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Simultaneous Parliament and State Assembly Elections Not Possible and Against Federalism Rajindar Sachar

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Prime Minister Modi has for last 6 months kept a continuous refrain for holding simultaneously Lok Sabha and State Assembly polls and the supposed advantages that would flow from it. As was to be expected number of newspapers and persons are picking up this matter. It is unfortunate that Election Commission of India and Nite Aayog should have gone along with this suggestion without even the minimum constitutional requirement of a public debate and Seminars – and more unforgivably without discussions of the matter with other major political parties and the State governments. In order to have a worthwhile debate, it is necessary to know the legal and factual situation at present.

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The present life of Lok Sabha expires in May 2019. Modi repeated emphasis on simultaneous poll is actuated by the realization that the mood of exhilaration that he was able to create in 2014 Parliamentary poll is diminishing very fast. The background situation from 2004 – 2014 of UPA regime had exposed so much scandals both financial and administrative that people were sick of goody but not visible prime Minister Manmohan Singh because of the domination of Indira Gandhi family. The exposure by the Supreme Court of telecom and Coal scandals had made BJP task easier. By itself BJP under leadership of other than Modi (helped fully by RSS) may not have done that well. But Modi had created an illusion of strong and honest government in Gujarat that people were willing to ignore or even forget one of the worst period under Modi, namely the state supported mass slaughter of Muslims in 2001. Such was the communal passion aroused by RSS that country which was already disgusted with the corruption and inefficiency of UPA government and also heightened by the split amongst the various political parties that Modi romped home with overwhelming majority of seat in Lok Sabha but with just 31% of votes – of course greatly helped and boosted by corporate funding.

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That illusion has now been exposed. Even ardent supporters of Modi now do not place hundred percent bet on Modi winning Lok Sabha polls in 2019 - that is why the effort of Modi to work out a strategy so as to keep his rivals also caught up with State Assembly polls so as not to put combined pressure on him in Lok Sabha Polls.

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But this strategy of Modi is not constitutionally possible. After emergency, Constitution (44th Amendment) has provided in Article 83 and Article 172, of the Constitution that Lok Sabha and State Legislatures of the State shall continue for five years from the date appointed for its first meeting and no longer. Thus the factual situation at present will show that it is constitutionally not possible to hold simultaneous polls in May 2019.

This is because it would require to extend the term of States Chhattisgarh, Madhya Pradesh and Rajasthan (by 5 months), Mizoram (by 6 months) and Karnataka (by 12 months) which is not constitutionally possible. Of course the terms of Haryana and Maharashtra (by 5 months), Jharkhand (by 7 month) excepting NCT of Delhi (by 8 months) could be curtailed as these states are BJP government, but Delhi would not agree.

Punjab, U.P. must go to polls in the next 2 months - obviously no one can expect Tamil Nadu, Bihar, J & K, West Bengal and Kerala all opposition parties to agree whose terms are upto 2021. Assam can go to polls in 2019 though due in 2021 as they are BJP - will Modi agree to curtail its term where BJP has for the first time come to power. Non BJP states like Tamil Nadu, West Bengal whose terms expires by 2021 will never agree to curtail their period terms. The Central government whose terms would expire by 2019 cannot continue thereafter without holding fresh elections due in May 2019.

If however Modi is so keen on holding simultaneous polls even with some States he can hold it along by dissolving Parliament in 2017 and then hold simultaneous polls by dissolving also at same time BJP State Assemblies whose terms are not yet over as mentioned above. If Modi is not

willing why is he trying cover his government failure by conjuring up these illusory undemocratic solutions.

But a greater principle of democracy is involved in simultaneous polls of parliament and state assemblies unless by fortuitous circumstances the five year period of parliament and State Assemblies happen to coincide on its own. This contrived situation trying to be brought up by Modi has very dangerous implication and against the basic structure of our constitution which is impermissible. According to Supreme Court of India Article 1(1) India is a Union of States which means a federation of States.

Our constitution specifically provides exclusive list - I empowering the Central government which alone can legislate on certain subjects in list-I in Seventh Schedule. The States alone can legislate List - II - Parliament cannot. Both Centre and State can legislate in List - III. State List - II includes very important subjects like Agriculture, law and orderon which only state can legislate and Centre has no jurisdiction. Obviously voters have different aspects, priorities when voting for State Assemblies or Parliament. In Delhi laws Act the Supreme Court of India (1951) specifically held; "The State legislature under our Constitution is not a delegate of the union

parliament. Both legislatures derive powers from the same Constitution. Within its appointed sphere, the State Legislature has plenary powers".

Modi wants to deny this strategic advantage of States and weaken decentralization which is the core of our constitutional jurisprudence.

Examples of other countries like U.S.A. and Europe would also show that it is constitutionally recognized that the priorities and interests of State in day to day governance are emphasized differently. Thus in U.S.A a rather extreme position prevails that law and Medical degrees of one state are not even recognized in the rest of States. As far elections they have different laws in each state. They have separate laws for poll for Presidents election and separate for Senate and House of representatives and also separate for various states. Of course this is an extreme example borne possibly of history of USA which had Civil War.

We wisely did not go so far. Also the distinction between the priorities of Centre and the states are different. The sooner Modi relinquishes this idea of simultaneous poll it is better. This gives unfair advantage to national parties as against state parties and distorts the sentiment of voters that government be close to the people of area concerned.

Dated: 29/12/2016 ☐

Is the human rights protection regime in India crumbling?

Pushkar Raj

The recent summoning of Chhattisgarh officials by the National Human Rights Commissions (NHRC) for abuse of power is significant as it underlines expectations from the human rights protection institutions in the country to deliver on their mandate on which they have been lacking lately.

Like in many other countries, the human rights protection regime was initiated in the country after

Geneva world conference on human rights in 1993.

Consequently, the Protection of Human Rights Act (PHRA) was passed by the parliament in 1993 for "better protection of human rights" in the country. As a result, a national level commission was set up at the center with the provision for State Human Rights Commissions (SHRC) in the states.

Facts

The task of protection and

promotion of human rights was to be carried out in the country under the leadership of NHRC, headed by a retired chief justice of the Supreme Court. This, however, has not been realized as is evident from the Supreme Court's observation in Extra Judicial Execution Victim Families Association versus Union of India case in July this year when the court censured the commission for its inefficient functioning.

The court criticized the commission

for closing down some cases of police killings in Manipur “without any application of mind” and on the basis of a magisterial inquiry which is essentially an administrative finding.

The observations of the court are well-founded given that the commission has an investigation wing headed by a DGP rank officer and it is expected to investigate cases of custodial killings instead of routinely asking for reports from the local administration. The court went on to describe the commission as a toothless tiger underlining its ineffectiveness.

The court's comments echo a general feeling among the human rights activists in the country that the NHRC has failed to fix accountability for serious human rights violations, inspire SHRCs and send strong message to the government on important issues related to human rights.

For many years now, the commission failed to take a concrete stance on death penalty despite documented studies (Lethal Lottery: The Death Penalty in India; Amnesty India-PUCL) that it is closely related to one's capacity to access justice and is usually awarded to the poorest, without leading to deterrence to crime. While the outgoing Chairman of the Commission, Justice Balakrishnan supported the death penalty, the commission never clarified its position on it.

The commission failed to take remedial measures when the government cancelled several human rights organisation's licenses under Foreign Contribution (regulation) Act, without which they cannot solicit

funds from abroad. It is alleged that the government's move was vindictive and a violation of the UN declaration on HRDs that confers on CSOs the right to solicit, receive and utilize resources.

Cause

The commission has come to this pass as the government, irrespective of political party, seems to have lost interest in human rights' protection and promotion, thereby, encouraging a façade rather than substance on the matter and failing to appoint credible people to these institutions.

In 2010, the government appointed a chairman of NHRC who faced serious allegations of corruption. The matter dragged in the Supreme Court for years and was subsequently withdrawn by the government on the plea that the judge concerned had retired from the office.

Among all the people, it has chosen to appoint retired police officers to the commission. While the previous government appointed a former chief of anti-corruption bureau, CBI and a former director of anti-terror agency, NIA as the member of the NHRC, the present government nominated a BJP leader to be its member. By this count under the category of “persons having knowledge of human rights” the present commission has one former police officer who is a terrorism expert and other, if confirmed, would be an active politician.

Appointment of police officers to the human rights commissions is incongruous given that majority of the complaints made to these commissions relate to police abuse of power and the appointees are

more likely to be hostage to old group and professional loyalty than having commitment to fixing accountability on human rights violations.

Effect

This cynical and indifferent approach to institutions of national importance has weakened the human rights regime in the country considerably sending a damaging message across the country with ripple effects at the state level. As a result, out of 24 SHRCs, 10 are without chairpersons, nine have vacancy of members and some, including Maharashtra- with consistently high police custodial deaths- have retired police officers as members on their bench.

As an effect, the majority of these state commissions are dysfunctional, leaving people without faith in them. For instance, Soni Sori, a victim of police atrocity and sexual violence did not expect justice from the Chhattisgarh SHRC, but when she approached the NHRC, here too, she was disappointed as it was quick to give a clean chit to the state government.

As the country's expensive judiciary reels under the burden of nearly 30 million pending cases, human rights protections institutions are nearly defunct across the country leaving people little protection against major and minor human rights violations by the state, society and corporate. Clearly, the government has a lot to explain and do if it cares for its constitutional and international obligations.

Courtesy: <http://www.atimes.com/human-rights-protection-regime-india-crumbling/> □

Press Release: 07th January, 2017

NHRC finds 16 women prima facie victims of rape, sexual and physical assault by police personnel in Chhattisgarh and asks the State Government why it should not recommend interim relief of Rs. 37 lakh to the victims (07.01.2017)

The National Human Rights Commission has found 16 women, prima facie victims of rape, sexual and physical assault by the State police personnel in Chhattisgarh

even as it awaits the recorded statement of about 20 other victims. It has issued a notice to the Government of Chhattisgarh, through its Chief Secretary, to

show cause why it should not recommend interim monetary relief of Rs 37 lakh to them. This includes, Rs.3 lakh each to eight victims of rape, Rs. 2 lakh each to

six victims of sexual assault and Rs. 50,000/- each to two victims of physical assault.

The Commission has observed that it is of the view that, prima-facie, human rights of the victims have been grossly violated by the security personnel of the Government of Chhattisgarh for which the State Government is vicariously liable.

The Commission, after careful consideration of the material on record, found that there are in total 34 victims mentioned in FIR Nos. 22/2015, 2/2016 and 3/2016. The material includes copies of statement of victims recorded by the NHRC Team as well as those recorded u/s 164 CrPC in case FIR No. 22/15, FIR No. 2/16 and FIR No. 3/16 in respect of 15 victims, sent by the IGP, Police Headquarters, Raipur vide letter dated 12th November, 2016.

It also found that the grave allegations of physical as well as rape/sexual assault committed by security personnel of Government of Chhattisgarh, made in the FIRs, were reiterated before the NHRC Team, which conducted spot investigation and/or before the Magistrate u/s 164 Cr.PC or both. The Commission has also noted the following:

- (a) The NHRC Team could record the statements of only 14 victims out of the 34 victims mentioned in the FIRs. Thus, statements of 20 victims are yet to be recorded by the NHRC Team;
- (b) The statements u/s 164 Cr. PC have been recorded by the Magistrate only in respect of 15 victims. Thus, statements of 19 more victims are yet to be recorded u/s 164 Cr.PC; and
- (c) Almost all the victims in these incidents, covered under the three FIRs, are Tribals. However, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has not been invoked in any of the cases. As a result of this, the due monetary relief under

the SC/ST (PoA) Act has not been paid to the victims.

Therefore, the Commission has directed its DIG (Investigation) to depute a team of officials from the Investigation Division and Law Division to record the statements of 15 victims whose statements were not recorded either by the NHRC Team or by the Magistrate u/s 164 Cr.PC and submit the same to the Commission within one month.

The Additional Director General of Police (CID), Government of Chhattisgarh has been directed to get the statements of 19 more victims u/s 164 Cr.PC recorded before the Magistrate and forward the same to the Commission within one month.

The Additional Director General of Police (CID), Government of Chhattisgarh has also been directed to ensure that SC/ST (PoA) Act is invoked in all the cases the victims belonged to Scheduled Castes/Scheduled Tribes.

The Chief Secretary, Government of Chhattisgarh has been directed to ensure that monetary relief, if any, under the SC/ST (PoA) Act is paid to the victims at the earliest.

The Commission has also made it clear that the above directions are of interim nature and a final view will be taken in respect of other victims and also with regard to other issues involved in this matter in due course of time.

It may be recalled that the Commission initiated suo motu proceedings on the basis of news report published in the Indian Express dated 2nd November 2015 under the caption "Bijapur: "Policemen raped women, indulged in loot". It was reported that women from five villages Pegdapalli, Chinnagelur, Peddagelur, Gundam and Burgicheru had alleged that State Police personnel had sexually harassed and assaulted more than 40 of them and gang raped at least two in Bijapur district of Chhattisgarh. It was also reported that belongings of many villagers were destroyed, stolen or scattered

by the forces passing through the villages.

The news report depicted other brutalities of the security forces also. Pursuant to the notices issued, the Commission was informed that case crime No. 22/2015 u/s 376 (2) (c), 395/354 B/323/294 of IPC and section 6 of POCSO Act was registered in PS Basaguda on 4th November, 2015 and investigation was in progress.

During the course of this enquiry, Commission received another complaint dated 21st January, 2016 bringing to its notice more incidents of sexual violence by the security personnel against women that took place between 11-14 January, 2016 at Bellam Lendra (Nendra) village, District Bijapur and at village Kunna, Sukma District and village Chotegadam, Dantewada District. The Commission sought reports from the State Authorities regarding these incidents also.

Considering the gravity of the allegations and brutality of sexual violence upon hapless women, the matter was considered by the Full Bench of the Commission on the 22nd February, 2016. The Commission, on a careful examination of the material on record, directed a spot investigation by a team of the Investigation Division and Law Division of the Commission.

The NHRC Team submitted its inquiry report which was sent to the Chief Secretary and DGP, Government of Chhattisgarh for their response to the findings and recommendations contained therein.

The enquiry report of the Investigation Division, NHRC revealed that FIR No. 2/2016 u/s 294/354 (B)/323 IPC dated 27.1.2016 was registered at PS Kukanar, District Sukma regarding the incident at village Kunna between 10-12 January, 2016 and FIR No. 3/2016 u/s 376(2)(c), 376 (D), 354, 354 (B), 323, 395 IPC was registered at PS Basaguda regarding the incident between 11-13 January, 2016 at village Nendra,

District Bijapur. The Investigation Team of the Commission recorded statements of several persons including the security personnel and some of the

victims. The Team could not however, record the statements of all the victims that were mentioned in the three FIRs in question because of the time constraint,

prevailing security situation, non-availability of victims and physical barriers.

Source: <http://nhrc.nic.in/dispArchive.asp?fno=34165> @ 08.01.2017 ☐

Press Statement: 26th December, 2016

PUCL Condemns Arrest of Fact Finding Team Members by Telangana Police and unlawfully handing over to Chhattisgarh Police

The PUCL strongly condemns the illegal, unprovoked and malicious arrest by the Telangana police of a 7-member team of lawyers, journalists and human rights activists belonging to the Telangana Democratic Forum and other organisations on 25th December, 2016 at Dummagudam village of Bhadrachalam District of Telangana who were planning to visit Chhattisgarh to enquire into complaints of human rights violations suffered by adivasis villagers of Chhattisgarh at the hands of security forces. The seven members of the team are:

1. Balla Ravindranath, Advocate, High Court, AP and Telangana.
2. Chikkudu Prabhaker, Advocate
3. Durga Prasad, Journalist Hyderabad
4. Duddu Prabhaker, President, AP Kula Nirmulana Poratta Samiti
5. Rajendra Prasad, Telangana Vidhyarthi Vedika
6. Nazeer, Telangana Vidhyarthi Vedika
7. Ramananda Lakshmay.

It is reported that after holding them under arrest till about 600 pm or thereabouts on 25th December, the Telangana police took the 7 arrested persons across the border and handed them over to Chhattisgarh police at Kunta Police Station on the same day, i.e. 25th December, 2016.

It is learnt that today, 26.12.2016 in the morning, all the 7 persons were produced before the remanding Court in Sukma and remanded to custody under sections 8(1), (2) and (3) of the Chhattisgarh State Public Security Act. At the time of production before the remand

court, the Chhattisgarh police is reported to have informed the court that the 7 persons were arrested in Chhattisgarh state.

PUCL expresses shock at the brazen abuse of the law committed by both Telangana state police and the Chhattisgarh police. Firstly, there was no reason to arrest the Fact Finding Team members in Dummagudam in Telangana state. Secondly, when they were arrested in Telangana by the Telangana police, the courts in Chhattisgarh have no jurisdiction and they should have been produced before a Court in Telangana alone. Thirdly, the SC has clarified the law on numerous occasions, that if the persons shown as arrested will not escape or evade justice or threaten witnesses or destroy evidence, there is no reason to remand them to custody and they can be released and asked to appear as and when required. It should be noted that the arrested persons include a lawyers of the High Courts, journalists and others. So there was no need to remand them, if at all the police wanted to prosecute them.

The brazen disregard for the law has been reportedly compounded by the Chhattisgarh police reportedly misleading the remanding court in Sukma that the 7 persons were arrested within Chhattisgarh state itself.

PUCL strongly condemns the illegal and unlawful actions of both the Telangana and Chhattisgarh police. Such acts of highhandedness and flagrant abuse of law is only possible when the State promises the police total impunity and protection from any

prosecution for abuse of law. The actions of the police of both states is violative of the fundamental rights to free movement, freedom of speech and expression and the fundamental duty to protect the fundamental rights of adivasis and other local people in Bastar area who are victims of a severely repressive state police. It also needs to be pointed out that the FFT was seeking to visit villages in Bastar affected by human rights violations in areas which are not declared to be closed for movement of people. Such actions of the police are therefore deliberate acts meant to thwart bringing to the attention of the people of India the harsh situation prevailing in the villages of Bastar region in Chhattisgarh state. It is also to scare others in the future from daring to visit the conflict hut areas.

The open abuse of the law by the Chhattisgarh police will have to be seen against the backdrop of the remarks passed recently by the National Human Rights Commission (NHRC) which remarked that the complaints about widespread abuse of law and unleashing of violence by security forces in Chhattisgarh cannot be ignored or taken lightly. The NHRC had in fact summoned the Chief Secretary of Chhattisgarh government and the Inspector General of Police, Mr. Kalluri, who is accused of masterminding the repressive actions of the police, to appear before the Commission.

PUCL demands that the Chhattisgarh police immediately drops all charges against the 7 member team and release them

from custody. PUCL also demands that the NHRC should immediately intervene in the issue, ascertain facts, especially the reported untruths about the arrest of the 7-

member Fact Finding Team who were arrested in Telangana but claimed to have been arrested in Chhattisgarh, and to initiate criminal prosecution against the

Police officials of both states, if there found to have abused the law. **Ravi Kiran Jain**, President; **V. Suresh**, National General Secretary, PUCL National ☐

Press Statement: PUCL Chhattisgarh State unit. 19th January, 2017

The Chhattisgarh PUCL has come to know from police releases that 3 women including a 15 year old girl from Tumnar Village under Narayanpur police station have been killed in an explosion of IED device planted by Maoists. The Chhattisgarh PUCL expresses its deep grief at these killings. The Chhattisgarh PUCL condemns land mining by the Maoists which causes extreme hazard to life and limb of non combatant tribal villagers carrying out their normal life activities in the region. It reiterates its demand that in order to protect non-combatant civilians in this war zone, the Government of India should declare a state of internal armed conflict and allow strict independent monitoring under the Geneva Protocol of human rights violations by both parties to the conflict. Since there is also news that a jawan has been critically injured in an encounter with Maoists, thus the exact details of events have yet to be independently established.

Even earlier in the month of March 2016 the Chhattisgarh PUCL had issued a statement on the killing of a 55 year old woman Muchaki

Hidme, resident of Village Gorkha, due to an IED blast on 18th March 2016. The incident had taken place on a 'kuchha' track used by the security forces during patrolling, near Kottacheru village under Bhejji police station limits according to then Sukma Superintendent of Police D Shrawan. A day earlier an 8 year old girl child Muchaki Anita, resident of Kanhaiguda village under Bhejji police station had also lost her life to an IED blast. Similarly two labourers were killed on 6th March at around 9:30 am at Amdai Ghati (valley) under Chhote Dongar police station limits. Superintendent of Police Narayanpur Abhishek Meena had told PTI that Maoists detonated a powerful IED when a joint team of district police and the Chhattisgarh Armed Force (CAF) was escorting a group of labourers through the valley and this was followed by a gun-battle, lasting for about two hours, after which the Maoists fled. On 26th November 2013, the Chhattisgarh PUCL had written to the NHRC for directions to restrain the practice of using civilians for demining operations or as "police sahyogi" in land mined areas. The Chhattisgarh PUCL takes

exception to the manner in which Bastar IG Mr Kalluri has utilized the tragic incident of killing of 3 women in an IED blast by the Maoists to issue a threat "to legal aid groups, fact finding teams and so called human rights activists". The PUCL has always had a clear policy that they do not support violence. However this does not mean that fact finding teams or human rights activists cannot enquire into incidents of encounters, sexual violence or arson particularly when alleged by villagers as atrocities by the security forces and confirmed by statutory institutions like the National Human Rights Commission, the Central Bureau of Investigation and the National SC ST Commission.

We are also disappointed that IG Mr Kalluri, despite being so active in Bastar, has given health reasons for not attending the hearing by the NHRC on 30th January 2017. The police must give adequate respect to statutory national human rights institutions, and abide their directions, not just in letter but also spirit.

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

Tamil Nadu & Puducherry PUCL: Press Release: 11-1-2017

PUCL condemning the Arrest of Advocate Murugan by TN Police

PUCL strongly condemns 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.

Police have taken away all the legal documents pertaining to various other cases available at Murugan's residence. It is reported that even homeopathy medicines of his wife

were taken away by the police. Police took photographs of the family members without their consent. The police have abused the wife of Advocate Murugan. The becoming culture of Tamil Nadu Police to use abusive language against women should be condemned by all.

PUCL demands 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.

We also demand the Government of Tamil Nadu not to close the democratic spheres ensured by the constitution by using police forces against the voices of dissent.

PUCL appeals to the Tamil Nadu Government to conduct human rights sensitization programmes to State Police and also take immediate action against the police persons who are involving in human rights violations.

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

Tamil Nadu & Puducherry PUCL: Press Release: 04-1-2017

PUCL demands Immediate Action against Police

PUCL condemns 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.

In Madurai, the police did not permit the protesters to conduct their dharna programme near Periyar Bus stand. But, on the other hand they have permitted hundreds of people to go on procession to garland Kattabomman statue on the same spot and move around the city in group of vehicles without any permission. The double standard approach followed by the Police is condemnable.

The protesters are severely beaten by male and female police forces. PUCL views this high handedness of the police against the cadres of DYFI and AIDWA as totally undemocratic and unlawful.

It is so pathetic that women protesters are also physically dragged by the police into the van. PUCL condemns the verbal abuse made by police forces especially against women protesters demeaning their individual dignity. It is very sickening to note that women police have given hard physical pinch to the women protesters.

There is no evidence for initiation of any violence by the protesters during this event. When all were arrested and kept in a hall, the police, it seems wanted to settle their score against an individual for various other reasons. It is understood from reliable sources that police men and women who have outnumbered the arrested protesters have beaten the arrested protesters kept under their custody.

PUCL views it with all seriousness because the police who were all involved in this attack have removed their name batches while making their attack.

PUCL demands stern action against the police officials and police forces who took part in the violence against protesters while they were under their custody.

PUCL also demands the Police to withdraw the false case fabricated against Mr. Charles during this event and release him free.

PUCL will be submitting a memorandum to NHRC seeking its intervention against the violence committed by Police against protesters in Madurai and Chennai.

The democratic sphere to express the protest against government policies and programmes are reduced to a major extent now days. Hence, PUCL demands Tamil Nadu Government to instruct the police authorities to permit democratic organizations to hold their protest programmes in the places where they have been permitted few years back.

PUCL demands the Government to sensitize the women and men police towards safe guarding the dignity of the individual citizens and rights provided in the constitution for individuals and organizations. It is to be taught that Police is not only for safeguarding the interest of the state but also the interest of the common people at large.

Gana.Kurinji, President; **Prof. R. Murali**, General Secretary – TN
&Puducherry PUCL. □

Gujarat PUCL: 03-01-2016

Govt.'s Intention of Demonetization A Complete Failure No respite to predicament of rural population...

Gautam Thaker

After 53 days of demonetization 91 % of old notes have been deposited with the banks. Against that hardly 38 % of new notes have been received. government's intention

such as eradication of corruption, unearthing the black money and combating terrorism have totally failed. Until 29th of December, only Rs. 3600 crores worth of black

money has been seized. Earlier, it was estimated that in the country, there is black money circulation worth Rs. 5 to 6 lakh crores. To sum up, there is complete fiasco of

demonetization plan. As on 28th October 2016, there was circulation of Rs. 1,70,000 crore out of which notes of denominations of Rs. 500 and Rs. 1000 formed the value of Rs. 1,46,310 crore. Looking at the statistics of the Reserve Bank of India, this demonetized amount has been again deposited with the banks.

Whether the decision of demonetization was right or not shall be known only after forthcoming six months but the condition of rural poor has been very much pitiable. The rural money lenders or money changers have gained from this situation. Although the farmers have enough money in their bank account, they are compelled to count on the money lenders to pay up for fertilizers, seeds and daily labourers and to pay exorbitant interest. Country's migrant labourers are returning to their native places. Foreign tourists are also facing difficulties. Looking at the construction labourers, farm labourers, farmers harvesting vegetables their entire economy has been shattered. Economic magazines of the world have also severely criticized the demonetization. They have also told that due to bad policies and equally worse implementation, people have been compelled to suffer heavily. This situation has arisen because of issuance of new notes only to the tune of Rs. 5.93 lakh crore. It seems that cash crunch shall persist for coming six months at the least.

There was no stuff or substance in the Prime Minister's live telecast to

the countrymen on 31st December 2016. In other words, it was totally dry and discordant. In the beginning, it appeared as if the Prime Minister is giving sermons like a Saint and thereafter, it seemed as if he was announcing different schemes just like a Finance Minister presenting the annual budget. None of this announcement, in any way, appears to be useful to the people is securing hard cash. The P. M. who asserted that "Give me 50 days for demonetization, and you will have no problem thereafter" does not have any concrete steps to remedy problems of cash transactions. He even did not reply as to when the situation shall be normalized. One tends to inquire from him "what is next after demonetization? and what success he achieved in this entire process?" There is no reply or solution to this....

Rural population continues to face difficulties due to demonetization. In spite of enough balance in their savings account, they do not get the money. It is a realistic fact that even when there is withdrawal limit up to Rs. 24,000/- none has till date got it. The ATMs have been silently and steadily standing in the bank premises, in which cash is not being replenished. Out of as many as 2.2 lakh No. of ATMs, money is replenished only in the 20 % of the ATMs. On 31st December 66 % of the ATMs were found in empty or 'No Cash' condition. People are inquiring as to why the restriction in withdrawing the money continues even after assurance of 50 days time limit? Now the question is

raised about functioning of the Reserve Bank of India. Entire currency system has failed and is in topsy-turvy. They had no other job except to issue fresh and new announcements day in and day out. Even though there are 1,04,000 branches of nationalized and other banks, 2.2 lakh of ATMs and 1,54,939 Post Offices, thirst of cash money of the people could not be quenched even today. What a poor management that country's 94 % people are facing difficulties and have to queue up in long lines for withdrawing their own money? How can one call it as the patriotism or patriotic fervor? Inflation in the country has been out of control. On the one hand the Govt. has not been able to check the rising prices of pulses, food grains, cooking gas, diesel and petrol and demonetization has added fuel to the fire. Poor people is indeed being squeezed.

In order that people can easily get the cash money, the Reserve Bank should start facilities of mobile cash vans. It should restore the situation to normalcy by supplying enough money to the banks, replenishing in the ATMs and with uniform behavior with all the banks. If it is not able to do so then, it should make official announcement in advance for suspending cash transactions in the bank for that particular day, so that people feel less of difficulty. The government does not need to shield and overlook its mistakes in diverting people's attention by falsely hyping on talk talks of cashless economy.

Gautam Thaker,
General Secretary, PUCL Gujarat.
M-09825382556 □

PUDR: Open Letter to Chief Justice of India: 09.01.2017

To,
The Chief Justice of India
Supreme Court of India
Tilak Marg
New Delhi - 110201 (India)

Subject: Seeking immediate intervention into the arrest of activists of the Telangana Democratic Front on false charges and other attacks on rights defenders by police and

vigilante groups in Chhattisgarh

Honourable Sir,
In continuation with our previous two petitions dated 22nd February 2016 and 26th February 2016, we wish to draw your attention to the consistent erosion of rule of law and constitutional freedoms in Chhattisgarh in the wake of continuing attacks on civil rights defenders by the state police and

administration in close collusion with the vigilante groups like the Samajik Ekta Manch and AGNI. In the most recent case of attack, on 25th December, 2016 a 7 member fact finding team was arrested by the Telangana police at Dummaguddem village of Bhadrachalam district at 6 pm and handed over to the Sukma Police (Chhattisgarh State). The fact

finding team consisted of members of the Telangana Democratic Front (TDF). TDF was formed recently to fight for the rights of the people of Telangana state. The members of the fact finding team are Chikkudu Prabhakar (Advocate), Bhalla Ravindranath (Advocate, High Court, AP), Durga Prasad (Journalist), Duddu Prabhakar (President, KNPS, AP), Rajendra Prasad (Student leader, Telangana Vidyarthi Vedika), Nazeer (Student leader, Telangana Vidyarthi Vedika) and Ramananda Laskhme (Student organizer), all seven are persons of public repute and have been committed to the cause of democratic rights for decades. The team was on its way to investigate complaints of human rights violations suffered by adivasis of Chhattisgarh at the hands of security forces. The immediate context of the fact finding related to the murder of a 13 year old tribal boy Somaru Pottam. On December 16, Bijapur police had announced that a team of security forces had killed an 'unidentified and armed Maoist in uniform' in Metapal in a gun battle. The residents of Metapal, however, later recognized him as Somaru Pottam, following which Pottam's parents petitioned the High Court.

The Sukma police has alleged that the team members were in possession of demonetized currency and had come to aid the Maoists by exchanging the old currency on their behalf. The team was charged under sections 8(1), (2) and (3) of the *Chhattisgarh State Public Security Act*, on charges of support to Maoists and for possession of banned literature. On 3rd January the Dantewada district court rejected the bail application in the case. During the court hearing neither the copies of seizure reports, FIR, and or panchnama reports that are public documents have been shared with the defence lawyers. The list of seizure reports that were read out contained books widely available and none belonged to the category of banned literature. The action of the police against the fact finding

team is clearly an attempt to criminalize democratic activity and prevent democratic and human rights groups from entering Chhattisgarh and documenting excesses by the security forces.

The arrests and incarceration of the activists of TDF is part of a long chain of organized attacks marked by false cases, detention, intimidation and harassment of those who dare to expose the lawlessness of the state. In 2016 alone, the security forces have carried out 134 encounter deaths in Chhattisgarh and three cases of sexual violence by security forces have come to public light. In one of the cases that occurred in October 2015 in Bijapur, the NHRC has found prima facie evidence against the state police officials of gang rapes and physical assault of tribal women. A similar incident of sexual violence took place this year in January in the Nendra village, in relation to which the NHRC has sought response from the authorities. While the state continues to intensify the use of violence against the tribals in Chhattisgarh as part of their 'counter-Maoist' operations, carrying out planned encounters, fake surrenders, sexual abuses and illegal detentions, those bringing out the truth have also been on the radar of the state. The following cases of attack on journalists, lawyers and activists in 2016, bear testimony to the vindictive vendetta of the state.

i) **Intimidation of lawyer, Shalini Gera:** Shalini Gera, along with other members of the Jagdalpur Legal Aid Group (JAGLAG), have continuously been harassed and attacked by the police and local groups, as a penalty for providing legal remedies to adivasis who have suffered at the hands of the police and security forces. In December 2016, another attack was made at Shalini accusing her of exchanging old currency notes for Maoists. She was also accused of meeting Maoists in the Dantewada jungles. The

complaint was made by a member of the vigilante group AGNI. Shalini was present in Goel dharamshala, in Jagdalpur, from 25.12.2016 to 26.12.2016, to attend the exhumation and repeat post mortem ordered by the Chhattisgarh High Court, of the body of Somaru Pottam having found prima facie evidence of murder. Shalini Gera is representing the parents of Somaru Pottam in the case where his parents have accused the security forces of killing their son. Shalini Gera and her team were accompanied throughout by Mr. D Mahant, Tehsildar of Bijapur, and also by Mr. Pankaj Daharia CEO of Bijapur and the SDM of Bijapur. Mr. Wasnikar, Divisional Commissioner, had made arrangements for their stay in Goel Dharamshala as the Circuit house was fully occupied. However on the 26th evening, she was threatened by the SI Archana Dhurandhar, and accused by of staying in the dharamshala in an 'unauthorized' manner. The next day, she received a call from Mr R.N. Dash, SP Bastar, that he has received a complaint against Shalini for adding the Maoists. So far, no FIR has been registered but DIG Kalluri has addressed several press conferences announcing that they are investigating the complaint. These attempts at intimidation are not new. For the past year and a half, Shalini Gera and her colleague Isha Khandelwal have been constantly harassed by the police officials and were forced to vacate their premises on February 20, 2016, under orders from SP Dash and SRP Kalluri.

ii) **Harassment of Sukul Prasad Barse, an adivasi rights activist:** Sukul Prasad Barse, an adivasi activist was intimidated by the Chhattisgarh police for organizing a meeting

on the 19th of December in village Matenaar of Dantewada district. The purpose of the meeting, organized with the help of People's Union for Civil Liberties (PUCL) was to hear accounts of the family members of those adivasis who have been killed in fake encounters, were victims of sexual violence and other human rights abuses by the police and security forces. Activists who were returning after the event, were stopped by the police for verification. The photos of the activists were taken by the police and circulated through social media and were circulated to vigilante groups who in turn concocted a story of JNU students having come to Bastar for provoking people. The Dantewada police have been regularly visiting Mr Barse's house and threatening him for organizing this event.

iii) **Intimidation of activists in the wake of the CBI charge sheet in the Tadmetla massacre:** In October 2016, effigies were burnt by the police of six prominent members of civil society who have faced violence and intimidation earlier for resisting the ongoing war against the adivasis in Bastar. This 'official protest' by the police came in the wake of the CBI submitting its status report in the Supreme Court monitored inquiry into the Tadmetla massacre of 2011. The CBI in its report held 7 SPOs responsible for the arson and 26 Salwa Judum members guilty of the attack on Swami Agnivesh and his team when they went to do a fact-finding. The CBI also found prima facie evidence of killing, rapes, brutal assault and lootings. The Chhattisgarh Police dismissed the CBI findings claiming that the burning down of the village was accidentally caused by heat generated by crossfire during an operation against the Maoists. Thereafter, on 24th October personnel of the

Chhattisgarh Auxilliary Police Force burnt effigies of Manish Kunjam, Nandini Sundar, Bela Bhatia, Soni Sori and Malini Subramaniam, across Bastar. Kunjam and Sundar are the petitioners in the Tadmetla case. The police forces while burning the effigies, in defiance and utmost contempt of the Supreme Court order, claimed that those six persons are 'anti-nationals' responsible for maligning the Chhattisgarh police propagating false and fabricated stories.

iv) **UAPA and murder charges against tribal rights activists:** On 5th November an FIR was registered by the Chhattisgarh police invoking Sections 302 (murder), 120B (criminal conspiracy), 147 (punishment for rioting), 148 (rioting armed with deadly weapon) and 149 (Unlawful assembly towards common object) of the IPC against 26 persons. The list of accused included academics, Nandini Sundar and Archana Prasad, activists Vineet Tiwari, Sanjay Parate from the Communist Party of India (Marxist), two local activists, Manju Kawasi and Manglu Ram Karma for the murder of Shamnath Baghel, a resident of Nama village and alleged leader of an anti-Naxal group called 'Tangiya', who was killed on 4th November allegedly by the Maoists. The FIR was filed on a complaint allegedly made by the wife of the deceased (which she later denied to NDTV). This particular case connects back to a fact-finding conducted by the people listed in the FIR in May 2016. The fact finding report had revealed several instances of fake encounters, rapes and arrests by police and security forces, beatings and IED blasts rampantly carried out by the police. The team had also revealed that the police were holding *Jan Jagran Abhiyans* with villagers and evidently aiding the

resurgence of armed militia of villagers similar to the earlier disbanded *Salwa Judum*, to counter the Maoists. Following the report, the Chhattisgarh police had accused the team members of threatening the villagers and forcibly asking them to support the Maoists, a claim that the villagers of Nama had later denied. It also remains a fact that one of the prime accused in the FIR, Prof. Nandini Sundar is a petitioner in the Tadmetla case. The fact that these persons were not there in the village on the day of the murder, did not deter the police from pursuing the complaint against them. DIG Kalluri himself appeared before the media, congratulating his men for bringing the accused to task! Finally, a petition was moved in the Supreme Court of India that made it obligatory for the State of Chhattisgarh to provide four week notice to the court before deciding on any action, led to some temporary relief.

v) **Attack on journalist Prabhat Singh:** An organized campaign has long been carried out against the local journalists who have been reporting about the police excesses in the state. On 21st March 2016, Prabhat Singh, a local journalist working with ETV, was picked up by policemen in plain clothes from his office and taken to Parapa police station where he was illegally detained for a day and tortured all night. He was also pressurized to write reports favouring the DIG Kalluri and was forced to sign a number of blank documents. Prabhat Singh was then charged under Sections 67, 67 (A), 292 IT Act on the allegation that he had sent an obscene what's app message against a senior police officer. The complaint against Prabhat Singh was registered at the behest of the members of the local vigilante group Samajik Ekta Manch. A

day before his illegal detention, his job at the ETV was abruptly terminated without any prior notice, blatantly bringing to fore the planned nature of attack against him. Singh had been reporting on fraudulent arrests and fake encounters carried out by the Bastar police consistently since 2014 and had been threatened by the police against his reporting. In 2015, three other cases had been registered against him in the district of Dantewada including charges under *The SC and the ST (Prevention Of Atrocities) Act, 1989* and the draconian *Chhattisgarh Special Public Security Act, 2005*. On 21st June 2016, the Chhattisgarh High Court granting him bail on all four cases registered against him.

- vi) **Arrest of journalist Deepak Jaiswal:** On 26th March 2016, another journalist Deepak Jaiswal working for Daindini newspaper, was arrested by the police when he had gone to the court to file a bail application for Prabhat Singh. He was arrested in a seven month old case in which Prabhat Singh also was a co-accused. The two journalists had reported about a school in Geedam in Dantewada where teachers helped the students cheat in the exam. After the report, the Principal had

complained against the two for forcibly entering the school and demanding money. The arrest was made, however, only when Jaiswal had come in support of Prabhat Singh on charges of trespassing, obstructing public servant from discharging their duty, and assault against a public servant. Along with Someru Nag, Santosh Yadav (see annexure dated 22nd February) and Prabhat Singh, Jaiswal became the fourth journalist to be arrested in Chhattisgarh within less than six months.

These instances of intimidation, harassment, physical attacks, evictions, false cases, and arrests of activists in Chhattisgarh, have continued unabated in the year 2016, much like the past. By embroiling the journalists and activists in false cases and arresting and torturing some of them, the police tries to ensure that crimes being committed by Government forces and their allies do not get reported. By dragging in the names of scholars and activists espousing the cause of the tribal rights, the support and solidarity to the adivasis is increasingly restricted. By intimidating and evicting legal helps such as JagLag, legal assistance to adivasis is made difficult ensuring they languish in jail for innocence. Findings of the CBI in the Tadmetla massacre, the NHRC in the Nendra

sexual violence or the High Court in Pottam's encounter, need to be viewed as public acknowledgement of that the 'counter-Maoist operation' in Chhattisgarh carried out by security forces is a farce under the garb of which violence is being perpetrated and vested interests are being served. The state continues to foster vigilante groups such as AGNI which are nothing but revived forms of the earlier disbanded Salwa Judum. The Supreme Court in a historic judgment in 2011 had declared the Salwa Judum unconstitutional, however, guises of the same have been continually being operating as illegally armed local militias intimidating democratic forces and silencing the truth.

Burning effigies in relation to the Tadmetla findings in contempt of the Supreme Court order, disrupting the process of exhumation and post-mortem ordered by the Chhattisgarh High Court and continuing to arm and empower local goons against civilians, the Chhattisgarh state police has also been trying to impede the interests of justice by defying the judiciary. We, therefore, appeal for your urgent intervention in the prevailing state of affairs in Chhattisgarh.

Cijo Joy and Anushka Singh
Secretaries, PUDR

<http://pudr.org/content/open-letter-chief-justice-india-seeking-immediate-intervention-arrest-activists-telangana> □

Analysis:

Sachar Report Gathers Dust, Abolishing Personal Laws can't Change Dark Realities *Humra Quraishi*

This mid-week (22 December) several academics and activists of this capital city are getting together to 'review' the Sachar Committee Report in the context of the implementation of its recommendations. As N.D. Pancholi puts across, "The report presented in Lok Sabha in November 2006 was a mirror showing a true picture of the Muslim community. After ten years, the progress of the Report will be reviewed, particularly the

implementation part carried out by the central and the state governments."

Ten long years have passed by and though Justice Sachar and his team had put together a detailed and comprehensive report on the condition of the largest minority community of India, yet the establishment ducked or backtracked or played politics at the crucial implementation level. Statistics show that today the condition of the Muslim has

touched the lowest rung.

Perhaps, the establishment wasn't ever serious in trying to bring about a change in the surviving patterns of this minority community. Why I'm saying so is because several years before the Sachar Committee was setup there was the Gopal Singh Commission Report and then more recently, in 2014, the Kundu Commission Report, with focus on the conditions faced by the Muslims of this land. Yet, look at the dark realities around...getting darker by

the day.

Together with these Reports, well-known academics have been writing extensively on the rather systematic decline of the Muslim community in terms of the socio – economic conditions and also the setback they face each time a riot is made to happen. In fact, Asghar Ali Engineer's detailed findings on the Communal Riots in the country after the Partition, VN Rai's findings *vis-à-vis* the communal riots, and reports on the Muzaffarnagar riots of 2013 are some of those crucial pointers to the biased role played by the State machinery each time a riot is made to occur! Oh, yes, riots are 'made to occur' by those in power, because of the simple fact that no riots can take off without the prior knowledge of the police force together with Agencies.

I wonder: why are the National and State level Minority Commissions quiet and subdued and do not question and query the politically - appointed men manning Minority Affairs ministry? Why don't they rip off the facades set up by the establishment in the name of the minorities of the country?

Muslims are wary of this government!

Today it's become almost fashionable to blast off Islam and with that the Muslim community. Together with that heap all sorts of notions on them. The latest, of course, is that they are not changing with the times and are not giving in to the muchhyped Common Civil Code. As though it will be some magic potion to cure away all marital discords and the connected aftermath.

I have been asked a hundred times why the Muslims are not in favour of the Common Civil Code. And each time I have written extensively on the crucial 'whys' to this.

Foremost, yes, it's a fact that a great majority of the Indian Muslims are not in favour of the government trying to bring about changes in their Personal Laws through direct or indirect ways. They are more than wary of the 'games' played of the establishment. There are a whole bunch of backgrounders to this: The Babri Masjid destruction

and Gujarat pogrom were two major jolts for the Indian Muslim. Today the Indian Muslim is more than wary of the Right -Wing government at the Centre, and is well aware of the RSS agenda *vis-à-vis* largest minority community of India. He or she has read or at least knows the contents of the RSS 'literature' and with that realizes that Hindutva agenda is to attack and destroy if not to dilute the very identity of the Musalamans of this land.

Today Muslims ask the obvious: Why has the government of the day not bothered to implement the Gopal Singh, Sachar and Kundu Committee recommendations? Why this sudden concern for the Muslim community, which has been lagging behind and facing discriminations on all spheres : social, economic, educational, even at the jailed levels; what, with jailed Muslim inmates baring the dark realities of those hell -holes?

And on the Common Civil Code, Muslim women ask: "if this BJP government is so concerned about our betterment then they should tell the police not to kill us. The situation is so dangerous that any innocent Muslim man can be killed on mere suspicion of beef ...this their latest strategy to ruin us. Making us widows!"

Today there is a sense of insecurity amongst the Muslims. Writ large are the double standards and biases in the very governance and also the dictates of the political mafia and of the 'saffronized' cops.

Muslims also stress that they there are comfortable with their Personal Laws. "Just because some 'mischief maker' misuses or twists those provisions does not mean that there ought to be changes. Non- issues are played up by the BJP-RSS in the garb of betterment of the community. Tomorrow these goons will say change your names or surnames!"

In fact, in the 1990s, when I had interviewed the late Danial Latifi - the well- known lawyer who'd handled the controversial Shah Bano case - he had made it very clear that Shah Bano had got her due maintenance on the basis and

"strength of Quran's provisions." As he'd detailed, "First of all, despite the contrary belief, marriage is a very serious business in Islam. And now coming to the chapter on talaq. It is this chapter that lays down all the details including the procedure for talaq and the importance given to the arbitration aspect and of course the maintenance aspect. In fact, the triple talaq is unquranic ...one particular line from the Quran - *wa lil mutallaqati mata'un bil-marroof, haqqan 'alal muttaqqin* (unto the divorced woman, a provision that is reasonable is obligatory, an obligation for the righteous). And this line is enough to provide her status and a decent maintenance. So Shah Bano got her due maintenance on the strength of Qur'an's provisions. In fact, whilst fighting for the Shah Bano case I quoted this very line and the minute I showed this line to the Chief Justice he said that line was enough to get her due, her maintenance." In fact, Latifi was absolutely against the Common Civil Code and had blamed the BJP for making it into some sort of a political issue. To quote him, "I repeat that neither then and nor now will I ever favour a common civil code. It is not really needed. Also because it has become a political issue and the BJP and its allies are looking for an issue and want to rake it up. I personally feel that the Muslim do not need it." On polygamy, he was equally stark, "polygamy has been made into an issue by political parties ...it is certainly low, in fact, very low amongst the Muslims. I wonder why are not the real issues pertaining to Muslims highlighted! The reality is that Islam has actually provided enough guidelines and precautions and codes of conduct. It is rather tragic that most sit unaware." (21 December, 2016)

Link:
<http://www.milligazette.com/news/15185-sachar-report-gathers-dust-abolishing-personal-laws-cant-change-dark-realities>

Published in The Milli Gazette (Indian Muslims' Leading Newspaper) □

RESOLUTION

(Adopted in the seminar on 'Justice Sachar Committee Report: A Review After 10 Years')

The Sachar Committee, headed by Justice Rajindar Sachar, was constituted in 2005 by the then Prime Minister of India Dr. Manmohan Singh to prepare a report about social, economic and educational status of the Muslim community in the country. The findings and recommendations of the report immediately became a topic of sharp debate in political, social and intellectual circles as it was presented in the Lok Sabha on 30 November 2006. The report has completed 10 years of its release on 30 November 2016. To mark this occasion Socialist Yuvjan Sabha (SYS), People's Union for Civil Liberties (PUCL) and Khudai Khidmatgar have organized a one-day seminar in Gandhi Peace Foundation, Delhi, on 22 December 2016. Scholars from various disciplines including some representatives of the Muslim community participated in the deliberations and reviewed the progress of the report, particularly the implementation aspect of its recommendations, carried out by central and state governments in the last 10 years.

Following resolution was deliberated upon and passed at the end of the seminar.

The Minorities, especially the Muslims, have been the ignored factor by all Central Governments. Amongst the various recommendations, the Prime Minister's High Level Committee Report had recommended the establishment of Equal Opportunity Commission (EOC) as an instrument to prevent

discrimination against minorities in the private sector like housing, employment (since courts cannot interfere in cases of discrimination in private sector). This recommendation has been inexcusably violated and also remained in cold storage.

The EOC can be set up by the state governments without taking permission from the Central government. Hence this seminar resolves that the present state governments run by secular parties should immediately establish the EOC in their respective states.

A very urgent recommendation of the Prime Minister's High Level Committee Report dealt with the unfairness of divisions of electoral constituencies which results in lesser number of Muslims in the legislature to which they are broadly entitled based on the population. This anomaly arises from the irrational demarcation of seats in the legislature.

Thus in U.P. there is abundant potential for substantial number of Muslims to win seats. For instance, in U. P. that sends the largest number of members (80) to Lok Sabha, there are 25- 52%, Muslim's in 18 seats, in 23 seats Muslims are 15- 24% and in another 18 seats Muslims are 10-14%. Similar is the demographic – electoral reflection in most of the states." It was further pointed out that delimitation of constituencies in a fair manner is essential. But on the contrary the constituencies with substantial number of Muslims have been reserved for S.C., and constituencies with substantial

number of S.C. voters are unreserved. This is unfair to both Muslims and S.C. electorate.

The Committee had hoped that it would receive the attention of the Government immediately because the Delimitation Commission was at that time engaged in this exercise and evidently any suggestion or any exercise to be done by it had to be undertaken during the current term of the then Delimitation Commission.

The Committee had concluded that Muslims were thus denied benefits in politics since assembly constituencies where the voter population from the community was substantial were reserved for scheduled caste candidates for election. In all fairness it would have been more equitable to reserve those constituencies for SCs where their voter population is high rather than those where it is low and the Muslims presence is higher.

But, the High Powered Committee's suggestion was ignored during the delimitation. This anomaly is a reason for low representation of Muslims in the legislatures. How inequitable that important issues related to the community are ignored or don't get the desired priority. Somebody has to take the responsibility for not taking concrete action in order to remove this anomaly. Mere lip sympathy is a façade. The seminar resolves that a concrete action should be taken in this matter.

Ravi Kiran Jain, President, PUCL National; **Niraj Singh**, President SYS; **Faisal Khan**, President, Khudai Khidmatgar. □

PUDR Press Release: 30th December 2016

PUDR condemn the Continuing Harassment of Rights Defenders by Chhattisgarh Police

Peoples Union for Democratic Rights (PUDR) strongly condemns the intimidation of Shalini Gera, an advocate and member of Jagdalpur Legal Aid Group (JAG LAG) by the

Chhattisgarh police. On 27th December 2016, she received a phone call from Mr. RN Dash SP Bastar, informing her that he has received a written complaint stating

that she has exchanged notes worth Rs. 10 lakhs for Naxalites in the Goel Dharamshala in Jagdalpur on Monday, December 26, 2016. She was also accused of meeting

Naxalites in Dantewada jungles. Later she came to know through a Whatsapp message about the complainant who happens to be a member of a vigilante group AGNI. Shalini was indeed present in Goel Dharamshala in Jagdalpur from the night of 25.12.2016 to the evening of 26.12.2016 along with her colleagues for attending an exhumation of the body of Somaru Pottam of Metapal village in Bijapur district for a repeat post mortem to be conducted in Maharani Hospital, Jagdalpur under the directions of Hon'ble High Court of Chhattisgarh. On December 16, Bijapur police had announced that a team of security forces had killed an 'unidentified and armed Maoist in uniform' in Metapal in a gun battle. The residents of Metapal, however, recognized him as 13-year-old Somaru Pottam. His parents petitioned the Chhattisgarh High Court demanding an enquiry claiming that their son has been murdered by security forces. Shalini is representing the petitioners in this case. In connection with this case, Shalini and her colleagues had travelled to Jagdalpur. They were accompanied throughout by Mr. D Mahant, Tehsildar of Bijapur, and also by Mr. Pankaj Daharia CEO of Bijapur and the SDM of Bijapur. Mr. Wasnikar, Divisional Commissioner, had made arrangements for their stay in Goel Dharamshala as the Circuit house was fully occupied. This shows that her visit and stay at Jagdalpur was official and not a secret one as claimed by the SP and her accommodation was arranged by the state officials. Further on 26th evening she was threatened, intimidated by SI Archana Dhurandhar claiming that they were staying there in an unauthorized manner and insisted on taking them to the police thana for interrogation, and also insisted on searching the entire room. Since SI was not carrying any papers or orders or warrants, the team refused to allow her access to

room. Meanwhile, the team managed to get the Divisional Commissioner to talk to SI Dhurandhar and only after his confirmation she left the room.

It is not the first time the members of Jagdalpur Legal Aid Group (JLAG) were intimidated. JLAG has been active in Bastar since 2013 taking up cases of poor Adivasis many of whom were falsely implicated in cases for raising voices against the high handedness of the police and the state. It is obvious that the government and its forces find their activities undesirable. The local Bar Association, clearly prompted by the police, took out a resolution on October 3rd 2015 prohibiting them from practicing in the local courts (*See <http://puvr.org/content/condemn-continuing-attacks-lawyers-and-journalists-bastar-chhattisgarh>*).

On their complaint, the State Bar Council of Chhattisgarh passed an interim order allowing them to practice again. Despite the order, the harassment has continued. (*See, <http://puvr.org/content/stop-false-arrest-advocates-and-threats-rights%E2%80%99-activists-and-lawyers-chhattisgarh>*). For the past year and a half, both advocates Shalini Gera and Isha Khandelwal were being hounded by the local police. They have been faced with thinly veiled threats at press conferences insinuating that the police are closely monitoring NGOs providing "legal aid to Naxalites". Their clients were also warned. Visiting journalists and researchers have been told that they are a Naxalite front. On 20th February 2016, JLAG members forcibly evicted by police under orders from SP Dash and IG SRP Kalluri.

In a similar incident of harassment of rights activists, a 7 member Fact Finding team of Telangana Democratic Front (TDF) were arrested by the Telangana police at Dummagudem village of Bhadrachalam district and handed over to Sukma police which put them in Sukuma Jail, Chhattisgarh, on 25th December 2016. The ploy

used by the police was the same that they were exchanging old notes for Maoists. Chhattisgarh Police foisted false cases against the Fact Finding team members under Sections 8(1), (2) (3) and (5) of the draconian Chhattisgarh State Public Security Act. The police misled the court by making false allegations against the team members by calling them Naxalites who had come there to aid the activities of the Maoists. Incidentally the TDF activists who were arrested were also planning for a fact finding on the killing of Somaru Pottam. All the members of the Fact Finding Team are leading democratic rights activists who have been in public life since three decades in Telangana and Andhra Pradesh.

PUDR has received information of another act of intimidation of civil rights activists by the Chhattisgarh police which took place on 20th December. A one day conference was organised on Adivasi rights by People's Union for Civil Liberties (PUCL) on 19th December in village Matenaar of Dantewada district. Around 100 villagers from 3 districts, i.e Dantewada, Sukma and Bijapur, comprising of family members of various adivasis who have been killed in fake encounters, victims of sexual violence and other human rights abuses by the police and security forces spoke at the conference. The event was locally organised by Mr. Sukul Prasad Barse. Activists, when they were returning from the conference on the following day were stopped by police for verification. They were questioned about the meeting and were allowed to go only after verification of their names and identities. The photos of the activists and the meeting taken by the police were handed over to vigilante groups who circulated them alleging that some students from JNU had entered Bastar for provoking the people, when none of the activists who attended the meeting is from JNU. The police officials from

Kotwali thana, Dantewada, since then, have been consistently making rounds at Mr. Sukul Prasad's house and threatening him for organising this event even though a prior information was given to the local authorities. Mr. Sukul Prasad Barse is a near 70 year old well respected local social activist from Maatenar, who works closely with Soni Sori and has been continuously raising issues of human rights violations by the police forces.

To recall another instance of vindictive action by the Chhattisgarh police against activists, in November the state police and district administration had registered a case on charges of 'criminal conspiracy and murder' against Dr Nandini Sundar, Department of Sociology, Delhi University; Dr Archana Prasad, Professor, JNU; Vineet Tiwari of the Joshi Adhikar Sansthan; Sanjay

Parate, Secretary, CPM, Chhattisgarh and Manju Kawasi of the CPI. They were not present anywhere near the spot of the killing of Shamnath Baghel for whose murder they were charged. They were part of a fact finding team in May this year which had revealed several instances of fake encounters, rapes and arrests by police and security forces, beatings and IED blasts rampantly carried out by the police.

The above incidents in quick succession point towards an escalation in instances of suppression of democratic voices in Chhattisgarh that expose the lawless nature of the state increasingly violating the rights of the people. The nexus between the state police and the vigilante groups in scuttling such voices, only becomes more apparent through such cases. The pretext of demonetization has provided a new

ploy for the police to harass activists on alleged charges of monetary help to Maoists. PUDR denounces the police actions and expresses solidarity with all those who are raising concerns of democratic and political rights of the Adivasi people.

We demand:

- Immediate stop to witch hunting, intimidation, arrests of Activists, Journalists, Lawyers, Doctors, Teachers, and Students
- Release all Social and Civil Rights Activists arrested so far and drop charges against them.
- Action against state police and local vigilante groups for malicious targeting

Anushka Singh and Cijo Joy,
Secretaries PUDR

<http://pudr.org/content/condemn-continuing-harassment-rights-defenders-chhattisgarh-police> □

PUCL Tamil Nadu & Puducherry State Unit

State Convention, 3rd and 4th September 2016

Presidential Address by Mr. P B D'sa, National Vice-President, PUCL

Today's Presiding Officer, Prof. Saraswathi and my friends and colleagues in PUCL. I am P.B. D'Sa, one of the Vice-President's at the National level in PUCL. My President, Prof. Prabhakara Sinha and the General Secretary, Dr. Suresh, have sent their greetings to you and wished success for your State Conference. Karnataka State President Prof. Rajendra and Secretary Dr. Laxminarayan has also sent his greeting to all of you.

70 Years Old India i.e. Bharath

INDIA with 31 states, 1618 languages, 6400 castes, 6 major religions, 6 races, 29 major feasts, one India. And I am a Proud Indian. 70 years of freedom.

Yes are you really free?

Punjab/ Mercara for fighting and sports, Bengal for writing, Kashmir for beauty, Andhra for duty, Karnataka for silk and I.T, Haryana for Milk, Kerala for literacy and Brains, Tamil for Grains and brains, Orissa for Temples, Gujarat

for communal unrest, Rajasthan for history, Maharashtra for Commerce, Himachal for Cold, U.P. for rice, Arunachal for Sunrise, Goa for singing and wine, Meghalaya for rain, M.P. for diamonds, Mizoram for Glass, Manipur for dance, Nagaland for Music, West Coast for Coffee, Tea and Tiles, Chhattisgarh for physique, Uttarkand for Rivers, Tripura for Singers, India for all of us a secular, socialistic India for Prosperity, Progress, Love, Peace and Harmony.

40 years of PUCL – What is the impact of PUCL in India

In 1976 October 17th the first meeting of PUCL took place in Delhi under name PUCL & DR. In the year 1981 PUCL was reborn as PUCL and PUDR also continued. 40 years have elapsed after the birth of PUCL and PUDR. And irony of fate is that during these 40 years India has gone from bad to worse. In fact entire India means Indians

have lost their character. It looks like that. But is the situation really bad. The answer is "NO".

It looks as if things were much better and harmonious and peaceful before the Emergency from 26th June 1975 to 26.03.1977. India faced Internal emergency. But most of the civilians were not affected. Only the opposition leaders were imprisoned.

South India was much more peaceful before the emergency than North India. But what is the scenario today ? In the year 1914 and 1915 maximum violence has taken place against Dalits and minorities, corruption has engulfed every department of the Government. The worst affected are Judiciary and Police not sparing even the fourth estate of India i.e. Media – and IAS and IPS and IFS – The department which, first Home Minister of India Sardar Vallabhai Patel, described as Steel frame of India.

The steel frame of India has become rusty and crumbling

Arrest of IAS and IPS officers by Lokayuktha is a part of daily news. The number of politicians who are arrested for corrupt practices is on the increase. Sardar Patel's 'Steel frame' has started rusting, Politicians were emboldened and a collaboration started building up between Politicians and the All India Services.

Though Dalits were ill-treated and deprived of their rights for centuries, attack on Dalits and minorities which was never heard of before the emergency are a matter of daily news. First time in the History of India, Christian churches and places of worship were attacked simultaneously on a single day in 18 places in Karnataka. And several churches and Christian Houses were demolished in Khandmal and North Eastern states. These communal attacks started after the demolition of Babri Masjid in the year 1992. Haryana stands first in communal attacks and Karnataka second in the year 1915.

Recently a citizen in Bombay was attacked though he was a Hindu because he was carrying a leather bag. Bombay an International Metro, which was far from any communal colour is also not spared.

Dalits all over India protested against "Una" attack and all other incidents and took a vow not to lift a dead cow and skin the same. Now these goonda Brahmins who provoke backward classes and dalits and pay them to assault their own people i.e. Dalits, backward people and minorities are engaged and training and provoking to attack their own brethren. They do it because they are paid for it.

Sedition

Amnesty International is a Internationally respected N.G.O. with thousands of members all over the world. All of them have no Political affiliations. This organization had organized a meeting under the caption "Broken families" in the context of

thousands of missing children. The assembly was addressed by reputed human Rights activists. A few members in the assembly at the end of the meeting raised a few slogans against the Indian Army. Towards the end of the meeting the Kashmiri Pandits who were present in the meeting were also allowed to speak. Some Kashmiri students are said to have shouted "Azadi slogans". If raising slogans is a traitorous act then the entire Kashmir Valley citizens should have been sent to jail by now.

Udupi Murder of Praveen Poojari

Recently Bajrang Dal (Aug. 20) killed one Praveen Poojari accusing him that he was transporting cows for sale. How is it possible that one who was doing Milk business by rearing 6 to 7 cows and living by that can indulge into cow transport for slaughter. There was no need for him. The reason was these Bajrang Dal did not like his rise in BJP and his prosperity.

Recently 4 dalits were openly tortured in the presence of police in Una Gujarat for skinning a dead cow, which went viral all over India. Earlier two Muslims were forced to eat cow dung for transporting cows. Three years back a Muslim father and son were made naked in public and tortured.

The Home Minister of Karnataka referring to the false FIR filed against Amnesty International said that it does not appear that Amnesty has committed any offence against the Nation. ABVP is deliberately organizing students by force to raise slogans against amnesty that it is anti national and causing sedition of the nation. It is a well known fact that merely raising slogans without causing violence is not sedition. If what Ramya, a Kannada Actor said amounts to sedition. Then what Vajpayee, Advani and RSS member Veda Prasad said long back also amounts to sedition.

Ramya merely said Pakistanis are good people, just like Indians. Sedition law has been misapplied and misused and misinterpreted as it is not at all applicable for spoken

or written word or slogans if the person concerned does not intend to create disturbance, disorder of law and order or incitement to violence. Therefore what happened at Bangalore, or JNU or Hyderabad or what Ramya said cannot be considered as Sedition.

Singur judgement:

The Singur Judgement by the Supreme Court has emphasized the rights of the deprived people of land and their livelihood by due process of law and transparency and ignored the Governments plea for Public purpose and industrialization. In the entire country the rights to acquire land for public purpose was misused in the name of SEZ. This is indeed a victory for Human Rights and rule of law and Democratic way of life and the Farmers who have committed suicide in lakhs.

Gandhiji told the rulers to look after the villages. But Nehru in his perverted wisdom copied the west and built 10 large cities and large industries and called them temples of Modern India. This was a blunder done. Now the greater bluffer and actor Modi wants to build 100 smart cities. If he does this at the cost of the villages, Crimes will increase, rapes will increase. There will be chaos in the country.

On the face of it, it looks as if the Democratic structures are crumbling on the face of fundamentalism, Caste conflicts and Communalism. But if we go deeper the situation is not so desperate. These conflicts are a blessing in disguise. These conflicts were not visible in the past. Now they are visible. Dalits, minorities have become aware of their rights. They are more prosperous, educated and progressive. And they have started fighting back.

During 1947 the population was much less than today and communication and Media did not reach all nook and corners of the country. Today it has reached every where in minutes. What was not reported then now it is transmitted all over the world in seconds.

The modern cities are becoming more and more secular. It is a Politically minded crooked Hinduthva-vadies who are actually not practicing Hinduism are making use of the religious card and mislead Hindus, because they are in the majority. But we can trust the large number of Hindus who are staunchly Secular, Reasonable and Patriotic will not allow India to become artificially political Hindus. Neither Congress dynasty nor RSS hierarchy can cure the wounds caused by them. Soon there will be a new breed of Politicians in this country, who are social activists, technocrats, highly educated and motivated Citizens and youngster's who will bail this country out of the mess in which older generation has landed us.

If you observe minutely, all these years it was minority Governments who were ruling us. Congress was getting 30% of the votes, similarly BJP also did not get more than 30%. Soon Dalits, minorities, educated people will come out and take over the management of this country.

Signs are clear from the pattern of voting in Delhi and the election analysis reported in the Media about Punjab, Goa, Karnataka.

It is indeed true that fundamentalism, caste conflicts and communalism will damage and destroy Democracy. But as I said earlier the picture is not so fearful. But people like us, PUCL and several other N.G.O.'s in India have a special role to play. We have to strengthen ourselves and attract

more people to our fold, specially the youth and retired people who are in a large number. What we are doing today is not just enough more importantly we will have to give publicity to what we have done.

There are NGOs like Common Cause, The Radical Humanist, Sabrang Trust – one run by Teesta Setalvad, Mr. Colin Gonsalves, Green Peace, Transparency India etc. who are fighting back. We have a N.G.O. in Karnataka by name Communal Harmony Forum which is concentrating on Caste, Communal and Minority Issues.

With these words I have great pleasure in inaugurating today's conference of PUCL Tamil Nadu and Puducherry.

P.B. D'Sa, Vice-President, PUCL National □

PUCL TN & Puducherry State Report read out in the PUCL National Convention, Raipur, 16-18th December, 2017

Appraisal Report on the Activities Carried Out During 2014-16

Human Rights Issues

1. PUCL's fact finding team could expose the facts with regard to the illegal sand mining in PALAR, a river in Kancheepuram District with the support of the peasants living there. This report has exposed the officials who are involved in this illegal mining. The report appeared in mass media has made the Chief Minister of Tamil Nadu to suspend the District Collector of Kancheepuram and declared a ban on sand mining in that area. But in neighbouring Vellore District, when Dalit youth protested against sand mining in the same Palar river, they had to face the onslaught of unscrupulous miners, corrupt police and compromised administration. Facing numerous prosecutions, youth groups opposing illegal sand mining on environmental grounds had to confront open violence including death threats. In a set of such false

cases, PUCL's intervention included exposing the nefarious nexus between miners and officials and also to approach the High Court for appropriate remedies.

2. In a peculiar manner the state government has kept some of the Tamil refugees in a special camp as hostages. PUCL has many times condemned this act and demanded the Government to release them. Due to the efforts taken by PUCL members by way of explaining the cases with suitable evidences to the officials, except 12 refugees, all others (around 45-50) were released from the hostage camp in frequent intervals. Rests are in Trichy and Cheyyar camps. In addition to this, Government has stopped dumping refugees in those camps. It is due to the efforts of PUCL the daily allowance for the refugees are hiked from Rs.70 to Rs.100/-.

3. On 6th March 2016, a Sri Lankan refugee has

committed suicide at the refugee camp at Uchappatti, Madurai, due to the torture he met from the police of Tamil Nadu. PUCL along with AIPF made a fact finding and recommended relief measures. PUCL's intervention has made the police to restrain from causing unnecessary pressure on them.

4. When 20 Tamil coolies were killed by the Andhra Police for cutting the Red Sand trees at Thirupathy, PUCL members joined the Fact finding Committee along with other Human Rights organizations around the country and brought out the in human killings of the Andhra Pradesh State.

5. Non state actors' human rights violations are always on the rise. In Southern Districts the caste Hindus dominant over the marginalized people. Some of the poor youths are even killed. This dominant attitude prevails in the mind of

the Caste Hindus because they think that their caste people are in important power centres of the state. Similarly, in the Northern Districts, the Honour Killing is more prevalent. Many murders occurred to protect the prestige of the upper caste. In most of the occasions, Dalit youths are the victims. Hence, PUCL is demanded the Tamilnadu Government to bring an exclusive act to prevent honour killings in the state. Similarly, in a village called Seshapuram in Villupuram District, the Dalit Temple Car was burnt and Dalits were beaten by upper caste people.

6. Tamil Novelist Perumal Murugan was taken into task by his own upper caste people by charging him that he has portrayed their caste in a very bad light in his novel. It is a general opinion that the instigation of Sangh Pariwar is the main cause for this incident. Nevertheless, PUCL's legal intervention and lobbying has helped him to get transfer from his place to safe guard his life. Sangh Parivar's role causes deep concern among human rights activists since it would make the entire state a communal one.
7. PUCL made a legal intervention in the murder case of Mr. Parthiban, a fishermen leader, a PUCL member and also the leader of Mechanised Boat Workers Union affiliated to AITUC at Tuticourin.
8. PUCL along with AIPF conducted a Fact Finding visit in connection with the murder of a CPI ML activist by a Hindutva Fundamentalist for a political reason in Vannarapettai, Tirunelveli.
9. PUCL issued press statements and helped in legal articulation for Mr.

Piyush, a known environmental activist, who was allegedly tortured in prison, to get bail.

10. PUCL Tuticourin has formed a Fact Finding team to investigate the factors that lead to accidents within the premises of Tuticourin Thermal Power Station on 16th October and 4th November 2016.
11. PUCL - Tamil Nadu & Puducherry had set up a 16 members Fact Finding Team (FFT) to look into the violence unleashed on Muslims in Coimbatore on 23.09.2016, following the murder of Hindu Munnani leader Mr. Sasikumar. This statement is the summary-interim report released to the Press on 12.10.2016 at Coimbatore. The final report was released on 3-12-16. The violence perpetrated by the Hindu Munani processionists, although partially disowned by the leaders, and claimed that they were Bangladeshis, are by and large nothing but local elements, guided/misguided, by the local leaders. There appears to be a deliberate design and conspiracy in obliterating the assets of the Muslims, as the attack, looting and arsoning is selective and targeted. (This we find is a sort of continuation of the manifestation of the business interest of the social groups identified during the 1997 riots in Coimbatore). The indifference, inaction, and in some cases, by being mute spectators in the scene of crimes and violence, constrains the FFT to allege that the Police did, in a way, abetted the crime. The failure of the Police forces to beef-up the Security measures to prevent/contain the violence was conspicuous. PUCL has made a few recommendations

which includes the compensation to be paid to the people who are affected and initiating a legal inquiry against the erred police and revenue department officials.

Environmental Issues

12. The recent floods in Chennai and other parts of the state reveals two troubling aspects related to governance as also responsibilities of citizens both impacting on the right to life of citizens. On one hand the continued disinterest of the government to enforce the laws regulating construction on water bodies, channels and irrigation pathways have been flagrantly violated with the government itself being the biggest violator. Continued negligence of regular maintenance, corruption in the award of tenders and political interference has created conditions leading to a collapse of local administration which effect is seen at the time of disasters, both natural and human engineered. But the apathy of the government agencies is matched by the unacceptable behaviour of the middle classes who knowingly encroach on prohibited water ways thereby affecting the delicate balance of ecology and human habitats. However the scale of citizens' indifference to obey the laws of the land raises the larger issue of the extent to which such middle classes and professional groups may be willing to stand up and oppose violation of human rights in general. A new approach will have to be taken to sensitize and mobilize these sections. PUCL Chennai had launched a 'Citizen's Platform', following floods in Chennai, last year, to intervene in this regard.

PUCL's State Convention

13. The State Convention was held at Coimbatore on 3rd and 4th September 2016. Mr. Taban Kumar Bose has delivered the key note address. In this conference, new office bearers were elected. Prior to the conventions, all District units have conducted their district conventions and elected district office bearers in those meetings. Issues related to Casteism, Women rights, Fundamentalism and New Education policy were discussed in the conference.

Programmes Conducted

- K.G.Kannabiran Memorial Lecture was conducted on 9th November 2014 at Chennai. Justice C.V. Wigneswaran who the Chief Minister of Northern PROVINCE, Sri Lanka has delivered the address.
- PUCL has organized K.G.Kannabiran Memorial Lecture at Madurai on 16-11-16 at Madurai. Ms. Teesta Setelvad delivered the lecture on the current communalist scenario of the country.
- PUCL Chennai has organized a seminar on the 'Status of Srilankan Tamils Today' by inviting Mr. Suresh Prema Chandran, the former Member of Parliament of Srilanka as a special guest speaker from Srilanka on 23-11-16 at Chennai.
- More than three seminar programmes are organized on different human rights issues to sensitize the members and others.
- PUCL joined with few other organizations and conducted a campaign for clean elections during the state assembly elections held in 2016.
- District units have taken part in various protest programmes connected with human rights

issues such as Honour killings, encounter killings, false encounter killings and so on.

- PUCL had conducted one day workshop (at Erode) on the provisions of constitutional laws that protect human right defenders. Not only PUCL members but office bearers of several peasant organizations and dalit organizations had participated in it. The protective laws were itemized and the printed copies of the same were distributed among the audience. It was well received and based on the experience, PUCL (TN& Puducherry) had taken a decision to expand the same throughout the state.

Some Important Press Statements

To show our stand on certain issues, press statements are being issued.

- Press statement is issued to condemn the recent killings of women like Swathi, Vinupriya, Nandhini and others. PUCL viewed these murders with serious concern and consider these brutal violent acts against women as the gender issue to be taken up by the state seriously. As the youth are to be sensitized on gender equality and sensitivity, PUCL has decided to design a course for the all college students of Tamilnadu with the support of experts.
- In another press release, PUCL strongly condemned the violent protests at Karnataka in connection with the Cauvery water issues and viewed that such violence cannot be justified on any ground as it affects the life of common man. PUCL viewed that it is the duty of both the state governments to provide security to property and lives of the citizens. The press

statement told that the conflict between two state governments should not be made as conflict between people of both the states.

- As the death of Mr. Ramkumar, the accused in the murder case of Ms. Swathi, is highly suspicious one. Hence PUCL issued a press statement demanding the Government to order for a special investigation to find the truth. In this context, PUCL urged the Government to form a special enquiry commission headed by a sitting judge of High Court and the reported may be submitted within a stipulated time.

Limitations

1. **Communication gap:** This was a serious problem for members. Now this has been reduced due to the formation of WhatsApp groups. As we have separate groups for state office bearers we could communicate the developments now and then.
2. **Membership:** Membership seems to be very less. Youth need to be attracted and responsibilities shall be given to them.
3. Issues are many. But legal interventions are very less.
4. PUCL needs to operate at the mainstream political platform also.
5. Though we plan many activities, we are not being able to follow all the plans and make it. Especially starting new district units, and following up certain issues are not being made effectively.
6. Financial constraint is also an important limitation in organising certain programs.
7. Lack of training programmes for all members.
8. Only in 10 districts, PUCL committees are functioning in the state. We need to expand to all districts in TN.

Prof. R.Murali, General Secretary, PUCL-T.N&Puducherry

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