a prevailing rivalry between two groups of students, one from Jammu, and the other from Kashmir- something that these students have denied. The University has over 800 Kashmiri students, out of a total student strength of about 3000. These students are studying here under the Prime Minister's Scholarship scheme for Kashmiri students. The inciting of anti-Kashmiri student feeling through false rumours on social media, the involvement of right wing Hindu groups, the police's action based on Kashmiri identity rather than the facts, and the University authorities generalising that the Kashmiri students are a part of conflicts, taken collectively, suggest an attempt to project the Kashmiri students as responsible for vitiating life in the institution. It however defies logic that bright students who have come here to study, far from home, will jeopardise their

careers by engaging in such activities.

This incident follows close on the heels of developments in Kolkata, where the Central Government has directly initiated a formal policy of surveillance and harassment of Kashmiri students. At the end of February, a directive was issued by police's intelligence wing to Kolkata colleges to prepare a list of all students with residential addresses in Jammu and Kashmir. This dossier is to be sent to the Ministry of Home Affairs, New Delhi. The alleged purpose is to 'sensitise' campuses against events such as at JNU and the subsequent protests at Jadavpur University, but as per the Indian Express senior police officials have indicated that this information will be used for monitoring the Kashmiri students' activities. As per newspaper reports, a general advisory has been issued by the Home Ministry to all states. In March, the Goa Chief Minister Laxmikant Parsekar told the State Assembly that the ATS has been instructed to conduct door-to-door checks of tenements where Kashmiris stay, and collect information, in order to check crime. These are blatant instances of ethnic profiling which violate the most fundamental of rights of freedom and equality.

The upshot is that Kashmiris, students who have come to educational institutions to study (quite often on government programmes), or in search of work, are being systematically hounded and made to live in a climate of fear and insecurity. PUDR demands that such a witch-hunt of Kashmiri students and workers be stopped immediately.

Moushumi Basu, Deepika Tandon,
Secretaries, PUDR (pudr@pudr.org)

URL: <http://pudr.org/?q=content/stop-surveillance-and-harassment-kashmiri-students> □

Was Afzal Guru a Martyr Or a Militant? JNU Students were debating a Question that Law Can't

Nandita Haksar

A Delhi High Court bench headed by Justice Pratibha Rani gave bail to Kanhaiya Kumar, the president of Jawaharlal Nehru University Students' Union, on March 2 quoting a Bollywood song. The bail order began with a stanza from a song from the film *Upkar*, whose last two lines were:

*"Mere desh kii dharti sonaa ugle,
Ugle hiire moti mere desh ki dharti"*

It would have been entirely appropriate if the judge was alluding to Kumar as a national treasure in that reference. He is, no doubt, an Indian who every citizen should be proud of. After his release following 23 days in jail, he gave a rousing speech at JNU which reflected rare maturity, humour and a deep commitment to freeing India of poverty, caste and corruption.

As one reporter proclaimed: "We have just witnessed the birth of a national leader."

But the judge was not referring to Kumar or JNU as national treasures. She was asserting her own patriotism. In her order, Justice Rani lectured the students and faculty of JNU on patriotism and reminded them that the freedom they enjoy is because "our borders are guarded by our armed and para military forces. Our forces are protecting our frontiers in the most difficult terrain in the world ie Siachen Glacier or Raan of Kutch". She said that those who were "shouting anti-national slogans holding posters of Afzal Guru and Maqbool Bhatt close to their chests honouring their martyrdom, may not be able to withstand those conditions for an hour even".

As it happens, there is so far no evidence to show that Kumar ever shouted pro-Afzal Guru or pro-Maqbool Bhatt slogans at the February 9 event at JNU, which was organised to protest the

hanging of 2001 Parliament attack convict Afzal Guru.

So, how do judges make judgements about people, whether it is Kumar, a student leader, Vikram Singh Chauhan, a bully lawyer, or Mohammad Afzal Guru, the man convicted and hanged for his part in the Parliament attacks. It is a question at the very heart of jurisprudence: how *does* the law judge human beings?

A militant or a martyr?

Every person is equal before the law: the Constitution of India gives the right of equality to every person, be it a citizen or non-citizen.

However, despite this right, the court has to decide individual responsibility and guilt based on the unique facts and circumstances of each case. This isn't so simple. Fixing individual responsibility and guilt is a complex question which has perplexed philosophers for generations. Who exactly is the person who is to be judged?

James Boyd White, an American law professor and philosopher, argued in his book *Legal Imagination* that it is very difficult, indeed impossible, "to talk about a real person in a way that does justice to what he is, to his difference from oneself, even when one is free to use any literary resource one can devise or invent". Who then was Afzal Guru? A militant, a terrorist, a surrendered militant, a martyr, or a victim of history?

Afzal Guru himself admitted to helping one of the Parliament attack suicide bombers obtain a car and rent a room. But if that is true, why do so many people in Kashmir remember him as a person who was wronged by the Indian state and not as a part of the 2001 attack conspiracy? Why is he regarded as a martyr by them and the Peoples Democratic Party? Do they

condone the attack? They certainly do not.

Even the Hurriyat Conference, an alliance of Kashmiri organisations, didn't publically support the attack. It issued no statement and raised no slogan in support of the attack or the people accused of participating in the conspiracy. In fact, at the time Afzal Guru was arrested, Kashmiris looked upon him as a traitor. He was a surrendered militant and Kashmiri militants see all surrendered militants as traitors.

The people in Kashmir started calling Afzal Guru a martyr only after he was hanged secretly by the Indian government without giving his family an opportunity to meet him a final time. They felt he had been denied justice. He became a martyr not because he was a part of the Parliament attack conspiracy but because he admitted to his part in it and was denied justice anyway. Why do I say denied justice?

Incontrovertible facts

Afzal Guru admitted that he went to Pakistan for three months' arms training but surrendered soon after his return. He became a surrendered militant, knowing well the stigma he would face for giving himself up. Afzal Guru was willing to do it anyway because he had got disillusioned with Pakistan. He realised Pakistan was only using Kashmiris for its own ends.

From the time Afzal surrendered to the time he took part in the conspiracy to attack the Parliament, there is no evidence that he ever participated in any illegal activity. The record shows he was desperately trying to build a new life for himself. He went to Delhi to finish his graduation (His dream of becoming a doctor was cut short by the insurgency in the 1990s). In Kashmir and in Delhi, he supported himself by giving tutorials.

He got married to a vivacious Kashmiri woman, Tabassum, and they had a son. He started a business and looked after his small family and widowed mother. All he wanted was a normal life. But he was not allowed to. The notorious Special Operations Group, an anti-insurgency force of the Jammu and Kashmir police, wanted him to become an informer and that he refused to be. The SOG tortured him so brutally that he had to be hospitalised for a month. The man who tortured him admitted to his crime on national television.

According to Afzal Guru, it was someone in the intelligence agencies who asked him to escort Mohammad to Delhi and help him find a rented room and a car. Mohammad, it turned out, was one of the suicide bombers who was responsible for the actual attack on the Parliament and for killing Indian security forces.

In the light of the controversies over Ishrat Jahan, it is not entirely unthinkable that Afzal Guru, a surrendered militant, was being used by the intelligence agencies. In the West, there have been many cases in which intel agencies used former militants and even allowed them to commit acts of terror. In this case, the intelligence agencies may have been following some intel and could not prevent the attack.

These facts need investigation but as of now there is no proof to refute Afzal Guru's claim. No evidence has been provided to counter his allegations. He was not given an opportunity to prove his case.

However, there are three facts which are incontrovertible:

First, Afzal Guru was denied a lawyer at the trial. This was the main argument in Indira Jaisingh's curative petition. She said the legal aid services authority doesn't provide adequate fee scale. This, in her opinion, results in two sets of standards of access to justice, one for the rich and the other for the poor. The Supreme Court did not adequately address this defect in

the trial of Afzal Guru, although a senior counsel brought it to its attention.

Second, although Afzal Guru was involved in the conspiracy to attack the Parliament, he should not have got the death penalty. The court is expected to look at the circumstances and specific role played by each person in a conspiracy while handing down the sentence. The charge-sheet named three persons as the masterminds of the attack: Maulana Azhar, Ghazi Baba and Tariq Ahmed. These three persons were declared absconders and not brought to trial. If they had been tried and found guilty of masterminding the attack, they could have legitimately been given death sentence.

The five suicide bombers who actually attacked the Indian Parliament and killed the Indian security forces were killed. If they had been tried and found guilty, they too could have legitimately been awarded death sentence.

The four persons who were arrested were not the masterminds, they did not actually kill anyone, and two of them were eventually acquitted by the Supreme Court. One was released after 10 years. Only Afzal was given death sentence.

Third, what angered the Kashmiri people was the reasoning of the Supreme Court. It held: "The incident, which resulted in heavy casualties, had shaken the entire nation and the collective conscience of the society will only be satisfied if capital punishment is awarded to the offender."

The law and the media have judged Afzal Guru as a terrorist. In defiance of this judgement, the people of Kashmir have called him a martyr.

The law does not take facts of history as evidence. Historical injustices are not mitigating circumstances for sentencing a person. How far is a person responsible for the historical

circumstances which compelled him or her to take certain decisions, to act in certain ways? And how can the law balance individual responsibility with social, political and economic circumstance?

GK Chesterton, a theologian, poet and philosopher, wrote:

"Our civilization has decided, and very justly decided, that determining the guilt or innocence of men is a thing too important to be trusted to trained men. If it wishes for light upon that awful matter, it asks men who know no more law than I know, but who can feel the things that I felt in the jury box. When it wants a library catalogued, or a solar system discovered, or any trifle of that kind, it uses its specialists. But when it wishes anything done that is really serious, it collects twelve of the ordinary men standing about. The same thing was done, if I remember right, by the Founder of Christianity."

In India we do not have a jury system. So people will have to make their own judgements. Many Indian citizens have adjudged Afzal Guru a terrorist, while their fellow citizens in Kashmir honour him as a martyr. The meeting on February 9 at JNU, which was organised by both Kashmiris and other Indian students, was an important bridge between these two understandings. Such bridges can be built most effectively by the youth. Ultimately, our borders have to be defended not against our enemies but against disaffection and alienation within our country.

To call these idealist youth engaged in building bridges as anti-national is not only legally untenable but politically dangerous for our country.

Courtesy: Scroll.in, 6.3.2016;

<http://scroll.in/article/804613/was-afzal-guru-a-martyr-or-a-militant-jnu-students-were-debating-a-question-that-law-cant> □

Timely Placement of C.A.G. Report on the Table of the Legislative Assembly

Shri O. P. Kohliji,
His Excellency the Governor of
Gujarat,
Rajbhavan, Gandhinagar

Respected Kohli Ji,
Subject: **Timely Placement of
C.A.G. Report on the Table of
the Legislative Assembly**

As your kindself is well aware, the C.A.G. Report is the reflection of our administration. Whether accounting of expenditure has been properly done or not and whether implementation of Government Plans or Schemes have been properly made or not is clearly manifest or visible in this Report. There are two main constituents of this report. (1) Whether respective department or branch has efficiently shouldered its role and responsibility or not? (2) Whether any irregularity or malpractice has been committed in the expenditures made on the

above counts?

There is a clear cut provision for placing of this CAG Report on the table of the Legislative Assembly. For last many years, no discussions or deliberations are made on this CAG Report. Merely to comply with legality of the constitution, this report is being tabled on the last day of conclusion of the session, due to which, Members of the Legislative Assembly do not get time for arriving at points of concern, after due perusal and study. In short, as the Report is being placed on the table of the Assembly on the last working day of the session no discussions are taking place on the same, since over last decade.

We all have come to know that the Comptroller and Auditor General of India had already presented its Report to the Government well in time. Hence, we request your good

self to please ensure that the CAG Report is tabled in the Legislative Assembly, with immediate effect.

Since your kindself is the constitutional head of the State and as this report is being prepared in accordance with the norms of the constitution of India, it is quite important that the Report is tabled well in time.

We shall remain thankful to you if you please spare some time from your busy schedule, to give an appointment to us for a personal meeting, at the time and date most convenient to you.

Yours faithfully,

Prakash N. Shah, President, PUCL, Gujarat; **Gautam Thaker**, President, Indian Radical Humanist Association; **Rajni Dave**, President, Gujarat Sarvodaya Mandal; **Mahesh Pandya**, Gujarat Social Watch; **Dwarikanath Rath**, Movement for Secular Democracy; **Hemantkumar Shah**, **Jan-Tantra Samaj**. □

Reservation for All or Reservations for None: Patels Put the Government in a Dilemma Aakriti Thakur*

The recent unrest witnessed in Gujarat when the Patel community came together for a peaceful rally in order to demand for OBC status to be granted to them invokes the thought in one's mind of whether granting the status would actually facilitate the betterment of the community along with that of the society as a whole. The founding fathers of our country had envisioned reservation policies for achieving very specific purposes, viz. those of abolishing discrimination based on caste and uplifting the population affected by such discrimination by affording them equal opportunity. In order to determine whether the demand of OBC status by Patels conform to such visions of the founding fathers, a brief discussion of the facts of the incident along with the vision is required.

The Patel community comprises of

roughly about 14% of the population of Gujarat. The stir started when youngsters from Patel community made their demand for OBC status and for availing reservation rights which turned into a state-wide movement culminating into rally in Ahmedabad. Hardik Patel, a 22 years old small businessman and a commerce graduate, became the face of the campaign; as the crowds assembled on August 25th, 2015 were addressed by him. The demand raised by the community was that of either granting of the status of OBC to Patels, or abolishing the entire reservation system in India. The peaceful rally turned into an agitation after Hardik Patel was detained by police and the crowds resorted to violence. Acts like pelting stones, burning of buses and houses were witnessed by a terror stricken city and the

army and police had to resort to measures of lathi charge along with using tear gas to stop the crowd. The Government's response to such protests included creation of the Patidar Andolan Sankalan Samiti (PASS) led by Gujarat cabinet minister Nitin Patel. The committee observed that recent Supreme Court judgement in the Jat case along with the provisions of the Constitution and other judgements depicted that no change in the structure of reservation could be made by state government and the limit of 50% reservation, which Gujarat had already achieved couldn't be exceeded. The main suspicion which rises in one's mind now is that the Patels are relatively affluent community. Does their demand for reservations then only serve individualistic interests? Or does it bring to light the greater

problem faced by our country at present where the basic purpose for which reservation was established is being overlooked for political reasons. A deeper look into the visions of the luminary, Dr. B. R. Ambedkar, will help us to understand the fundamental reason for having reservations in our country.

Dr. Ambedkar's successful attempts of uniting the backward classes and therefore granting those classes special rights served the two-fold purpose of endowing upon the community a separate identity that would provide them with an alternative route for development and that of uniting them.¹ It is an accepted fact that reservations are granted not in an individual capacity, but to the individual in the representative capacity of his community so that he can lead to the development of his community after availing benefit of the system. In the case at hand, an interview of the Patel youth revealed that they were unable to secure seats in Universities due to existing reservation policy of providing seats to the backward classes which secured lower percentage than those students who did not fall under such category. However, the doctrine of reasonable restrictions as provided under Articles 15(4) and 15(5) of the Constitution, clearly illustrates that such restrictions faced by people belonging to general category will be valid as long as it leads to betterment of the backward classes and therefore their demands become futile in the light of reducing reservations percentage for other community.

Furthermore, Dr. B. R. Ambedkar's contribution was highlighted when such reservations were incorporated in the Constitution of India through allotment of separate constituencies for SCs and STs to ensure their political representation for a period of 10 years.² This signifies the most important factor that reservations were seen as means to achieve equality among all classes and abolition of discrimination, and therefore it was established for a specified time

period. This time period was allotted in order to witness development in such backward classes at a steady pace, but it was also recognized by many in the Constituent Assembly that such period would not be enough. However, over the years, the reservation policy has been extended through various constitutional amendments and so the policy still persists in the society. This paints a very basic picture that discrimination based on caste is still prevalent in our society, even after 68 years of independence. In such a situation, removing reservation system as a whole will not ensure development of those communities which have been securing benefits from such policies over the years. Therefore, the demand of Patels for removal of reservations, relying on the principle of 'either all or none', goes against the very crux of matter for which reservations have perpetuated over the decades, and so this demand cannot even be considered as the granting of the same will lead to a turmoil in the country.

Another important necessity of the reservation system had been outlined in the Constituent Assembly Debate wherein Dr. Ambedkar brought clarity to the requirement of recognizing the existence of minorities, as the structure of state would collapse if the minorities decided to protest against a state which did not recognize their rights to be given opportunity for development.³ Patels requirement to be recognized as minority can therefore be in congruence with Dr. Ambedkar's assessment, as a threat was faced by Anandiben government when the peaceful rally of Patels turned into violent processions. But, giving OBC status based on such reasons will only show that the state succumbed to the show of force, and will create doubts in the minds of many regarding the authority of the state. Also, the incorporation of any caste under the umbrella of OBCs requires certain factors to be considered. Even though such

provisions have not been provided in the Constitution, the judiciary had attempted through various legislations to draft a well exhaustive list of the same. The appointment of Mandal Commission, based on the judgement of Indira Sawhney case⁴, served the purpose of identifying socially and economically backward classes. It proposed 11 factors under three main categories, viz., social backwardness, economic backwardness, and educational backwardness⁵. Though these factors are not well exhaustive, the question of whether Patels fit into such factors needs to be considered by the competent bodies.

In conclusion, the demand of Patels for no reservation at all serves the interest of none and it goes against the very basic purpose for which reservations were established. Given the very delicate social fabric upon which Indian society works, any change in the reservations system without a careful analysis of the justification, rationale and necessity for extending reservation benefits to other communities will only lead to protests and counter-campaigns; hence it is strongly recommended that the government facilitates research by competent, expert bodies in this area and helps in bringing the true picture of 'backwardness' of a community to light.

Note: Aakriti Thakur was interning with the PUCL in May-June, 2015 and was in Gujarat when the Patel agitation broke out. We are carrying this article in view of the fresh insights it carries.

**Aakriti Thakur, is a Student, Gujarat National Law University, Gandhinagar, Gujarat.*

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¹ <http://www.dalitstudies.org.in/wp/0904.pdf> accessed on 20th May 2015.

² Pooran Koli, *Reservation Rules In India*, Kanoon Prakash Agency Jodhpur, 1st ed., Pg 7.

³ Constituent Assembly Debates, Vol. VII, pg. 39.

⁴ AIR 1993 SC 477

⁵ <http://www.pucl.org/from-archives/Dalit-tribal/mandal-2.htm> accessed on 17th Sept 2015.

The Chhattisgarh PUCL expresses its deep grief at the killing of a 55 year old woman Muchaki Hidme, resident of Village Gorkha, due to an IED blast on 18th March 2016. The incident took place on a 'kuchha' track, which is often used by the security forces during their patrolling in the region, near Kottacheru village under Bhejji police station limits, as Sukma Superintendent of Police D Shrawan informed the PTI. A day earlier an 8 year old girl child Muchaki Anita, resident of Kanhaiguda village under Bhejji police station, also lost her life to an IED blast. Similarly two labourers were killed on 6th March at around 9:30 am at Amdai Ghati (valley) under Chhote Dongar police station limits. Superintendent of Police Narayanpur Abhishek Meena had told PTI that Maoists detonated a powerful IED when a joint team of district police and the Chhattisgarh Armed Force (CAF) was escorting a group of labourers through the valley and this was followed by a gun-battle, lasting for about two hours, after which the Maoists fled. The Chhattisgarh PUCL condemns land mining by the Maoists which causes extreme hazard to life and limb of non combatant tribal villagers carrying out their normal life activities in the region. It reiterates its demand that in order to protect non-combatant civilians

in this war zone, the Government of India should declare a state of internal armed conflict and allow strict independent monitoring under the Geneva Protocol of human rights violations by both parties to the conflict. Even earlier on 26th November 2013, the Chhattisgarh PUCL had written to the NHRC for directions to restrain the practice of using civilians for demining operations or as "police sahyogi" in land mined areas when one villager had been killed and two others grievously injured.

The Chhattisgarh PUCL also expresses its concern that an outspoken journalist Shri Prabhat Singh, who was reporting for the Patrika as well as ETV, was suddenly picked up from his shop at 6 pm on 21st March 2016. He has informed a friend on 22nd March that he was taken to Parpa Police station in Jagdalpur, beaten up all night and was not even given food. He also expressed apprehension that since the Baarsoor Police Inspector and an Additional SP are present in Parapa police station and old records are being checked, that he is likely to be implicated in some old cases. Chhattisgarh PUCL demands that Shri Prabhat Singh be immediately produced before the concerned Magistrate, be medically examined and be provided a legal representative as per the provisions of law. Since this

incident comes on the heels of the harassment of journalists Alok Putul, Malini Subramaniam and the arrests of Santosh Yadav and Samaru Nag, the Chhattisgarh PUCL expresses serious apprehension that the police and district administration are trying to silence all journalists who are attempting to give any other version of events in Bastar other than the police version. The demands of journalists of the area have still not been properly addressed.

Finally Chhattisgarh PUCL expresses shock at the insensitive behavior of the police in arresting an extremely well respected citizen and doctor committed to treating workers and peasants of Chhattisgarh for the past three decades - Dr Saibal Jana, Chief Medical Officer of the Shaheed Hospital , Dalli Rajhara – in a 24 year old case connected with the Rail Roko Satyagraha of Bhilai workers on 1st July 1992. Dr Jana and his ambulance and staff of the Shaheed Hospital had been on the dharna site to treat ailing workers and their families in the preceding 35 days, and he has been falsely implicated in a criminal case. Chhattisgarh PUCL demands that he be granted unconditional interim bail on personal bond and the false case against him be quashed.

Dr. Lakhan Singh, President and **Sudha Bharadwaj**, General Secretary, PUCL Chhattisgarh □

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Industrial Corridors: A New Ploy to Plunder Resources and People's Sovereignty

It is the irony of India that after independence, the democratic governments elected by the people have been allowing open sale of precious natural resources - land, water, forests and minerals in name of public purpose and for development. On one hand, farmers are being forced to hand over their land to local and foreign capitalist corporations, cited as crony capitalist development, and on the other hand, the government is borrowing thousands of dollars from World Bank and other international financial institutions. This huge debt is pushing the country's economy and future into darkness.

The new ploy to facilitate this loot and process is now being pushed in the wider framework of the industrial corridors since mid 2000. Eleven such corridors have been proposed in the country out of which the leading ones are Delhi Mumbai Industrial Corridor (DMIC) and the Amritsar-Kolkata Industrial Corridor (AKIC). These corridors shall include dedicated freight corridors, private trains, electricity generating stations, smart cities, inter-linking of rivers, and several large projects which will have a huge impact on the country's agricultural system and livelihood of the nature based communities.

DMIC's first round itself will acquire roughly 3,90,000 hectares. In the first stage of the AKIC, Uttar Pradesh government has given 30,000 hectares of land and a loan of 14,000 crores from the World Bank has been taken. For DMIC 40,000 crores loan from Japan Bank of International Cooperation has been taken.

Notices regarding land acquisition

have been issued, farmers land has been illegally marked as 'R' (reserved) in land records, fraudulent public hearings being organized, forceful consent being taken and many other illegalities done by the authorities. People have been protesting on the ground in many places even then the government is busy seeking consent for its projects and work has begun in many places.

Over the years, many of us have undertaken awareness raising activities in the area, educating the farmers and workers of their rights and the violations being done by the government agencies. We all came together in 2013 in Delhi and since then many other important developments have taken place. With a new government at the Centre and in many states, its time to meet again and take stock of our struggles.

With this in mind a two-day national meeting is being held on April 22 to 23 at Indian Social Institute, New Delhi.

Medha Patkar (NAPM), **Ulka Mahajan** (Sarvhara Jan Andolan), **Sagar Rabari** (Gujrat Khedut Samaj), **Virendra Vidorhi** (INSAF), **S R Hiremath**, **Viren Lobo**, **Soumen Ray** (ICAN), **Dr. Sunilam**, **Rajendra Ravi**, **Mahendra Yadav**, **Madhuresh** (NAPM) and others...

PS: The issue of `resource politics' and the grabbing of the commons is widespread across India not only alienating people from common resources essential for water and food security, livelihoods and making people `internal refugees in their own land, but also devastating the environment. We plan to initiate a comprehensive discussion on this subject and invite our members and readers to send in articles on this subject. □

Regd. Office :
270-A, Patparganj
Opp. Anandlok Apartments
Mayur Vihar-I, Delhi-110091
Tel.: 22750014
Fax:(PP) 42151459
E-mail : puclnat@gmail.com
pucl.natgensec@gmail.com
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