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Presidential address for National Council Meeting on 18-19 November 2017 at GPF, Delhi:

PUCL: The Road Ahead
Ravi Kiran Jain*

First of all I want to pay my tributes to my predecessor Mr. Prabhakar Sinha for his outstanding contribution in building up of PUCL to achieve its Aims and Objects. The PUCL Constitution is very short. Mr Sinha has very appropriately been saying that we should act according to the Constitution. But there is nothing mentioned therein as to how various functionaries mentioned in the Constitution have to function. Mr. Sinha has done tremendous and innovative work in explaining how it has to be interpreted by telling us, even in the absence of specific provisions in the Constitution, that the PUCL can proceed and go ahead to achieve its aims and objects. He has spoken about them in his various addresses and meetings of the PUCL, written articles and letters to the members. In his recently published book, **UNDERSTANDING PUCL** he also addresses those issues. None of his predecessors did so much work for the PUCL as he has done. His devotion to the PUCL has been and continues to be absolute. In a letter dated 23rd March 2012 addressed to the members of the PUCL he said: "so far we have not been able to involve you and seek your co-operation, but it is never too late to do what is right". He further said in that letter: "To be vigilant and critically examine whether the organization at different levels follows the letter and the spirit of its Constitution or not, and to strive for course correction, if any deviation is noticed, can be your most valuable contribution".

After about seven months of Narendra Modi becoming the Prime Minister of India, at the opening session of the 12th PUCL Convention held in Patna on 6th December 2014, Shri Sinha in his Presidential speech titled, '**Take human rights to the masses**' very aptly remarked that 'The PUCL is in the thirty-fifth year of its fruitful existence. We have been continuously working since its inception. It appears to me that the time has come when we should take stock the fruits of our labour. Have we made a significant difference to the human rights scenario in the country, enlarged the base of its support and made human rights part of the consciousness of society? Have we been employing the most effective strategy to achieve the goals enumerated in the Constitution of the PUCL? If there was some inadequacy, how should did we remove it? **These are the questions we should ask ourselves to decide the future course of action.**' In the concluding part of this speech, Mr. Sinha said "Human rights cannot be protected without going to the masses, arousing them and inspiring them to fight for their rights. Our role is of a very potent catalyst."

Now after about 3 years of that speech, this National Council meeting is taking place in a grimmer situation in which there is a vile attack being mounted at the very concept of Indian Nationhood that subsumes an unprecedented range of diversity: religious, linguistic, cultural, ethnic, regional etc. Now after 3 years of the Modi government at the Centre, Yogi Adityanath, the Hindu icon has been installed as the Chief Minister of UP. Of the 403 seats, the BJP secured a majority of 325 members in the UP Legislative Assembly. Yogi has the reputation of being a hard core Hindu leader. His elevation to the position of the UP Chief Minister shows that

Hindutva is sweeping the country. It also shows that secularism has not yet taken roots in our country. Now we have to look into the questions raised by Sinha sahib more thoughtfully in the light of such developments in the last three years. After the abovementioned 2014 Patna PUCL Convention, the National Council of PUCL met in Allahabad on 19th and 20th September 2015 in which the PUCL decided to launch three **National level campaigns involving all state units** across India starting from 1st January 2016. The three nationwide campaigns which were to be launched include I) a nationwide campaign for securing the dignity of the individual in practice, II) A campaign against great threat posed by the divisive and fascist politics of the RSS and BJP and III) a meaningful and effective reform of the criminal justice system. It is obvious that the decision to launch these three campaigns at the national level **involving all state units** was taken as a result of the debate started by Shri Sinha on 6th December 2014, after putting some questions to us, and concluding by saying **"These are the questions we should ask ourselves to decide the future course of action."** Thereafter, a National Executive meeting of the PUCL was held in Jaipur on 14-15 May 2016 in which Prabhakar Sinha ji reminded us that for reasons beyond our control the campaigns could not be launched **and our top most priority now is to implement the decision of the national council.** Thereafter the PUCL held a National Council meeting in Delhi on 17-18 September 2016 in which again we noticed that the three main campaigns accepted earlier were on the agenda of PUCL activities. But no discussion took place about the progress made in the implementation of the decision to launch the three programs. This situation continued even at the time of the National Convention held at Raipur on 16-18 December 2016, in which I reminded the members present at my Presidential address what Prabhakar Sinha Ji had reminded us during the National Executive meeting at Jaipur on 14-15 May 2016. There we had decided to launch the three campaigns and that for reasons beyond our control the campaigns could not be launched

and the topmost priority now is to implement the decision of the National Council to launch these three campaigns. No discussion took place as to how the three campaigns had to be launched. After the Raipur National Convention of December 2016, a meeting of the National Executive was held in Jaipur on the 1st and 2nd July 2017. Shri Prabhakar Sinha in his mail sent to Dr. Suresh on 23rd May 2017 made the following suggestion: **"The first item on the agenda should be a 'Review of the Progress made in the implementation of the decision made to secure recognition of the principle of 'Dignity of the Individual', the threat to democracy from majoritarian politics and the criminal justice system'.** But unfortunately we have not been able to make any progress in the implementation of the launching of the three campaigns. We have to find answers to the question as to what are the reasons that we have not been able to initiate the launching of the three campaigns, in spite of a very appropriate observation of Shri Prabhakar Sinha in 13-14 May 2016 Jaipur Executive meeting; **"and our top most priority now is to implement the decision of the national council."** Some reasons are mentioned in the presidential address of Shri Sinha at the National Council meeting of 17-18 December 2016 wherein he noted, "Engagement with the people has become minimal. At the level of the state some engagement may be taking place, but there has been no national campaign for many years though a few seminars have been organized. It has been a major omission. The people in general are not aware that we, or the human rights movements, are relevant for them. The masses are almost cut off and others have a distorted view that human rights are for a select group of people and not for all. **'A cause which has no public support has almost no chance of success'**. One more reason, in this context that Mr. Prabhakar Sinha provided is contained in what he has observed at page 65 of his recently published book **UNDERSTANDING PUCL:** "The human rights organisations including PUCL have ignored the common man who alone can save democratic way of life and protect

human rights".

With great respect to all and most humbly I submit that the cause for the emergence of the aforesaid situation described by Shri Sinha at the National Council meeting of 17-18 December, 2016 that there has not been any engagement with the people, the masses are cut off etc. and that a cause has almost no chance of success for want of public support, is that the Constitution of PUCL is being misread and there is a misconception that the Constitution of PUCL does not include economic and social rights. In this context I quote what has been stated on page 11 of the recently published book of Shri Prabhakar Sinha, **UNDERSTANDING PUCL.**

"To many it is intriguing that its aims and objects do not specifically include economic and social rights. There were very sound reasons for their non-inclusion. One was the obvious fact that economic and social well-being of the people was the main concern and agenda of the political parties, which compete with one other to capture power and use the power of the state for the economic and social betterment of the people according to their respective ideologies. The framers of the PUCL Constitution, who were eminent persons from different fields including political parties, did not consider the economic and social well-being of the people and appropriate agenda of a civil rights organization. In a welfare state the welfare of the people was the responsibility of the political parties and not of the others, who were not in the competition for capturing power and using power and resources of the state for the welfare of the people. It was also apparent to the framers of the Constitution that it could be possible to agree to a common standard of life, which the people must be provided, but not on how that could be achieved. Opting for any one ideological approach was bound to drive out those members who did not agree because they adhere to a different ideology. Choosing any one way for economic and social well-being of the people would have reduced the PUCL to an organization of politically like-minded persons."

How to Interpret the Constitution of PUCL: The first item in the aims and objects of the Constitution of

PUCL is "to promote and uphold civil liberties and the *democratic way of life throughout India*". The second item in those aims and objects is "to secure recognition of the principle of dignity of individual".

In order to interpret these two items we have to look back to see the circumstances and the context in which the constitution of PUCL was made. The formation of the PUCL in November 1980 after four years of the formation of the PUCLDR in Oct 1976 (during the emergency), occurred in totally different circumstances. The emergency had long gone but there was the experience of four years during which derailment of democratic values took place and hence, it appeared that the members of the CFD (Citizens For Democracy) felt a need to form an organization to uphold democratic values and civil liberties and to secure recognition to the principle of dignity of individual.

To find differences between the circumstances under which the PUCLDR was formed on 17th October 1976 and the circumstances in which the PUCL was formed in November 1980, we need to look back as to how the two very different situations came to exist in October 1976 and in November 1980.

Indira Gandhi had won the Parliamentary elections in 1971 with a massive majority. Right from day one she exceeded the power typically enjoyed by Prime Ministers in Parliamentary systems where Prime Ministers heed as well as lead their followers. Granville Austin in his celebrated book: **Working a Democratic Constitution** has observed "The executive branch came to dominate Parliament to such a degree that Parliament lost any effective identity of its own. And, authority within the executive became concentrated in the Prime Minister's office and then was exercised from Mrs. Gandhi's residence, to the exclusion of all but a few." The stirrings of the restless 1970s began well before the declaration of emergency in June 1975. By 1972-74, the immediate afterglow of Independence had dimmed and several groups and communities had begun to feel a sense of having been deprived of their due. Emerging from a self-imposed exile of 20 years to lead the change that people of India needed

then, JP made the dramatic leap from being the bridge of conciliation between contesting forces to an advocate of a total revolution. In early 1974 there started a student's led movement against misrule of Indira Gandhi. The events in Gujarat inspired students in Bihar to launch struggle against mis governance. In March 1974 Shri Jai Prakash Narain was asked by students of Gujarat and Bihar more than one year before the Emergency was imposed to step in and lead their movement against the mis governance of Indira Gandhi's government. J.P agreed. On the 5th June 1974 JP led a massive procession through the streets of Patna, which culminated in a meeting at the Gandhi Maidan, where JP called for a "total revolution" to redeem the unfulfilled promises of the freedom movement. 'India had been free for 27 years', said JP, "yet hunger, soaring prices and corruption stalk everywhere. The people are being crushed under all sorts of injustice". It was in this meeting that JP spoke of a "total revolution" for the first time. The JP movement spread rapidly to become an all India movement.

The hearing in the case of Kesavananda Bharati began on 31st Oct 1972 before a 13 Judges Bench of the Supreme Court and lasted till mid -March .The judgment came on 24th April 1973, the day on which Chief Justice Sikri who was presiding the Bench, had to retire. By a majority of 7:6, the Supreme Court upheld the basic structure doctrine. The majority ruled that there are basic features in the constitution which cannot be amended by Parliament in its amending power under Article 368. On 25th April 1973, the day after the Kesavananda decision, Mrs Gandhi appointed Justice A. N. Ray as Chief Justice of India by superseding three senior judges: Judges Shallot, Hegde and Grover. **By doing so Mrs Gandhi had struck a grievous blow to the independence of judiciary.** Adverse reaction to the supersession from the legal community was immediate and vociferous. The experience of the working of the judiciary since then shows that the act of superseding three senior judges on 25th April 1973 was the beginning of the process of weakening of the judiciary. While the JP movement was gaining ground

Prime Minister Indira Gandhi lost in election petition on 12th June 1975, which was filed by Raj Narain. Indira Gandhi imposed emergency on the night of 25th June 1975.

Detentions of a large number of persons began during the early hours of 26th June 1975 even before the proclamation of emergency was published in the gazette of India later that day. Granville Austin has described the situation as follows:

"The denial of Civil Liberties and the violation of human rights extended far beyond detentions and censorship. There were stances of torture – the most famous being that of Lawrence Fernandes, brother of railway Union leader George Fernandes- and already poor jail conditions were greatly worsened by the poor overload from detentions. The demolition of *jhuggis-jhopries* (shanty-town) in and around Delhi devastated the poor. The rural and urban poor and lower middle class were subjected to the terror of a forcible sterilization program organized by Sanjay Gandhi especially in North India."

The matters of large number of detentions reached the Supreme Court. The Supreme Court in what is known as ADM Jabalpur case opened hearing on 15th December 1975 and handed down its decision on 28th April 1976 (6 months before PUCLDR was formed) The case was decided by a majority of 4:1. The majority by judgments gave a free charter to every petty government servant to do his will against helpless people. This case is the most glaring stance in which the Supreme Court of India has suffered most severally from a self-inflicted wound. Four of the five judges who constituted the Bench upheld the Government of India's position. Only Justice Khanna dissented. The four – judge majority held that no citizen had standing to move a writ of habeas corpus before a High Court under Article 226 in the light of President's Order of 27th June 1975 or to challenge a detention order as illegal, as factually or legally *malafide*, or as based on extraneous consideration. The four Judges held that Article 21 was the sole repository of rights to life and personal liberty against the state.

In this backdrop of the events during authoritarian rule of Mrs. Gandhi from 1971 onwards, during the dark days

of emergency, when fundamental rights were totally eclipsed, the PUCLDR was formed on 17th Oct 1976, without a written Constitution (After 17 months of declaration of emergency and 6 months after the decision in ADM Jabalpur case). Three months thereafter on 18 Jan 1977 the prime minister announced that Parliament was to be dissolved and fresh elections held.

THE EVENTS BETWEEN THE FORMATION OF PUCLDR ON 17TH OCT 1976 AND THE FORMATION OF PUCL IN NOV 1980 WITH A WRITTEN CONSTITUTION

On the night of 20th March 1977, the election results were declared in which Indira Gandhi had to suffer a humiliating defeat. A Janata Party government came into being on 25th March 1977. A large number of people who had worked with JP during the emergency assumed power at the centre in the Janata Party government and an "impression started floating that now liberties of the people were secure. The dynamic element in the PUCLDR subsided". The PUCLDR, therefore, could function only for 3 months until 18th Jan 1977 when the elections were announced. The Janata Party came to power on a wave of hyperbole, with talk of a second freedom from authoritarian rule and a resounding restoration of democracy almost from its initial weeks in its office, the party seemed determined to squander this goodwill. Historian Ramchandra Guha described the situation in his celebrated book *India after Gandhi* as follows: "It was soon noticed that in both the centres and states Janata ministers were grabbing the best government bungalows, raiding the PWD for air-conditioners and carpets, organizing lavish parties and weddings for their relatives, running up huge telephone and electric bills, travelling abroad at the slightest pretext (or on no pretext at all). Even traditionally anti congress journals were writing about single 'death of idealism' within Janata, of how it had so quickly become a 'political party of the traditional time', its members 'entrusted more and more in positions and perquisites and less and less in affecting society'. It was being said that while it had taken the congress 30 years to abandon its principles, Janata had lost them

within a year of its formation. The Janata government could survive only for 28 months. Janata's carrier became painfully apparent, in June 1979 as it bled from massive defection. During the Janata Party rule the activities of the PUCLDR remained confined to get the MISA repealed, a draconian law enacted by Mrs. Indira Gandhi in 1971. It was repealed in 1978.

The next elections were held in January 1980 (before 10-11 months of the formation of PUCL) and the same lady who had suffered humiliating defeat in 1977 on account of her authoritarian style of governance during 1971-77, returned as Prime Minister with a thumping majority. Her Congress party won 353 seats in the 1980 elections, one more than in the 'Garibi Hatao' campaign of 1971. The 1980 elections marked the 'end of ideology' in Indian politics. Previous polls were fought on issues such as democracy, socialism, secularism and non-alignment. In 1980, Mrs. Gandhi did not raise the issue of poverty but of her ability to rule. Granville Austin wrote in his book *Working a Democratic Constitution*: "On 15th Jan Justice Bhagwati (who was one of the Judges who gave majority judgment in ADM Jabalpur case) wrote a "Dear Indira ji" letter to Prime Minister congratulating her on her re-election and praising her "iron-will.....uncanny insight and dynamic vision, great administrative capacity andheart which is identified with the misery of the poor and the weak". The Justice continued that "the judicial system in our country is in a state of utter collapsewe should have a fresh and uninhibited look at (it) and consider what structural and jurisdictional changes are necessary". The train of events began in mid-1980 with a rumor that the government intended to appoint the Chief Justice of each High Court from outside its jurisdiction. Indira Gandhi started a process by which her govt. could appoint committed judges –her unaccomplished task during 1971-77.

In this backdrop was formed PUCL in Nov 1980 with a written constitution which was entirely a different entity from the PUCLDR which was formed four years previously on 17th Oct 1976 which functioned for only for 3 months.. The first item in the Aims

and Objects given in the Constitution of PUCL is to promote and uphold both ' **civil liberties**' and '**the democratic way of life**', throughout India .To uphold and promote **Civil liberties** means to secure the paramountcy of the Constitution of India in regard to fundamental rights contained in part III which are enforceable through courts. To uphold and promote **the democratic way of life** means the governance as envisaged in the Constitution of India, which is the governance on the fundamental principles contained in part IV which relates to the directive principles of state policy. The fundamental rights and directive principles had their roots deep in the struggle for independence, and they were included in the Constitution in the hope and expectation that one day the tree of liberty would bloom in India. Article 37 of the Constitution of India provides: 'the provisions contained in this part shall not be enforceable by any court but the principles laid down therein are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws.' A question arises that if these principles are not enforceable through courts how will they be enforced? **The answer is that they are enforceable through a democratic process.**

The first and second items in the Aims and Objects of the Constitution of PUCL; " **to uphold and promote by peaceful means Civil liberties and the Democratic Way of life throughout India**", and "**to secure recognition to the principle of dignity of the individual**" have to be read together and have to be meaningfully interpreted in this context , so as to take within its scope a democratic process in which people may be able to secure their fundamental rights **and be involved to demand their governance on fundamental principles contained in Part IV of the Constitution.** In fact the core of commitment to the social revolution envisaged under our constitution lies in part III (Chapter relating to Fundamental Rights) and Part IV (Chapter relating to Directive Principles of State policy).

More than 36 years ago in *Francis Coralie Mullin vs Administrator, Union Territory of Delhi*, 1981(1) SCC 608 (618-19), Para 8, Justice Bhagwati had observed, '**the right to**

life includes the right to live with human dignity and all that goes along with it, namely, the bare necessity of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and mingling with fellow human beings. Of course the magnitude and content of the components of this right would depend upon the extent of the economic development of the country, but, it must, in any view of the matter include the right to the basic necessities of life and also the right to carry out such functions and activities as constitute the bare minimum expression of the human self. Every act which offends against or impairs human dignity would constitute deprivation *pro tanto* of this right to and it would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights.'

In *Bandhua Mukti Morcha vs Union of India* AIR 1984 SC 802 (para 10) the Supreme Court observed: "It is the fundamental right of everyone in this country, assured under the interpretation given to article 21 by this court in *Francis Mullin's case* (1981(1)SCC 608) to live with human dignity, free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the directive principles of state policy and particularly clauses (e) and (f) of article 39 and article 41 and 42 and at the least, therefore, it must include protection of the health of the workers, men and women, and of the tender age of the children against abuse, opportunities, facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity.

(Kindly read Articles 38, 39, 41, 42, 43 and 47 which are being enumerated in the ANNEXURE)

In the *Minerva Mills case* (1980) 3 SCC page 625. in Para 61 of the judgment of the Supreme Court, it was observed: 'The significance of the perception that Parts III and IV together constitute the core commitment to social revolution and,

they, together are the conscience of the Constitution. Granville Austin's observation brings out the true position that Parts III and IV are like two wheels of a chariot, one no less important than the other. **You snap one and the other will lose its efficacy.** They are like a twin formula for achieving the social revolution, which is the ideal which the visionary founders of the Constitution set before themselves. In other words, the Indian Constitution is founded on the bedrock of the balance between Parts III and IV. **To give absolute primacy to one over the other is to disturb the harmony and balance between Fundamental Rights and Directive Principles is an essential feature of the basic structure of the Constitution.**

In *Nandini Sundar vs State of Chattisgarh*, 2011 (VII) SCC 547, taking note of the Directive Principle contained in Article 39 (b): 'That the ownership and control of the material resources of the community are so distributed as best to sub serve the common goods, observed as follows :

"The Constitution itself, in no certain terms, demands that the state shall strive, incessantly and consistently, to promote fraternity amongst all citizens such that the **dignity of every citizen is protected, nourished and promoted. The directive principles, though not justiciable, nevertheless "fundamental in the governance of the country"**, direct the state to utilize the material resources of the country for the common good of all, and not just of the rich and the powerful without consideration of the human suffering that extraction of such resources imposed on those who are sought to be dispossessed and disempowered. Complete justice- social, economic and political- is but our constitution promises to each and every citizen. Such a promise, even in its weakest form and content, cannot condone policies that turn a blind eye to deliberate infliction of misery on large segment of our population" .. (Para 16 of the judgment).

Then in para 25 of the judgment the Supreme Court observed:

"The primary task of the state is the provision of the security to all its citizens, **without violating human dignity.** This would necessary imply

the undertaking of tasks that would prevent the emergence of great dissatisfaction, and disaffection, on account of the manner and mode of extraction, and distribution, of natural resources and organization of social action, its benefits and costs. Our Directive principle of state policy explicitly recognize this. Our Constitution posits that unless we secure for our citizens conditions of social, economic, political justice for all who live in India, **we would not have achieved human dignity for our citizens**, nor would we be in a position to promote fraternity amongst groups of them".

We have also to take notice of the 1993 Vienna Dec Declaration of Human Rights which says; 'all human rights, whether civil, political, economic, social or cultural,' must be viewed as "universal, indivisible and inter-related. It may be seen here that Part III of the Constitution of India provides for civil and political rights whereas Part IV provides for economic, social and cultural rights. What in 1993 was said in Vienna Declaration the Supreme Court of India has said in a better way in 1980 in *Minerva Mills case*.

The PUCL should meaningfully interpret first and second items in the aims and objects read with item number three onwards assuming that item number three onwards correspond to part III (Fundamental Right Chapter) which pertains to civil and political rights and item number one and two correspond to part IV (Directive Principles of state policy chapter) which pertains to social, economic and cultural rights.

Emphasis on human dignity is also laid in the Constitution of India which mentions dignity of the individual as a core value in its Preamble.

In August 24 judgment of nine judges Bench of Supreme Court regarding the fundamental rights of privacy, in the leading judgment Justice Chandrachud put a principle of interpretation extremely well which also seems to be relevant to apply for the interpretation of the Constitution of PUCL. Justice Chandrachud said: Would this Court in interpreting the Constitution freeze the content of Constitutional guarantees and provisions to what the founding fathers perceived? The Constitution was drafted and adopted in a historical context. The vision of the founding fathers was enriched by the

histories of sufferings of those who suffered oppression and a violation of dignity both here and elsewhere. Yet, it would be difficult to dispute that many of the problems which contemporary societies face would not have been present to the minds of the most perspicacious drafts-men. No generation, including the present, can have a monopoly over solutions or the confidence in its ability to foresee the future. As society evolves, so must constitutional doctrine. The institutions which the constitution has created must adapt flexibility to make the challenges in a rapidly growing knowledge economy. Above all, constitutional interpretation is but a process in achieving **justice, liberty and dignity** to every citizen.

The scheme of the Constitution of the PUCL seems to be that its aims and objects require a pursuit of part III and IV of the Constitution of India which are "like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy."

In my humble opinion the cause of concern as described by Shri Sinha in the National Council meeting on 17-18 December 2016 that there has not been any engagement with the people, the masses are cut off etc. and there is almost no chance of success for want of public support is that under a misconception that the constitution of PUCL does not include the economic and social rights, we have been taking up only the civil and political rights contained in part III of the Constitution and that we did not take up the social economic and cultural rights of the people as contained in Part IV. It is just not possible to engage the people or have their support by having interactions with them if we focus on only the Civil and Political rights and not the economic, social and cultural rights. The Rajasthan PUCL case asking for legal enforcement of the Right to Food filed in the Supreme Court which was based upon the obligation of the state under Article 47, one of the Directive Principles of State Policy which provides that the State shall raise level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties, is an example. By filing that PIL and obtaining various orders the Rajasthan PUCL had an opportunity

to have an interaction with the people and the orders passed by the Supreme Court were got implemented. And in 2013, the Food Security Act was passed. In this process, the Rajasthan PUCL, had become very popular amongst the masses.

There is a great need to enlarge the functions and areas of activities of the PUCL from mere civil liberties to greater agendas. Any struggle for only the cause of civil liberties has now lost its relevance without expanding it into a larger and more realistic campaign for enforcement of all human rights social, economic, cultural, civil and political. The three campaigns which were to be launched nationwide, involving all state units cannot possibly be successfully launched if we continue to hold the view that the **Aims and Objects** mentioned in the constitution of the PUCL "do not specifically include economic and social rights".

Our decision to launch the three nationwide campaigns **involving all the state units** as a top priority is very appropriate. The ball has been put into motion in the Allahabad National Council meeting of September 2015 in which the PUCL decided to launch these three national level campaigns. Let us go ahead to launch the three campaigns. It is our task to strive for a society in which everybody becomes capable of taking up his or her cause. People lack awareness. It is our task to make them aware of their social, economic and cultural rights so that they put it to political parties during elections.

Of the three campaigns, to be launched by us is "a campaign against grave threat posed by divisive and fascist politics of RSS and BJP" Quoting Shri V.M. Tarkunde about this campaign I recall that after about three and a half months of the 6th December 1992 demolition of the mosque, Shri V.M. Tarkunde delivered the 13th *JP Memorial Lecture* on 23rd March 1993 titled **Communalism and Human Rights**. Shri Tarkunde said in that lecture: "I am of the view that the communalist nationalism which is being propagated by the BJP and the *Sangh Parivar* represents a far greater danger to Indian Democracy than the personal authoritarian rule

which Mrs. Indira Gandhi and the Gandhi-Nehru family were likely to impose on the country. A personal authoritarian rule is a lesser danger because it is largely external to the people. Most of the people do not approve it, although they are usually too afraid to stick out their necks and openly oppose itCommunalism, however, particularly when it is the communalism of the majority and can therefore take the form of ardent nationalism as well, can find a positive response in the minds of the people, who are still prone to religious blind faith and among whom the humanist values of democracy, i.e., values of liberty, equality and fraternity are yet to be fully developed. Communalism in such cases is an internal enemy in the human mind and it is far more difficult to eradicate it than an external enemy like an autocratic ruler." Shri Tarkunde cautioned about the possibility of the BJP coming into power at the next elections (after demolition of the Mosque in December 1992). In this context he said in his memorial speech "as the Congress (I) is now much weaker than before and the opposite parties are unable to unite –to form an anti-communal secular platform, the BJP expects to come to power in the next election. If this happens, the secular democracy in India is liable to be replaced by a potentially fascist theocratic state." However, it did not so happen in the next election. But in 1999 the BJP-led coalition NDA formed a govt. with Atal Bihari Vajpayee as Prime Minister, with a strong opposition in Parliament. What Shri Tarkunde apprehended in 1993 to happen, actually happened in 2014 through the victory of Modi with a huge majority in Parliament with a weak and divided opposition. Now after three years of landslide victory of Modi at the centre, Yogi Adityanath has become the UP Chief Minister by a majority of 325 members in the Legislative Assembly with a strength of 403 seats which shows that Hindutva is sweeping the country. A campaign against the divisive and fascist politics of the RSS and BJP will have to be chalked out keeping in mind what Mr. Tarkunde had observed at the 13th *JP Memorial Lecture* on 23 March 1993. ***Ravi Kiran Jain, President PUCL National.** □

Minutes of Meeting: Summary of Decisions Made

The National Executive meeting in Jaipur was attended by the following members of the National Executive: Ravikiran Jain, Prabhakar Sinha, Rajindar Sachar, Surendra Kumar, Sanjay Parikh, ND Pancholi, PB Dsa, Kavita, Vandana, Arjun, Suresh (National Office Bearers), and Praveen (Bihar), Venkataraju (Karnataka), Anant Bhatnagar (Rajasthan), Sheoraj Singh (Delhi) and other members of Rajasthan State unit, the host unit.

The following is a summary report of the key issues taken up for discussion.

Thematic Committees: A Review of Progress

1. Working to Secure the Dignity of the Individual – Anchor: Vinay Kantha with assistance of Prabhakar Sinha: Though the contours of the activities had been identified in the National Executive Meeting, Jaipur, 2016 and also the National Convention, Raipur, December, 2016, concrete action programme was still to be initiated.

A number of members highlighted the importance of launching a broad based campaign to secure dignity of individuals as it was the core issue of all movements seeking social and political equality, equity, inclusion and participation. Sacharji spoke of the importance of activating the 73rd and 74th Constitutional Amendments relating to local bodies as it lay emphasis on the rights of ordinary citizens in terms of governing themselves through local bodies. Prabhakarji spoke about why it was important that government officials be addressed to accord dignified treatment to any individual and citizen who approached them. Political participation has made supplicants of ordinary people. This consciousness has to be changed. He suggested sending Memorandum to the State Governments to give instructions to their officials to treat people with dignity. Sanjay spoke of restoring dignity of many vulnerable groups and empowering people especially groups like those working on manual scavenging, farmers and agriculturists, and others. Kavita

pointed out how different social movements especially of socially marginalised and economically vulnerable groups work towards asserting the dignity of individuals.

One key issue that came to be pointed out was to identify institutional spaces and structures of denying dignity of the common individual.

Important aspects determining what PUCL can do relates to our organisational strength and ability to reach out to different social groups, movements and parties to influence them to make securing dignity as a separate and key element of their work to bring social change.

Decision: We need to identify different sites of struggles for asserting the rights of and to reclaim dignity. We should also identify the key elements in the Indian Constitution to expand into demands and slogans for the campaign.

It was decided to request Vinay Kantha, and Prabhakar Sinha to expedite work on this campaign and to circulate an action note to all the State units with practical and concrete action plans which can be adapted by the state units concerned.

2. Majoritarian Politics and threat of fascism: Considering the organised way in which lynchings of Muslims were taking place in different states around allegations of cow slaughter and the systematic way by which new issues were being raked up to instigate violence by members of right wing, majoritarian groups, after discussion the following key decisions were made.

- To write up a status note or a paper highlighting the way in which such hate politics and violence was being systematically being stoked with the active involvement and collusion of state agencies and political parties. This note will also highlight the new sites of such violence and the new discourse sought to be built up to justify such divisive politics. The note will be the basis for inviting people for discussions to evolve a

common action programme to tackle rise of majoritarian violence. The need to highlight that democratic contestations should take place in multiple spaces – in the streets, in campuses and universities, in courts and through the media needs to be highlighted.

- To hold monthly state level meetings and invite PUCL members and also other groups fighting this menace to come together to share experiences and insights and to evolve a common action programme. Kavita is to identify the first place to organise such a meeting in July-August, 2017.
- An issue which came up newly for discussion was the importance of studying cow related laws in different states, especially laws banning trade and sale of beef as also Rules regulating or relating to cow slaughter.
- Just like acid throwing has been made an offence through an amendment to the IPC, we should also explore the possibilities of making 'Lynchings' as an offence. A team should analyse the laws and provide explanation on the legal issues involved.
- Arjun Sheoran will undertake to write an analytical note in consultation with Sanjay Parikh and Suresh, and circulate within PUCL to initiate discussion.
- Sanjay Parikh raised the issue of asking the NHRC to write to the Chief Secretaries of different states to send periodic reports about lynchings. Sanjay to formulate a draft letter to be sent to NHRC in this regard and circulate for discussion and finalisation.
- Prabhakar Sinha also stressed on the importance of educating the majority community about the dangers of Majoritarianism and to evolve literature in this regard. This is important in view of the fact that the majority of Hindus are not communal and it is important to reach out to them so that they do not support sectarian

politics of hate, intolerance and violence. Prabhakarji's FB post, "Who's Responsible for Partition" is an example of such literature which PUCL should be able to bring out periodically.

3. Draconian laws and failures of the Criminal Justice System: A number of issues from recent events were taken up for discussion. Primary amongst them was the resort to using preventive detention laws like the NSA (National Security Act) and state level laws like the Goondas Acts against social movements. For example NSA was invoked by the MP Government against activists of the Narmada Movement who were agitating against the rising of the height of the Sardar Sarovar dam without first ensuring rehabilitation of oustees and the amendment to Sec. 3(3) of the National Security Act making the entire state of Madhya Pradesh as a 'notified area' facilitating invoking NSA at will by the government. Similar violations of laws were reported in many other states including in Tamil Nadu, Karnataka and other states.

Vandanaji raised the issue of criminalising those who were forced to defecate in the open for lack of facilities to construct toilet and unavailability of water to ensure use of the toilets. The practice of 'shaming' those who were defecating in the open was to be objected to, as in most places even basic facilities like water supply had not been achieved. In many cases, as in UP, this directly impacted dalits who neither had land of their own to construct toilets, nor access to water supply.

Another issue which was widely prevalent was continuing proclamation u/s 144 CrPC as areas where congregation of people was prohibited. This was to be seen in the context of shrinking of democratic spaces to hold agitations and protests.

The following action points were adopted for action:

- Collate all case laws on the issue of fundamental right to free speech, assembly and protest, both from the SC as also the different High Courts, to create a primer for use by all state units. This will be of general use by other

social movements also and will help to ensure outreach.

- Collect information from all the state units about issue of continuous prohibitory orders u/s 144 CrPC so that an analysis can be made about the widespread prevalence of this method to thwart fundamental right to protest and dissent.
- Collate information relating to preventive detention orders under NSA, Goondas Act and other national and state laws and come out with an analysis of the way these laws are misused in most states of the country.
- Compare laws in India relating to preventive detention with international laws and standards.
- Need to bring pamphlets and booklets summarising the SC - PUCL ruling on encounters case and the necessity to register FIR in encounter cases and related issues.
- A one-page summary of the PUCL encounters case should be published regularly in the *PUCL Bulletin*.

4. General Issues related to the thematic committees: Since the other thematic committee anchors were not present, Suresh presented a brief summary of the plans evolved. The brief note sent by Sudha was read out on the importance of continuing to fight draconian laws. Ravikiranji pointed out to the importance of considering Art. 243z and Art 39, when considering the issue of environmental crisis in the context of development model, particularly in relation to industrial growth, adopted in the country. He stressed the importance of ensuring that decentralised democracy should be made functional.

The following were some issues pointed out as common concerns cutting across all the thematic committees.

- The thematic committee notes and plans should be circulated amongst all the members of PUCL in all the state units for discussion and decision on state level campaigns.
- It is important to involve ordinary members in the different thematic committee activities and programmes.

- All the key decisions regarding the type of campaign to be launched should be shared with ordinary members so that they get involved with and build a sense of ownership of the activities of National PUCL.

Other issues

1. UP State Unit – Constitution of Committee to resolve dispute: An issue which was taken up for discussion was about the dispute about the constitutionality of the state elections of UP State unit. Some members of the state unit had earlier written to the GS raising issues about the conduct of elections. However there was a delay in sending a Committee from the national unit to visit the State unit hold talks and resolve the issue. The resignation letter sent by the GS of the State Unit to the then National President was also sent back with the suggestion that it would be most appropriate to place the letter before the State Council to take a considered view on the subject.

In view of the continuing dispute over the issue it was decided that a 3-member team will visit UP State unit and interact with members of the State Council and discuss all issues related to this subject and arrive at a solution acceptable to all. The 3 members are: Sanjay Parikh, ND Pancholi and Kavita Srivastava.

The Committee members are to interact with the state committee and organise a meeting in July or August, 2017.

2. Collation of all Circulars and Decision of National Executive and National Council: Several members stressed the importance of collating all the Circulars and decisions made at various times, highlighting the stand of PUCL on different issues and guiding the manner in which issues have to be dealt with.

In this regard the need for a separate book or manual of Office Procedures, describing the Do's and Don'ts should be prepared. Suresh, as General Secretary would work to bring out a first draft of such a manual within the next 3-4 months and circulate for discussion and response from all state units. The National Office will be requested to help in the collation of all such resolutions so

that a comprehensive Manual can be finalised which will be like a guidebook for new members, new state units and also as a manual for decision making.

3. Finances: Surendraji brought to the attention of the members that we need to evolve a much more robust system for gathering finances as every few months there is a situation where we are unable to pay even the salaries of our staff or rent for the NO. While we are sending letters to old donors to contribute, we need to devise a programme to ensure that we are able to collect sufficient money to meet the annual expenses of the office and also to address future needs.

A letter should be sent to all state units to remind them to send their annual agreed upon amount for the running of the national office. Additionally new donors should be identified and made to be involved with PUCL's work apart from giving donations. This should be discussed further in the next NC meeting.

4. Bulletin: The issue of urgently expanding the number of PUCL Bulletin subscribers was again reiterated by both Surendraji as also Suresh. Though it was decided earlier that each state unit will help find at least 50 new subscribers each year, this had not been adhered to and the number of subscribers and subscriptions was also abysmal. We incur an expense of close to Rs. 1.2 lakhs per year on printing and postage. Barring a small proportion raised through subscription amount, this expense is met from the general funds which is a drain on the meagre finances of the organisation. Cooperation of the state units is urgently required to manage the financial crunch.

Hindi Bulletin: The issue of launching the Hindi *Bulletin* was once again raised. It was pointed out that the issue had already been discussed and a decision made to have a committee of Vandana, Ananth Bhatnagar, Kavita and others to explore the option and get back to the NE regarding the same. However not much had happened since the decision was made.

In the course of the discussion, a number of interesting dimensions emerged. Sacharji pointed out to the

importance of having the Bulletin in English and Hindi having the same content, especially on crucial subjects or so that the organisation's positions on issues would be uniformly publicised. Sanjay pointed out that we could also explore the possibility of having a digital edition of the Hindi Bulletin. A point raised was whether the same Bulletin should have an English and Hindi section. This, it was pointed would be objected to by members from other linguistic states. A suggestion made was to expand the current editorial group of the Bulletin by adding Kavita, Anant Bhatnagar and Vandana, to Sacharji and Suresh, and for them to discuss this issue and to report to the larger group.

5. Publication of Book of PUCL Judgments: Sanjayji informed the group that he had compiled the first volume of SC Judgments in cases filed by the PUCL. The compilation also contained brief summaries of each case and an introduction by Sacharji and Prabhakarji. The compilation was done by Sanjayji. The book was to be a PUCL publication. The NE authorised Sanjay to go ahead and fix a publisher who could ensure both quality of printing as also to ensure that it was circulated widely. All state units could also be asked to purchase a specified number of copies at concessional rates which could then be distributed to other social movements, state level judiciary and other concerned citizens' groups in their states. Sanjayji said he will work to ensure that the publication was ready by the next NC meeting.

6. Issues with different State Units: An important issue which was raised was about the problem of different state units which were formed violating the provisions of the PUCL Constitution or where they had been formed in total violation of PUCL norms and procedures. In this context the following decisions were made.

- **Gujarat unit:** Prabhakarji pointed out how in 2013 itself the NE and the NC had discussed how the elections supposedly held in Gujarat was in violation of the constitutional provisions and the state unit had been advised to have fresh elections with the

presence of a person nominated by the National Office to supervise the election process. These guidelines and instructions had not been followed. Hence we cannot accept the election of the present office bearers. After discussion, it was unanimously decided that the state unit must be given one more chance to convene a State Council, after ascertaining membership and other formalities; after giving due notice to all members of the state council, a date should be fixed in consultation with the National Office Bearers so that an Observer or set of observers can be nominated to attend the State Council meeting and ensure that elections to the office bearers are held as per provisions of the PUCL Constitution.

- **Kerala:** Elections has not held for many years despite letters written to the former office bearers. The state unit was also not in touch with the National office or attending NE or NC meetings. Hence, it had been held earlier that such units should be informed that the former office bearers had ceased to continue in office and fresh elections would be held monitored by the national office. Elections would be to elect an Ad Hoc committee as the former Committee had ceased to function. The membership has to be ascertained as on date and a fresh date fixed with intimation sent to all existing members as per NO records. The GS will be authorised to do all this is required to ensure that fresh elections are held to elect Ad Hoc Committee for the state unit.
- **Maharashtra:** Suresh informed the NE of the effort that has been initiated to convene a meeting of all existing members of Maharashtra unit to relaunch the Maharashtra unit. Since the unit has not been functioning for many years it had been previously decided that initially an Ad Hoc Committee will be formed to relaunch the state unit which will eventually be formalised as a full state unit

after at least a year of functioning. Till that time, old members and those interested in joining the state unit will be invited for a meeting to be held in August, 2017.

- **Former AP state unit:** Sacharji brought to the attention of the NE that he had received intimation from Mr. Pratap Reddy and Ms. Jaya Vindhyaala about the registration of a Society in the name of the PUCL in Hyderabad, Telangana. All members unanimously agreed that a parallel organisation in the name of PUCL as a registered body cannot be accepted and we should initiate all steps to intimate to those who had formed the registered body to either disband the body or to change the name. We should also clearly inform that those who registered the body neither have the approval nor intimated the office bearers of the PUCL about their intention to form such a body. A look at the objectives and other documents associated with the formation of the registered body shows that they are a copy of the salient features of the PUCL constitution. Members were also reminded that consequent to the NC meeting of 2014, and the bifurcation of erstwhile single state of AP into two separate states of Telangana and AP, the former PUCL state unit was dissolved and no new unit had been formally approved and started. In this background, it was decided that those who had formed the new organisation should be told that they should either dissolve or close the registered Society or else to change the name. Simultaneously we should also publicly declare that the newly registered unit is not a recognised unit of PUCL. A committee of Suresh, Sanjay, Ravikiranji and Arjun was authorised to discuss and decide on a formal course of action in this regard.

7. Purchase of National Office space in Delhi: An issue which was raised while on the subject of

finances, was the issue of purchasing our own office space in Delhi. Prabhakarji reminded that he had already committed to give a donation of Rs. 5 lakhs for purchase of office space and some others had also come forward.

Sanjay Parikh came forward to identify a place for purchase an office space. And to intimate to the national body by the next NC meeting. The modalities to be worked out by Sanjay in consultation with Sacharji, Pancholiji, Surendraji and others in Delhi. Once a place is identified and is within the purchasing capacity of donations which can be raised, we can find out donors to help raise the money for the same.

8. Circulation of Minutes – modalities: Till now all the minutes of meetings were intimated to members through publishing in the Bulletin. However Suresh raised the issue of maintaining confidentiality of the Minutes through an open medium like the Bulletin. While information of general nature can be disseminated through an open medium, other issues need to be disseminated in a more careful manner. After discussion it was decided that to begin with, the GS would in consultation with the President, decide which topics and issues can be disseminated through public fora like the Bulletin and which could be incorporated into a Minutes Book which members can access during meetings of the National Executive and National Council. Further discussions need to be held with other members of the National Executive in this regard.

9. Youth leadership in PUCL – Creating a Plan of Action: Arjun Sheoran raised the issue of a proper plan of action to create a 2nd and 3rd rung of leadership inside PUCL by focusing on younger members of PUCL. He pointed to the success of the participation of younger members in the Raipur National Convention (2016). This was agreed in principle by all members. The following decisions were made to take this issue forward:

- To conduct a 2-day meeting of youth members both as inut sessions and also to plan how to proceed on this plan. Arjun Sheoran to anchor this plan and

to concretise the plans in consultation with other young members.

- To evolve a `Training of Trainers' programme for young members so that they will be trained and have the skills of conducting training programmes on key human rights issues and also on organisational issues. Arjun to coordinate with Kavita Srivastava and the Rajasthan unit on having such sessions in the School of Democracy or in Aastha or other places.
- All state units should be requested to select more younger members to become part of the State Executive so that the next generation of leaders can be prepared to take higher responsibilities in the future.
- This also raised the issue of the importance of ensuring diversity in representation amongst office bearers at all levels of the organisation to include members of marginalised and vulnerable groups.

10. Miscellaneous: Two fact finding reports had not been completed.

The first related to the death in police firing on SIMI prisoners in MP for which a PUCL team had conducted a preliminary visit. The further visit could not be completed and report brought out. Kavita, who had anchored the process said she will follow-up with Madhuri and Anil Agarwal of Bhopal (former President of PUCL, MP) to find out how to proceed and to complete the FF process and bring out a comprehensive report.

The second related to the FFT that visited Kashmir in October, 2016 and in which an interim report had been published. A draft report had been prepared which was given to Prabhakarji who will send his comments to Kavita to followup and finalise.

NC Meeting: it was decided to hold the next meeting of the National Council in November, 2017 after Diwali, and in Delhi. Surendraji to find out appropriate dates and to inform Suresh who will then intimate to all state units.

Minutes prepared by V. Suresh, GS, PUCL □

Report of Chhattisgarh State Unit

Last year had ended with the National Convention of PUCL at Raipur, Chhattisgarh. The fact that apart from some logistical hiccups we were able to carry this out quite successfully, host several hundred delegates from all over the country, raise expenses from well wishers, and most importantly publicly address important issues like Bastar, Kashmir, Majoritarianism, Draconian Laws etc was a major boost for the unit. The high point of this was the Public Hearing in Matenar village of Dantewada district which was attended by many PUCL delegates led by General Secretary Dr V. Suresh.

Cases/ Complaints against Lawyers: Immediately after this however we faced a backlash from the State Government. Immediately after the Public Hearing some of the PUCL members who had visited a village where an encounter had taken place were targeted in the social media by the Samajik Ekta Manch and yellow journalists associated with them. Within a few days of the Public Hearing 7 members of the Telangana Democratic Front (including two High Court lawyers) were picked up the Sukma Police from a village in Telangana near the Chhattisgarh border and arrested under the CSPA. They obtained bail only after about 6 months. Shortly after this arrest, Shalini Gera and Nikita Agrawal of the Jagdalpur Legal Aid Group who had gone to Jagdalpur in connection with exhumation of a body under High Court directions were made subjects of a ludicrously false complaint of exchanging 10 lakh rupees of old notes for Naxalites! This complaint continues to be investigated and has not yet been closed. The police has deliberately chosen to keep it hanging like a sword over their heads.

When a Habeas Corpus petition was filed by Podiyami Muiye that

her husband, a popular ex Sarpanch Podiyam Panda, had been picked up and was missing for 13 days, the Additional Superintendent of Police in a press statement claimed that the lawyers Isha Khandelwal, Sudha Bharadwaj and an advocate from Sukma - Bhima Podiyami had kidnapped her and filed a false case through her.

Advocate Rajni Soren of the HRLN was similarly maligned in the press by the police that petitioner she represented in a case of police atrocity in the High Court had admitted that she had encouraged them to file the case.

In this manner lawyers taking up cases of illegal detention, fake encounters and police atrocities are being harassed, and even maliciously prosecuted by the Chhattisgarh police.

A delegation of the PUCL and the All India Lawyers Union recently went to meet the present IG Bastar Division and SP Bastar district to raise these concerns. Although these Officers expressed hostility to the human rights perspective, they assured the delegation that lawyers and other civil society activists would not be treated as they were being treated earlier (i.e under IG Kalluri's tenure).

It is in the above context of suppression of lawyers that the Chhattisgarh PUCL has decided to observe 10th December 2017 Human Rights Day with a Memorial Lecture in memory of Adv KG Kannabiran and by felicitating some of the lawyers who have been doing commendable work of protecting human rights in Chhattisgarh.

Dalit-Adivasi-Moolnivasi cultural assertion and criminal cases against them: There is a growing cultural assertion by the Adivasi, Dalit and Moolnivasi communities against the Brahminical and Manuvaadi traditions in Chhattisgarh, as in

many parts of India. This has been expressed in the form of protesting at the burning of Ravana or worship of Durga as a slayer of Mahishasura. These communities are asserting their association with the Asura community and rejecting the symbols of Aryan dominance. This has resulted in public protests like in Kharsiya Raigarh and Kanker, or in spread of social media posts asserting these positions.

In many of these situations, criminal cases have been filed against popular dalit-advansi leaders like Lokesh Shori of Kankar, Vikas Khandekar of Mungeli, Dr Lakra of Jashpur, Manish Kunjam of Sukma etc. The Hindutva organizations have enormous influence on the police and the counter cases against them are hardly ever registered.

PUCL along with other organizations had conducted a fact finding into the police action on Vikas Khandekar and also supported his family in the difficult process of obtaining bail for him. It also issued press statements against the complaint registered against Manish Kunjam. But it needs to take up this issue in a more comprehensive manner.

One important effort that many members of PUCL, particularly lawyers, participated in was an effort by local village organizations in Raigarh, also supported by Amnesty India, to file cases under the newly amended SC ST (POA) Act against fraudulent registration of adivasi lands for the purpose of industries and mining. Despite a co-ordinated campaign, the police refused to be register the FIRs and presently private complaints have been filed before the concerned magistrate. The bias of the police towards the industrial groups is blatantly clear.

Repression against the Christian community continues: The incidents of attacks on Christians, particularly on cottage churches

and their pastors and followers, but now even on established church properties is continuing unabated in Chhattisgarh. Although some efforts have been going on for a united response of various secular democratic organizations to this attack, these have been sporadic and require to be far more consistent to be effective. One case which the PUCL did try to follow up with the support of left unions was the persecution of a pastor in the mining township of Dalli Rajhara. Here the clearly pro Hindutva attitude of the Collector was a major obstacle.

An issue of enormous concern is that in the case of members of the minorities, the bias of the police goes to the extent of fabricating evidence and manipulating statements of witnesses. In many cases against Principals of Christian schools, they are being charged by Hindutva organizations of very serious offences like sexual assault on their minor students, or in the cases of Doctors in Christian Hospitals of criminal negligence. This means that often bail is denied and ultimately these victimized persons have to wait years for acquittal. We need to systematically document these cases and analyse them.

Right to organize and protest is being suppressed: Recently in two instances, the Chhattisgarh Government has ruthlessly suppressed the Fundamental Right to associate and protest peacefully. The farmers' organizations, particularly the Zilla Kisan Sangh, Rajnandgaon which is active in the constituency of the Chief Minister and his son, had been successfully mobilizing thousands of farmers for various demands. A call was given for a yatra from 19th to 21st September to protest at Raipur. However all over the State, particularly in Rajnandgaon, farmers leaders were en-masse arrested. There was blatant misuse of Sections 144 and 151 CrPC. Section 144 has become a more or less permanent feature in almost all

Collectorate offices!

Similarly in Kharsiya, district Raigarh where there was a call for a *Moolnivasi Sammelan* with an assertion against the worship of Goddess Durga as a slayer of Mahishasura, there was a total police clampdown and people were not allowed to gather peacefully. PUCL is trying to collect papers for these arbitrary detentions and misuse of preventive arrests etc to suppress the freedom of association, expression and dissent. We plan to file a PIL in the Chhattisgarh High Court on this issue.

Displacement, mining and Fifth Schedule: Communities in Chhattisgarh particularly in Raigarh, Sarguja, Kanker and Korba have been struggling against devastating environmental consequences of mining, continuing land acquisitions and failure to provide proper rehabilitation. The struggling communities and their leaders are continually facing threats, malicious prosecution etc. PUCL conducted a fact finding into the attempts of the State Government to forcibly take over common nistar land in Village Kalgaon, district Kanker for a township of the upcoming Raoghat Mines. A heartening aspect has been the growing adivasi assertion in Kanker area, which is not only on cultural issues but also on the constitutional rights of adivasis under the Fifth Schedule.

Situation in Bastar: The situation in Bastar continues to be extremely grave. There has been a steady increase in deployment of para military forces in the area. Presently it is reported that under the so-called Operation Prahaar thousands of troops are combing the Naxal stronghold of Abhujmarh and continuous killings of Naxals is being claimed. Recently it was claimed that 6 dreaded Naxals were eliminated, however local sources confirm that 20 people had been killed. PUCL has been documenting the

encounters reported in the press and will release a consolidated list on 10th December 2017 Human Rights Day. So far about 161 persons have been killed by security forces in 2017.

One important victory for human rights organizations in Chhattisgarh was the NHRC confirming in January 2017 that security forces had systematically indulged in sexual violence during search operations between October 2015 and January 2016. It was the WSS (Women against Sexual Violence and State Repression) which had, with remarkable perseverance, carried out fact findings and supported the women survivors to file FIRs. Several other organizations including Sarv Adivasi Samaj, Aam Admi Party, PUCL, Bastar *Bachao Sanyukt Sangharsh Samiti* supported the campaign for justice for these survivors in different ways. This has restrained the use of sexual violence as a weapon of war to some extent.

Recently there was a small victory for the PUCL when the NHRC issued directions to the Chief Secretary of Chhattisgarh to reply within 8 weeks to its observations that 7 persons had been killed and 95 houses had been burnt in 2007-08, that the SPOs of Jagargunda base camp were involved in the atrocity and that the Chhattisgarh government as well as the local police and civil administration had covered up the crime. These observations were based upon the testimonies gathered during the visit of Ms Soni Sori, Ms JK Vidhya and other PUCL members, carried out upon the directions of the NHRC.

And of course this period saw the transferring out of IG Kalluri from Bastar as a result of the public campaign against his targeting of human rights defenders from activist Soni Sori, journalist Malini Subramaniam, researcher Bela Bhatia, to lawyers of Jagdalpur Legal Aid Group. □

Delhi PUCL Report for 2016-17

During the year 2016-17 Delhi PUCL conducted the following activities

1. Delhi PUCL observed Anti-Emergency Day and organized public meetings with other civil liberty organizations on 25th/26th June 2016 and 2017 wherein eminent activists, intellectuals jurists participated and present situation discussed. Resolutions were also passed in reaffirming struggle to protect and promote human rights.

2. On 5th December 2016 PUCL Delhi joined the Malkangiri: Solidarity Network to organize a protest march on death of 300 Adivasis children in Orissa.

3. Delhi PUCL in collaboration with *Khudai Kidhmatgar* and Socialist Yuvjan Sabha conducted a review of Sachar Committee report on 22nd December 2016 where after 10 years of this report focus is laid on its implementation.

4. PUCL Delhi is continuously working on the issue of human rights violations of foreigners, especially of Pakistani nationals languishing in the Beggar's Home Lampur Narela for several years. Such persons have completed their sentences or acquitted but have been kept in detention for long years and their deportations to their respective countries is delayed. Currently two of the Pakistani citizens have been deported back to their native place. In the case of one inmate, namely Mohd. Qamar, (who is an Indian and but deemed as Pakistani by the Indian govt.) who could not fight his properly in the Meerut court (UP) and had been sentenced for three years under Foreigners Act for illegally residing in India steps are being taken for taking his case to the National Human Rights Commission as well as proceeding to be initiated for registering him as Indian citizen. It should be noted that he has an Indian wife and four

children, all majors, residing in Meerut, For another Pakistani citizen, the case before the Delhi High Court is disposed of and his matter is now pending before the Supreme Court. Delhi PUCL is also in the process of filing the petition before the NHRC regarding the pathetic condition of inmates/detenus who are foreigners in the Beggar's Home Lampur Narela, Delhi.

5. On 21st January 2017 PUCL Delhi jointly with CFD organized a meeting to consider the current political crisis and response of the civil society at the GPF

6. Delhi PUCL collaborated with the NHRC and participated in the National Seminar on the Bonded Labour organized on February 14 and 15 and Nehru Memorial and Museum Library.

7. MN Roy Lecture was organized on April 19, on Free Speech Nationalism and Sedition where Justice A.P. Shah (retd.) spoke on Free Speech, nationalism and sedition. Justice Jasti Chelmeshwar of Supreme Court chaired the session. Though the lecture was organized by the Indian Renaissance Institute, PUCL collaborated to make it a success. The lecture has been widely reported and publicized.

8. On 1st of May PUCL collaborated with the Samajwadi Sahitya Niyas to organize day for unity of progressive forces: Remembering Madhu Limaye at the Constitutional Club.

9. On 11th May 2017 PUCL Delhi in collaboration with other organizations organized a Panel Discussion on Kashmir issue.

10. In May 2017 the Delhi PUCL participated in the meeting on torture of Simi prisoners in Bhopal and follow up on Bhopal encounter on 25th May. Mr. N.D.Pancholi and Ms. Shalu Nigam of Delhi PUCL which were part of the delegation alongwith Ms. Madhuri of MP PUCL

and Ms. Kavita Srivastava , Secretary, National PUCL who represented the case in the National Human Rights Commission.

11. In June 2017 Delhi PUCL collaborated with the Bhangar solidarity committee to protest against the West Bengal government to protect the land rights against Power Grid Project.

12. Delhi PUCL in collaboration with CFD issued a statement against raid by the CBI on the premises of co-founders of NDTV Prannoy Roy and his wife Radhika Roy.

13. On July 7, 2017 PUCL joined *Bhumi Adhikar Aandolan* to organize a seminar on Agrarian Crisis, Cow Politics and Lynching at Constitution Club.

14. Delhi PUCL is assisting PFI (Popular Front of India) in the matter relating to violation of their right to protest and their freedom of speech violated by the Delhi police on 5th Nov. 2017 in Delhi..

15. On Rohingya Muslims, Delhi PUCL has taken the stand that the government should provide for relief and rehabilitation.

16. On August 9, Delhi PUCL joined the programmes organized on the 75th Anniversary of the Quit India Movement at Mandi House.

17. Members of Delhi PUCL participated in the inauguration of the Wire Urdu on August 15th.

18. On 20th August Delhi PUCL joined public meeting on Unrest in Kashmir and Indian Democracy organized by Janhastakshep

19. On 22nd August the Delhi PUCL joined Delhi Andhviswas Unmulan Samiti and Maharashtra Andhshradha Nirmulan Samiti in a public discussion on Insecurity, Intolerance and Unscientific Approach of the State

20. On September 2, 2017 Delhi PUCL joined demonstration at Jantar Mantar against suicide of S Anitha a Dalit girl who was driven to

suicide in the AriyalurDist of Tamilnadu because of discriminatory rules by the state government

21. Delhi PUCL also wrote a petition to the NHRC along with the NAPM against the arrest of Medha Patkar for protesting against the raising the height of the Narmada Dam

22. On 1st November 2017 Delhi PUCL joined several other organizations to rally on the occasion of 33rd anniversary of genocide of Sikhs in 1984

23. Delhi PUCL has been actively participating in the Not in My Name protest organized against mob lynching in collaboration with various other organizations and individuals

24. On November 4th 2017, Delhi PUCL collaborated with CFD in organizing a discussion on 'Will India Survive as a Democratic Secular Polity? Challenges before the Country'. Speakers included Former CEC SY Quershi, Shri Kuldip Nayar, Prof. Arun Kumar (Retd.), Shri Sanjay Hegde, Senior Advocate Supreme Court; Prof. Shamsul Islam, Dr. Prem Singh, and many other prominent

activists.

25. Delhi PUCL is also providing legal assistance to the daily wage workers and contractual workers who have been employed for decades in the Stephens College, the Delhi University but not made permanent and not even paid their due minimum wages and who have been deprived of such basic rights of ESI, PF, Gratuity etc.

26. Currently the Delhi PUCL is also assisting around 3000 workers employed with the Moser Baer, NOIDA, where the company has declared illegal lock out and not allowing workmen to join duty and not paid their wages for about two months. The said company is proceeding to get it declared insolvent by adopting fraudulent tactics.

27. Internship programme – More than 300 students from law colleges and law universities across India have been provided internship training during the year 2016-17. The members of Delhi PUCL have been taking regular classes to explain the situation of human rights and crisis within the country to these students. Regular visits are also organized to the courts, NHRC, protests and

meetings. These students have prepared research reports on various issues relating to law and human rights. Some of these have been published in the different issues of the Radical Humanist

28. Students have also been conducting survey on situation of homelessness in Delhi and related issues to get familiar with the ground level socio-economic situation and violation of basic human rights of common citizens.

29. On June 20, Delhi PUCL organized an interactive session on 'Human Rights Lawyering' where Nandita Haksar and ND Pancholi interacted with more than 150 students.

30. In June 2017 Delhi PUCL organized a talk on Demonetization and Black Economy where Prof Arun Kumar from JNU shared his expert views on the issue

31. In July 2017, the interns at Delhi PUCL organized a street play or Nukkad Natak on Women empowerment at Connaught Place, New Delhi.

ND Pancholi, President; **Sheoraj Singh**, General Secretary, **Shalu Nigam**, Treasurer; **Amit Kumar**, NC Member - **Delhi PUCL**. □

TN & Pondicherry PUCL Report presenting in the NC Meeting on 18-19 November 2017 at GPF, Delhi:

TN PUCL Activities Report (January 2017- November 2017)

Organisation: Total membership as on 16th November is 455. The office bearers meet was held on two occasions at Trichy. State council meetings were held twice during this period at Madurai and Chennai. At present we have units in nine districts.

Fact Finding Reports

Thottiapatti Violence: FFT by Madurai District Unit: On 31st March 2017 evening around 6:30pm more than hundreds of upper caste people belonging to Thotti Nayakkar community went as a mob and attacked all the houses of the people belonging to Arunthathiyar community (Scheduled Caste). Around 43 houses are there in that Arunthathiyar Kudiyiruppu. As the houses were having cement sheets as their roofs, it became easy for the unruly mob to break the roofs by

throwing heavy stones. As many inmates in the Kudiyiruppu have gone out for a function, life damages were avoided. Nevertheless a few people who were there at that time were taken into task. Televisions and other properties were broken by the mob. It is so shocking to see a nine month-pregnant girl was also hit heavily by the mob. The starting point of this violent occurrence is the common water point which is located near the gravy yard.

• A fact finding team of the

PUCL has visited Thottiyapatti Village in Kothangulam Panchayat near Rajapalayam on 01-04-2017 to find facts relating to the violence took place on 31st March 2017. It met the affected people, Police authorities and activists. Based on the details received and observed, a FFT report was prepared and circulated to authorities and organizations by PUCL.

• This incident is the worst order of communal violence. The upper caste people with the aim

of destroying the economic base of the dalits and with the intention of driving them out of the village staged this event. It is found that already there is strong caste discrimination exists there.

Jallikattu: Police attack on people at Chennai and Madurai-

FFT: The violence unfolded on 23rd January 2017 in Chennai after a weeklong pro-Jallikattu protest necessitated PUCL District Committee to constitute a fact-finding team. The team was led by Prof. Francis Adaikalam, District Secretary, Greater Chennai PUCL. The team made a visit to the sites on 25th and 26th January 2017. The fact-finding team visited several localities from Nochikuppam to Sivarajpuram. Some of the features of the findings:

1. There has been the physical attack on people, especially on children and women. A number of women had head injuries.
2. There seems to be a pattern of police attack in neighbourhood communities. More planned infrastructural damage (fish market, damage to autos and two wheeler and houses) than physical attack in the place where fishermen live as one community. Both infrastructural and physical injury, are caused especially to women, children and elderly in places where different communities live or places like Ruther puram where Dalits live predominantly.
3. The attack on the youth seems to be not to disperse them from the protest area but to brutally attack them or to kill them.
4. Youths have being dragged from homes and beaten till they bleed. (Multiple fractures and head injury).
5. It is clear that the attack on the residential area of the fishermen had been executed with the intention to destroy their properties and livelihoods.
6. In some cases, the policemen had looted cell phones, money and jewels, which is most alarming.
7. Use of foul language and accusing residents of aiding

terrorists has created psychological trauma. It also created a negative image and loss of trust on police.

8. Police entered houses by Force and have even damaged doors if they were locked/latched.

9. Damage to properties and vehicles especially to two wheelers has been caused.

10. Blue metal stones have been used to injure people and to damage roofs.

11. Innocent individuals were charged under various sections of IPC.

12. Family members were made to wait until 2:00 a.m on 24th January 2017 in the police station and detainees were beaten in front of family members.

13. By snatching away the in-patient/out-patient slips, the police had deliberately down played the number of people hospitalised/wounded when compared to police personnel.

14. When asked about the presence of Anti-Social elements, The Joint Commissioner of Police said that the matter is under investigation. One can conclude that action has been taken on assumption and not on facts.

At Madurai: A fact-finding report brought out by a team of members of the People's Union for Civil Liberties and advocates on 31.01.2017 on the attack by police on protesters in Madurai on the last day of pro-Jallikattu protests. The report has accused the police of "intentionally attacking" the protesters, particularly in Alanganallur and Sellur, to "create fear psychosis."

It is observed that the police and the government wanted to ensure that no such peaceful protests by youngsters happened in the future, by scaring the protesters with brutal attacks and foisted cases.

Many youngsters had sustained severe injuries and many others were absconding from their homes owing to fear of arrest.

In Sellur, men working in small workshops, who supplied food and

water to the protesters, were picked and beaten up. Similarly, in Alanganallur, those who gave shelter to the protesters from other places were harassed by the police using abusive language. Those arrested and later remanded in judicial custody were subjected to custodial violence.

The police had also targeted religious minorities among the arrested persons, isolated them from others and made "unwarranted enquiries of their background."

The belongings of protesters, including expensive mobile phones and wallets, had been taken away by the police and not yet returned.

PUCL and the team of lawyers demanded a public enquiry by a High Court Judge and filing of cases against the policemen responsible for the attacks and vandalism. Also an adequate compensation, with interim relief, for the victims is sought.

State level FFT on Farmers' Suicide: A PUCL fact-finding committee had visited families of eight farmers who had committed or attempted suicide or died of cardiac arrests in January. It concluded that most of the farmers pushed to these circumstances were debt-ridden small or marginal farmers with less than three acres, either owned or leased.

Most of these farmers avail loans from private money-lenders, microfinancing firms or cooperative banks at an interest rate ranging from 26% to 120%,". According to the report, farmer Shanmugavel (43) of Thiruthuraipoondi, belonging to Pallar community, attempted suicide after paddy crop in his 1.5 acre field had failed, rendering him unable to pay his daughter's fees for education.

Though saved by friends, neither he nor his neighbours were aware that there was fee waiver for students as per GO 92. "Nobody tells us about these things," the report quoted him as saying.

According to the report, Shanmugavel made it plain that he

was driven to the extreme measure because of crop failure and not due to 'personal reasons'.

In another instance, Natarajan, a 65-year-old farmer from the Adi-Dravida or Parayar (SC) community in Ayakaranpulam in Nagapattinam district, had reportedly suffered a cardiac arrest at his field and died on seeing the withered crop. Survived by two sons and a daughter, he had a jewellery loan of `23,000 and other loans.

"We don't know anything other than farming for our livelihood. We'll educate our children and send them away to different jobs," the report quoted Natarajan's neighbours as saying.

In Kovilthavu village near Vedaranyam, farmers usually have only 1-5 acres of land. For an acre, they have to shell out an average of `30,000. When farming does not yield anything, they work in salterns for `350-400 (men) and 150-200 (women). In rainy season, about four months a year, they are left jobless.

Here, Sivanandam, a 52-year-old a farmer with 1.5 acre of land and a debt of `1-1.5 lakh had died of cardiac arrest, the report said.

While it could be argued that age might be an important factor in the death of certain farmers, the report said even in such cases they did not have any history of cardiac problems and hence, it was improbable that they could have died of illnesses.

For instance, a 71-year-old farmer, Vedayan from Vedaranyam had died of cardiac arrest, a day after watching cattle grazing in his withered field. However, family and friends said he had never suffered from heart-related issues in the past and was fit enough to continue farming even at that age. With a one-acre field, he had a debt of `40,000 last year and `40,000 to 45,000 this year, according to the report.

PUCL FFT had also put forth a set of recommendations that included a compensation of ` 25,000 per

acre for loss of paddy and `10 lakh for those who had died of 'shock'. It also suggested diverting MGNREGA workers towards the upkeep of water bodies and immediate settlement of dues for MGNREGA workers. Finally it is observed that if Cauvery water is not made available in TamilNadu, there are no ways to reduce farmers suicide / sudden death due to distress. State government should intervene to get compensation for those who insured their crops. Government should waive off all the loans borrowed from different organizations by the farmers who died of suicide /sudden death. If state could help all farmers by waiving off all types of debts, it would alleviate the stress on the farmers, economically

Puliyarambakkam incident: FFT by Kancheepuram PUCL unit:

In the month of July 2017 a Fact Finding Team constituted by PUCL Kancheepuram District Unit visited a village Puliyarambakkam in Thiruvannamalai District to bring out the facts in connection with the mob attack on Dalit hamlet and killing of a dalit youth Venkatesan. This incident occurred on 23-07-17. One Mr. Rajesh belong to Vanniyar Community, Backward Community has beaten a dalit boy Anbu with his cricket bat during a quarrel at the play ground. Rajesh was taken to police station and was severely warned by police and he was allowed to go home. On the same day evening, around fifty persons belonging to Vanniyar Community has come with deadly weapons and attacked the Dalit hamlet. Many houses were broken. Properties were damaged. The mob has taken away two dalit persons by names Athi kesan and Venkatesan. Both were severely beaten up and thrown out by the mob. Venkatesan died due to this. The FFT of PUCL considered this as a vengeful attack on the economic base of the dalits. PUCL report recommended for immediate compensation and demanded immediate intervention

of the Government to book all the attackers under SC/ST atrocities Prevention Act.

Defence of Human Right Defenders:

Forming a Federation to fight to safeguard fundamental rights:

Tamil Nadu has turned itself an epitome of denial of fundamental rights enshrined in the constitution. Ever since the historical Jallikattu struggle which unleashed the democratic aspirations of the people of Tamil Nadu, the ruling establishment in Tamil Nadu has been stifling each and every attempt by political and social groups who express their right to dissent. Such dissents are put down with iron hand, clamping inappropriate and draconian laws against the protestors. Thus denying the democratic freedom to assemble and freedom of expression.

Advocate Murugan of People's Rights Protection Committee, Valarmathi of Environmental Protection Collective, Thiru Murugan and his comrades of May 17 movement, Prof Jayaraman of Kathiramangalam struggle, Anti Nuke Advocate Semmani from Nellai, Cartoonist Bala, Environmental activist Mugilan, Arappor Iyakkam Nakeeran, the activists who sought due compensation for the victims of Collapse of Bus Stand roof at Somanur and scores of youngsters who fought against NEET were all incarcerated under notorious Goondas Act and such other draconian laws.

In this context PUCL is taking efforts to form a federation of all the democratic organizations in Tamilnadu to fight against the all anti democratic suppressive measures of the Government.

The Chennai unit has already formed a federation by name '**Urimai Meetpu Kootiyakam**'. (Joint Movement for Reclaiming Rights) On Human Rights Day, PUCL organizes a state wide protest programmes to voice against the suppressive measures

of the state.

Representing Ms. Valarmathy-Activist, before Goondas Act Advisory Board: Tamil Nadu police in Kathiramanthalam arrested a second-year journalism student under the Goondas Act for taking part in the region's oil pipeline protests. Villagers, worried that the leak would damage cultivable land, clashed with ONGC officials, causing Tamil Nadu police to resort to lathi charge, injuring many.

Valarmathy, a second year journalism student, was among the hundreds who joined in the protests in Kathiramanthalam. She is said to have issued pamphlets carrying data on how oil pipelines could damage agricultural lands irreparably.

A 23-year-old student Valarmathy,

who was remanded for distributing pamphlets to students and urging them to support the Neduvassal protests, was shifted to Coimbatore Central prison from Salem Women's Prison and detained under the Goondas Act. PUCL made a strong protest against this arrest and joined protest programmes held.

Prof. R. Murali, State Secretary of PUCL appeared as a non-advocate representative of Ms. Valarmathy, before the Advisory Committee consists of three retired judges of Chennai High Court to reconsider her arrest under Goondas Act. Prof. Murali urged the committee to release Valarmathy from Goondas act and explained how the case was fabricated by Police with the intention of silencing the democratic voice. Though the

Advisory committee has turned down the request, later she was relieved from Goondas Act by Chennai High Court.

Appeared before One man Commission – Jallikattu protest issue:

Prof. R. Murali, State Secretary of PUCL appeared before one man commission (Justice Rajeswaran Commission) appointed to enquire Police attack on protesters during Jallikattu struggle. R. Murali has presented the facts observed by Fact Finding Team and submitted the evidences. PUCL demanded for an uncompromising punitive measures by the government against the erring Police men and demanded compensation for the affected people. He was accompanied by Advocate Vanchinathan.

Press Releases

1. Police attack on DYFI and AIDWA protesters: PUCL condemned the violence unleashed by police on the protesters belonged to DYFI and AIDWA organizations at Madurai on 3rd January, 2017. PUCL believes that it is a motivated attack on the protesters by police with the aim of silencing the voices of democracy. The protesters were protesting against the violent attack by the police on their counterparts at Chennai last week while they were attempting to conduct dharna against the demonetization.

2. Arrest of Advocate Murugan under UAPA: PUCL strongly condemned the arrest of **Advocate Murugan** the State Secretary of CPCL (Centre for Protection of Civil Liberties) under UAPA (Unlawful Activities Prevention Act). Advocate Murugan has been appearing for various civil and political rights cases in the courts of Periyakulam, Karur, Coimbatore, Dharmapuri, Varusanadu and Madurai.

It is totally unwarranted and unfair

on the part of Police to enter the house of the advocate in the early hours of 8th Jan'17 and detained all the inmates of the home under their control not even permitting them to take any food till 12:30pm. It is atrocious on the part of police not allowing the family members (which included five years old boy) even to answer nature's call during their detention at their own residence.

PUCL demanded the Government to immediately release advocate Murugan who has been put behind bars for false allegations. The police implied Murugan in a case for which he has been appearing. This kind of act of the police seems to be a warning given to other advocates who would intend to appear for Political and human rights violation cases.

In this context, PUCL views that the draconian laws are used frequently by Police to silence the voices of democracy. Hence we demand the Government of India to withdraw all draconian laws as they are mostly misused by the police and state to

threaten and suppress the human rights activists and organisations.

3. Encounter death of Mr. Govindan: PUCL suspects the encounter death of Mr. Govindan at Ramanathapuram as a false encounter which happened in a Church premise. PUCL demands the Government to constitute a highly level committee to enquire this encounter incident. PUCL also demands the TN Government to suspend any police who involves in encounter events immediately pending enquiry. Whoever may be the accused, PUCL views that the police have no authority to kill anyone.

4. 'KAKOOS': Ban against documentary film:

Recently, 'Kakoos' (Toilet) a documentary film depicting the flight of scavengers in the state is not permitted to be screened even in private premises at Madurai by Police, whereas the same film was allowed to be screened in other districts. This shows the partial biased attitude of the Police authorities of Madurai. Ms. Divya, a young women film maker who made this film was

threatened by communal forces and the police. PUCL not only issued press release against this but also conducted a press meet and a joint hall meeting condemning the threat given to Divya. In that Meeting Ms. Irom Sharmila has participated.

5. Self Immolation of Isakki Muthu and family: Kanduvetti' (lending money at usurious interest rates) related family traumas made a shocking re-entry, on 23-10-17, as three persons of a family of four including a woman and her two daughters succumbed to severe burn injuries they suffered in an open self-immolation at the Tirunelveli district collector's office. This heartbreakingly terrible sight, captured in multiple pictures, took place outside the Tirunelveli Collectorate, when a couple immolated themselves and their children after their complaints over harassment from loan sharks allegedly fell on deaf ears. In this context, PUCL demanded the State government to take a stern action against financiers who indulged in squeezing gullible persons by exploiting their dire need for money and charged exorbitant interests. PUCL also demanded that the officials concerned should be made accountable for such incidents and there should not be any escape.

6. Arrest of Cartoonist Bala: PUCL strongly condemned the arrest of Cartoonist Bala for having uploaded a cartoon against the Government in his face book in connection with the self immolation of Isakki Muthu and his family. Our constitution provides for liberty of thought, expression and belief. This arrest is a blow on the freedom of expression ensured by the constitution. PUCL views this arrest has been made with the aim of settling score against the cartoonist Bala by the concerned authorities. The freedom of expression of an artist is brutally struck by the police without minding the existing judicial guidelines and law. At this juncture

PUCL, demands the Government to immediately withdraw case against Bala.

7. Arrest of Advocate Semmani: A day before the cartoonist's arrest, Advocate Rajarathinam, also known as Semmani, was assaulted by the police after they detained him illegally. He was protesting with people against the Koodankulam nuclear power plant in the 130-odd cases filed by the state government in Tirunelveli district. He was literally dragged out from his house on November 4 at 11.30pm. without any warrant or complaint. They took him to Radhapuram and beaten him the whole night and fractured his left leg. Condemning this brutal attack, PUCL demanded immediate action against the police men who are involved in this incident. Due to the struggle carried out by lawyers, seven police men were temporarily suspended.

8. PUCL's concern about shrinking democratic sphere in TN: In another press statement dated 11-11-17, PUCL has expressed is deep concern over the shrinking democratic sphere in the state. Hence PUCL appealed to the people of Tamil Nadu to keep their vigil and guard our freedom and challenge the threat of the shrinking democratic space by launching the non violent struggles.

9. Pollution in Kodaikanal Lake: On 13-11-17, Relying on findings from an expert team from IIT-Hyderabad, PUCL along with environmental activists has alleged that Hindustan Unilever's (HUL) presence from the mid-80s to the beginning of the millennium had polluted the Kodaikanal lake and the surrounding Periyakulam pond. Claiming that the mercury levels in fish in the region were high, activists under the banner 'Campaign to Cleanup Kodaikanal Mercury Pollution,' including members of the People's Union for Civil Liberties (PUCL) urged the government on to share vital information with the people and

prevent spread of diseases. The fish were tested in December 2016.

Hall Meetings held

Madurai: 23-04-2017

"Why Farmers of Tamilnadu Suffer today?"

Sharing of experience by an activist

Comrade.P. Shanmugam
*State General Secretary,
Tamilnadu Farmers' Association
Deaths of Farmers in Delta Region-
Solutions - Prof. R. Murali*

Chennai: 03/12/2016

- Release of Fact Finding Report on Coimbatore Communal Violence by Justice K.P.Sivasubramanian(Retd.)
- Meeting in Memory of Writer Activist Gauri Lankesh
Speaker: Sr. Advocate
B.T.Venkatesh, Bengaluru

Erode: 29 /03/ 2017: Meeting to protest against the Commercialization of Education and Imposition of NEET.

Representatives from various parties and organizations took part. General Secretary of the State Platform for Common School System P.B. *Prince Gajendra Babu, Prof.Na.Mani, Tamilnadu Science Forum and SDPI TN State President K.K. Sheikh Mohamed Dhehlan Baqavi* spoke on that occasion

Dharna Programmes

Erode 9/06/2017: Condemning the Cow Sale preventive Act and the arrest of activists like Prof.Jeyaraman, Mr.Thirumurugan Gandhi and his friends PUCL Erode conducted a dharna programme in which representatives from various parties and organizations took part.

Madurai 18/11/17: Candle light vigil organised by the PUCL here to condemn the recent murder of journalist Gauri Lankesh in Bengaluru,

R.Murali, General Secretary-
PUCL T.N&PUDUCHERRY) □

PUCL Condemns the Arrest of Cartoonist Bala

PUCL strongly condemns the arrest of Cartoonist Bala for having uploaded a cartoon caricaturing the inaction of key officials of the State Government in preventing the self immolation of Isakkimuthu and his family, including the charring to death of an infant child. This arrest is a violation of the cartoonist's fundamental right of free speech and expression, which includes the right to criticise public officials, irrespective of whether they are the Chief Minister, District Collector or SP. PUCL views that the arrest has been made with the aim of stifling free speech and crushing any form of critical questioning of state action. The arrest is also meant to be a "chilling example" to scare anyone in the future from expressing their views critical of the government and its policies. PUCL also points out that there was no need to arrest cartoonist Bala. Even if the police wanted to investigate the complaint of the District Collector, they could have

issued a summons to him to appear before them. Sec. 41(1) of the Criminal Procedure Code holds and the Supreme Court has repeatedly pointed out that arrest is justified only if the person accused of an offence is likely to run away and escape trial, or threaten witnesses or destroy evidence. If these conditions don't exist there is no need to arrest a person and issuing summons is sufficient. None of these conditions exist in cartoonist Bala's case.

PUCL is seeing a pattern in the repressive action by the Tamil Nadu police against a variety of social activists protesting against corruption and anti-people state policies across the state. Police has already filed a sedition case against Prof. Jeyaraman for writing a book on connecting rivers in Tamil Nadu and against actor Prakash Raj. All these are a clear abuse of the law.

PUCL demands that the Government should withdraw the case against Cartoonist Bala and

release him and also take immediate action against the District Collector who is solely responsible for mishandling the case of Isakkimuthu who approached him for help against usurious money lenders who were harassing him and his family which eventually led to his self-immolation along with his wife, daughter and young infant, in the Tirunelveli Collectorate premises. PUCL views with concern that the democratic space in Tamil Nadu is shrinking because of anti-democratic and repressive measures taken by the Tamil Nadu Police and the Tamil Nadu Government. PUCL calls upon ordinary citizens to join hands and oppose the anti-constitutional and anti-human rights actions of the government of Tamil Nadu and assert the fundamental rights of citizen to free speech, dissent and democracy.

Gana.Kurinji, President; **Prof. R.Murali**, Secretary, PUCL Tamil Nadu. □

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- Nothing short of arrest of the above including one Rakesh, whose name was given by Tahir who escaped the bloody madness of the police and the Gaurakshaks.
- Compensation including cash of 25 lakhs and land to the family. And a government job to his kin.
- Tahir be given protection and a compensation of Rs. 10 lakhs
- The false case of cow smuggling against Umar

and Tahir be dropped immediately.

- The Ramgarh SHO be dismissed from duty
- The SP Alwar be suspended for failing to prevent this and then for 2 days not locating the body.
- The Home minister give a plan for the protection of meos in Alwar and Bharatpur district.

It is our request that this be the last of such killings in Rajasthan. The impunity and protection to these killers be withdrawn now.

We are: Kavita Srivastava (President, PUCL Rajasthan), Anant Bhatnagar (General Secretary, PUCL Rajasthan), Nikhil Dey (MKSS), Maulana Hanif (Vice President, PUCL), Noor Mohammed Alwar district PUCL Secretary), Sumitra Chopra and Kusum Saiwal, AIDWA, Nisha Sidhu, NFIW, Rashid Hussain, Welfare party, Rajasthan, Mohammed Iqbal, Jamait Islami Hind, Rajasthan, Basant Haryana, Nagirk Manch, Sawai Singh, Rajasthan Samgra SewaSangh; Komal Srivastava, BGVS, PappuKumawat, PUCL, MamtaJaitly, Vividha, Women's Documentation and Research Centre, Renuka Pamecha, WRG, Mukesh Goswami and Kamal Tak, RTI Manch and others. □

Please Note: In case of: (1) Change of Address - Always send your old address along with your new address with PIN Code. (2) Money Order - Please give instructions (if any) with your complete address in space provided for communication. (3) Postal Order – Please do not send Postal orders. – General Secretary, PUCL

Rajasthan PUCL: Letter to the CM, Jaipur:

Joint Memorandum by Organisations from RajasthanGandhi Circle, Jaipur,
13th November, 2017To: **Smt. Vasundhara Raje, Chief Minister, Government of Rajasthan, Jaipur**

Subject:

1. Arrest the policemen and so called Gau Rakshaks immediately in the case of the brutal murder of Umar Mohammed of Kaman Pahadi Bharatpur.
2. Withdraw the case of cow smuggling against Umar and his fellow travellers Tahir and others
3. Make a plan to stop the attack on Muslims in Rajasthan by so called Gau Rakshaks and others and in particular make a safety plan for the Meos in Alwar and Bharatpur district as they are all dairy farmers.

Dear Madam,

On 12th of November, 2017, you were in Alwar campaigning for the bye elections when the ghastly murder of Umar Mohammed by the Ramgarh Thana (Alwar) police and the so called Gau Rakshaks that had taken place on 10th Nov near Govindgarh, Alwar district, was brought to light.

Umar was a resident of Ghatmatika Pahadi, near Pahadi Kaman, Bharatpur, Rajasthan and a dairy farmer he was returning from Ramgarh with a few cows. His pickup vehicle was stopped by means of a patta, the tyre punctured and then attacked. Facts show that the police of Ramgarh was equally involved with the Gau Rakshaks in killing Umar. What is shocking is that the police and the Gau goondas tried to destroy evidence by throwing his body on the railway track. The present state of his body shows the brutality that the police and the so called

Gaurakshaks can indulge in. But even the running over of a train/trains could not hide the exit wounds of the bullet. Tahir who is very serious and being treated in a hospital is an eye witness to the whole thing.

The murder of Umar is the complete failure of your Government in protecting Muslims in particular Dairy farmers from the **killer Gaurakshaks**. You may recall that in the past 4 such killings have happened in the past in 2 years. Please recall the following murders:

- 30 may 2015, Abdul Gaffar Querishi, Birloka, Didwana tehsil, Nagaur district
- 1st April Pehlu Khan, Behrorthana, Alwar district
- 16th June, Zafar Khan, Pratapgarh town, Pratapgarh district
- 10th September, Bhagtarameena, Neem ka Thaana, Sikar district

Madam, are there any plans to call a halt to this bloody madness as now the Gaurakshaks have tasted blood and have the support of the police and administration (all pehlu khan killers were thrown out of the purview of investigation and to date zafar khans killers are roaming free). If you will not stop this now, these murders are going to be on the increase? It will be a major violation by your Government of Article 21, the right to life of the Muslims. You are supposed to protect the lives and not provide impunity to the killers. In the Umar Mohammed context we demand:

- the immediate transfer of investigation to an independent agency, like an SIT or under the IG.

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PEOPLE'S UNION FOR CIVIL LIBERTIES

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