

**Inside :**

**Sweeping of Country by Hindutva – What to be done?** - Ravi Kiran Jain (1)

**ARTICLES, REPORTS & DOCUMENTS:**

**A Way of Life: Hinduism's Versus Hindutva's** - Prabhakar Sinha (4); **Retired Bureaucrats Warn of 'Growing Authoritarianism, Majoritarianism' in India** (5); **Rajasthan Textbooks Revised to Glorify Modi Government** - Shruti Jain (6); **Muslims Must Refuse to Be Killed** - Apoorvanand (9); **Launch of Dr. Trupti Shah Memorial Lecture Series: A Report** (14); **Ayodhya Case should be decided by the Supreme Court - No Scope for Mutual Settlement** - Rajindar Sachar (17).

**PRESS STATEMENTS, LETTERS, AND NEWS:**

**Rajasthan PUCL: Open letter to the Chief Minister of Rajasthan on the lynching of Pehlu Khan** (7); **Press-Note: Joint Protest in Jaipur demanding justice for Com Zafar Khan** (8); **PUCL Statement: Condemn the CBI Raids on NDTV Promoters, Prannoy & Radhika Roy!** (10); **Justice Rajindar Sachar's letter to Mr. Raj Kamal Jha Sahib** (12); **Chhattisgarh PUCL Press Statement: PUCL Chhattisgarh Severely Condemns the Ruthless Ambush Carried out by Maoists** (13); **PUCL President's letter to Hon'ble Mr. M. Venkaiah Naidu** (13); **Justice Rajindar Sachar's letter to Hon'ble Mr. M. Venkaiah Naidu** (14); **Letter: Custodial Torture and Human Rights Violation of 21 Under-Trial Prisoners in Bhopal Jail** (18).

Annual Subscription: <i>PUCL Bulletin</i> (w.e.f. January 01, 2017)	INDIA
PUCL Members	Rs. 200
Non-Members	Rs. 240
Libraries, Institutions	Rs. 300
	OVERSEAS
PUCL Members	US\$50
Non-Members	US\$100
Libraries, Institutions	US\$120

<b>PUCL MEMBERSHIP</b>	
	<b>INDIA</b>
Patron	Rs. 2000
Life	Rs. 1000
Annual	Rs. 50
	<b>FOREIGN</b>
Annual	Indian Rs equivalent of US \$15

## Sweeping of Country by Hindutva – What to be done?

Ravi Kiran Jain\*

Describing the demolition of Babri Masjid in Ayodhya as “Crimes which shake the secular fabrics of the Constitution of India”, the Supreme Court on April 19, 2017 put the senior BJP leaders L.K. Advani, Murli Manohar Joshi and Union Minister Uma Bharti on a joint trial with '*kar sevaks*' in the 1992 case under various charges, including criminal conspiracy to pull down the disputed structure. The Court also ordered restoration of charges against Rajasthan governor Kalyan Singh (who was Chief Minister at the time of demolition) and 8 others in connection with the case but exempted Kalyan Singh from prosecution on account of Constitutional immunity he enjoys as Governor. After this order of Supreme Court Uma Bharti and Kalyan Singh must have stepped down. On the other hand Uma Bharti raised the political pitch saying she never had any regrets about her role in bringing down the disputed Ayodha structure on Dec 1992. She said she had always been proud of her participation in the Ram Temple movement. "*Na maine kabhi khed vyakt kiya hai, na maine kabhi mafi mangi hai*" (neither have I expressed any regret, nor have I ever apologized)," she said.

The *Indian Express* dated April 20, 2017 in its Editorial observed "FINALLY, THE WHEELS of justice are turning in the Babri Masjid demolition case. The possibility of due process leading to justice and closure in one of the most seminal cases in India's political history seems within reach now, 25 years after the 16<sup>th</sup> century mosque at Ayodhya was demolished by *Sangh Parivar* activists in the wake of the Rath Yatra of the-then BJP Chief L.K. Advani, shaming a nation and setting powerful new political dynamics in motion. The Supreme Court's order on Wednesday sets back on track the judicial process and lays down conditions to ensure that the trial is not delayed or compromised further."

In 1984 Elections in which Rajiv Gandhi had a clean sweep, BJP could secure only 2 seats in Lok Sabha. The *Sangh Parivar* started a campaign for the construction of a magnificent Ram Janam Bhoomi Temple at the site and by 1985 built up a sizeable support in the Hindu Community. In January 1986, locks were removed from the mosque and Ram bhakts were permitted to offer prayers to Ram lala. It is said that the Prime Minister Rajiv Gandhi ordered the Chief Minister Veer Bahadur Singh to do so who got the District Administration to ensure this. The two major political parties BJP and the Congress started a race on pandering to communal Hindu sentiments. In 1988, Hindutva Organizations led by the RSS organized a mass campaign for building a grand temple exactly where the Mosque stood. They claimed that the Mosque stood at the precise site where Ram was born.

Union Home Minister Buta Singh signed an agreement with the VHP on

17<sup>th</sup> August 1989, that bricks for constructing the temple would be allowed to be brought from all over UP without hindrance and collected at the plot No. 586 near the mosque. This agreement was in violation of an order of the Allahabad High Court given on 14<sup>th</sup> August that no construction activity could be taken at that spot.

Later, the VHP announced that 'kar sewa' would be performed to lay the foundation stone. This was also a violation of the judgment given two days ago, prohibiting any such activity. This repeated defiance, of the orders of the court did not weigh with the Prime Minister who inaugurated the campaign of Congress Party the next day from twin city of Faizabad, and announced that the objective of the party was to establish **Ram Rajya**. Soon thereafter the BJP President Advani, at Palampur, after the National Executive Meeting, announced that the inclusion of the construction of the temple in its Election Manifesto "would fetch votes" for it. **It would thus appear that the two major political parties were in a race on this issue between 1984 and 1989.**

Looking back at the developments around 1989, we are reminded how *Mandalisation* was made an effective issue by the casteist forces in answer to BJP's *Kamandalisation*. Very soon, casteist forces came to acquire political legitimacy by projecting themselves as political forces opposed to communalism, and in order to appear so, they masked themselves as "secularists", though the truth was that they had discovered "caste politics" as a potent instrument to win success at elections without even doing anything while in power for solving the basic problems of the masses. There emerged a consensus among various political parties to maintain their vote banks by dividing the people on caste and communal lines. Non-performance by a party in power became irrelevant because of its potential to

work out a favourable caste arithmetic and win elections. Communalism on the one hand and casteism on the other thus acquired a firm sway over the Indian polity. If anything, it were the three C's—centralisation, corruption and criminalisation—coupled with the caste and communal divide, engineered by opportunistic political forces as the shortest route to quick success, which made all the relevant issues, concerning the public, irrelevant. While corruption and criminalisation sapped the soul out of the ideal of people-oriented democratic governance, centralization of political authority led to an unaccountable bureaucratization of governance. In this backdrop the movement to construct a Ram temple at the sight of the Mosque also gathered momentum in 1989 and continued till 1992. The Supreme Court in *M. Ismail Farooqui vs UOI*, (AIR 1995 SC 605) noticed: "A new dimension was added to the campaign for the construction of the temple with the formation of the Government in Uttar Pradesh in June 1991 by the Bhartiya Janta Party (BJP) which declared its commitment to the construction of the temple.....The focus of the temple construction movement from October 1991 was to start construction of the temple by way of 'kar-sewa' on the land acquired by the Government in Uttar Pradesh while leaving the disputed structure intact. ....There was a call for resumption of kar sewa from 6<sup>th</sup> Dec 1992 and the announcement made by the organizers was for a symbolic kar-sewa without violation of the court orders including those made in the proceedings pending in this court. In spite of initial reports from Adhyodhya on 6<sup>th</sup> Dec 1992 indicating an air of normalcy, around mid-day a crowd addressed by leaders of BJP, VHP, etc., climbed the Ram Janma Bhoomi – Babri Masjid (RJB-BM) structure and started damaging the domes. Within a short time, the entire structure was demolished and

razed to the ground. Indeed it was an act of "National Shame" what was demolished was not merely an ancient structure; but the faith of minority in the sense of justice and fair play of majority. It shook their faith in the rule of law and constitutional processes. A five hundred year old structure which was defenceless and whose safety was a sacred trust in the hands of government was demolished."

In a speech from the Red Fort in Delhi on 15th August 1992 which was broadcast, the Prime Minister P.V. Narasimha Rao had already said that "The Babri Masjid structure will be protected and the Ram temple built". This assurance would lead people to draw a conclusion that the Ram Temple was not to be built on the site of the Babri Masjid because that structure was to be protected. The destruction of the Babri masjid had deeply wounded the religious feelings of the Muslim community throughout India and the least that could be done to sooth those injured feelings was to assure the community that the Babri Masjid was to be rebuilt. The Prime Minister gave that assurance on Dec 7, 1992, and he referred to it on February 7, 1993 in the BBC 'Phone-in programme'. He said " I thought it was necessary, it was my duty to rebuild the Mosque."

"The judgments delivered by the Lucknow Bench of Allahabad High Court on September 30 on the Babri Masjid cases not only flagrantly violate the law and the evidence but a binding unanimous judgment of the Supreme Court on the Babri Masjid case itself (*M. Ismail Faruqui vs Union of India'* (1994) 6 SCC 360. It sanctified the conversion of a historic mosque, which stood for 500 years into a temple." Said A.G. Noorani in his article "Muslims Wronged" in Oct 22, 2010 issue of Frontline. Noorani further says in the same article, "On the Babri Masjid, for 60 years from 1950 to 2010, Muslims have been woefully wronged by every single court ruling, including that of the

Supreme Court after the demolition of the mosque on Dec 6, 1992”.

An eminent jurist and Senior Advocate of Supreme Court T.R. Andhyarujina in his article (*The Hindu*) Oct. 5, 2010 said “The absence of any condemnation of the vandalism of the demolition of the Babri Masjid on Dec 6, 1992 is a conspicuous aspect of the Ayodhya verdict of the Allahabad High Court.” T.R. Andhyarujina further says in the same article: “The Ayodhya judgments of the Allahabad High Court make no note of the vandalism of Dec 6, 1992. On the other hand, they take the demolition as a *fait accompli*, as if the disputed 2.77 acre site was vacant land. After holding that the area beneath the central dome of the erstwhile Masjid must be allotted to Hindus because of their faith that Lord Ram’s place of birth was there, and the areas covered by the Ram Chabutara and Sita Rasoi should be allotted to the Nirmohi Akhara, the court has said that the remaining area of the disputed site should be divided, two-thirds to the two Hindu plaintiffs and one third to the Muslim plaintiff by metes and bounds. These judgments, therefore legalize and legitimize the 1992 demolition, as the decree of the court proceeds on the basis that there is no Masjid on the disputed site today.

It is an elementary rule of justice in courts that when a party to a litigation takes the law into its own hands and alters the existing state of affairs to its advantage, (as the demolition in 1992 did in favour of the Hindu plaintiffs), the court would first order the restitution of the pre-existing state of affairs.”

H.M. Seervai, one of the most distinguished constitutional lawyer in an article “BABRI MASJID” published in *Economic Times* on 9<sup>th</sup> and 10<sup>th</sup> April, 1993, said:

“The destruction of the Babri Masjid put an end to all previous controversies raised by Hindu organizations about their alleged rights to erect a temple on the place

where Babri Masjid stood. This is because no Court will give any assistance to those who unilaterally by criminal acts destroyed the subject matter of this dispute and violated the constitution and the law.”

The Allahabad High Court verdict came on 30<sup>th</sup> Sept 2010 during UPA-II regime. After Allahabad High Court judgment a grave and serious danger to Indian democracy appeared on the horizon. This verdict gave a legal shape to the political agenda of the *Sangh Parivar* “Mandir wahin Banaenge” and has legitimized the Masjid demolition on 6<sup>th</sup> Dec 1992 giving them a way to claim to construct a “Grand Temple” at the site of the demolished Masjid and gave a boost to the BJP to contest 2014 Elections based on this issue. Although against the Allahabad High Court judgments many appeals were filed in the Supreme Court (which are still pending), and the question as to whether they could construct a temple at the site of the Mosque had yet to be finally decided by the Supreme Court, the *Sangh Parivar* continued with their campaign for 2014 elections that they would construct a Grand Temple. This judgment gave strength to the BJP and the power behind it- the RSS and the *Sangh Parivar* consisting of such organization as the *Akhil Bhartiya Vidyarthi Parishad*, the VHP and the *Bajrang Dal*. They gave to Indian politics a heady mixture of aggressive hindu communalism and an equally aggressive hindu nationalism. In that process they promoted enmity between the Hindus and the Muslims. The movement fostered by these forces contains all the essential characteristics of fascism.

After about three and a half months of 6<sup>th</sup> Dec 1992 demolition, 13<sup>th</sup> J.P. Memorial Lecture was delivered by Shri V.M. Tarkunde on 23<sup>rd</sup> March 1993 on **Communalism and Human Rights**. Shri Tarkunde said in that lecture : “ I am of the view that

the communalist nationalism which is being propagated by the BJP and the *Sangh Parivar* represents a far greater danger to Indian Democracy than the personal authoritarian rule which Mrs. Indira Gandhi and the Gandhi-Nehru family were likely to impose on the country. A personal authoritarian rule is a lesser danger because it is largely external to the people. Most of the people do not approve it, although they are usually too afraid to stick out their necks and openly oppose it ....Communalism, however, particularly when it is the communalism of the majority and can therefore take the form of ardent nationalism as well, can find a positive response in the minds of the people who are still prone to religious blind faith and among whom the humanist values of democracy, i.e, values of liberty, equality and fraternity are yet to be fully developed. Communalism in such cases is an internal enemy in the human mind and it is far more difficult to eradicate it than an external enemy like an autocratic ruler.” Shri Tarkunde cautioned about the possibility of the BJP coming into power in the next elections (after demolition of the Mosque in Dec 1992). In this context he said in his memorial speech “as the Congress – (I) is now much weaker than before and the opposite parties are unable to unite –to form an anti-communal secular platform, the BJP expects to come to power in the next election. If this happens, the secular democracy in India is liable to be replaced by a potentially fascist theocratic state.” However, it did not so happen in the next election. But in 1999 BJP led coalition NDA formed the govt. with Atal Bihari Vajpayee as Prime Minister, with a strong opposition in Parliament. What Shri Tarkunde was apprehending in 1993 to happen, has happened in 2014 by the victory of Modi with a huge margin in Parliament with a weak and divided opposition.

Now after three years of the victory of Modi in the Centre, Yogi Adityanath, a Hindu icon has been elected as the leader of Uttar Pradesh Legislative Party and installed as Chief Minister. The BJP has secured a majority of 325 members in the Legislative Assembly having the strength of

403. Yogi has the reputation of being a hardcore Hindu leader. His becoming the Chief Minister shows that Hindutva is sweeping the country. It also shows that secularism has not taken roots in our country. The Hindutva elements are gradually sweeping the country.

These developments make the state of human rights in the country as appalling. The concerned citizens have to seriously think as to how they have to meet the situation.

**\*Ravi Kiran Jain,**  
National President, PUCL. □

## A Way of Life: Hinduism's Versus Hindutva's Prabhakar Sinha

One is a Hindu by birth. No rite is required to be performed to make him a full-fledged Hindu. He may believe in God or may not believe in God. He may refuse to visit a temple or perform POOJA. He may criticise or condemn Hindu gods and goddesses and yet remain a Hindu. It is very different in Islam and Christianity. You cannot remain a Muslim if you do not believe in the Quran and Allah or believe in any other god except *Allah*. In Christianity also you have to go through Baptism. you may even be ex-communicated for certain unChristian acts.

In Hinduism, religious and social values are transmitted from generation to generation in the family through mythology and the stories of icons from the past like that of Satya Harishchandra, Danveer Karn, Dharmraj Yudhishtir, Maryadapurush Ram and many others. A Hindu is taught to be kind, compassionate, to be generous, sacrificing, free from anger, vengeance and greed etc. \* These values influenced the life of the people in ancient times.

Freedom of thought and expression allowed Charvak to propagate his atheist philosophy, allowed Buddha to revolt against Sanatan Dharm and convert Hindus to Buddhism - the religion he founded, and Adi Shankaracharya to establish his philosophy throughout India by Sastrarth/debate only.

The freedom of thought and expression, tolerance and the other values defined Hinduism's way of

life.

The RSS-BJP categorically and rightly assert that their Hindutva has nothing to do with Hinduism, which is a religion. They emphatically assert that their Hindutva is only 'A WAY OF LIFE', which should be followed by Indians regardless of their religion. But there is no literature to tell us what the way of life called Hindutva is. So, the only source of knowledge and information regarding Hindutva as a way of life is the conduct of the practitioners of Hindutva: the RSS, BJP and the other members of the *Sangh Pariwar* like *Bajarang Dal*, *Akhil Bharatiya Vidyarthi Parishad*, *Vishwa Hindu Parishad* etc.

Hindutva as a 'way of life' was in operation during the riots of 2002 in Gujarat under Modi. The then PM, Vajpayee, found it against 'Raj Dharm'. It was in operation when Akhlaq was lynched in UP and Pehlu Khan in Rajasthan. It has been in operation when JNU was attacked and when Kanhaiya Kumar and the others were attacked in the court in Delhi by the Hindutva lawyers and goons. The Hindutva brigade attacked Ramjas College and many other institutions. The Hindutva brigade breaks meetings, indulges in vandalisation of meetings expressing opinions they consider wrong. They beat up the people they disapprove of. They are prompt in asking any Indian to go to Pakistan if they do not like what he says.

They choose as C.M. a person who exhorts his followers to dig Muslim women from the grave and rape them and has been declaring that if they (the Muslims) kill one we would kill 100. Their Ministers and leaders have been making statements calculated to create communal tension and riots.

Let us agree for the sake of argument that Akhlaq was cooking beef, that Pehlu Khan was taking the cattle to slaughter, that anti-national speeches were made at JNU and Ramjas College, that such anti-national acts occurred at other places also, but did the occurrences give the Hindutva brigade the right to kill, vandalise, beat and perpetrate other such crimes in the country? Just because the Hindutva Brigade is in power, do its affiliates have become a law unto themselves and have become entitled to assume the power of life and death over the people of India?

***And finally are we ready to accept this Hindutva as a way of life for ourselves?***

**Note:**

\*Nothing said here should be understood to imply or state that Hinduism is an ideal religion and is free from injustice.

#Does the Hindutva concede other organisations the same right to kill and beat them if they also consider the Hindutva anti-national? Or the right to decide what is anti-national and award punishment or is it the monopoly of only the Hindutva Brigade? □

## Retired Bureaucrats Warn of 'Growing Authoritarianism, Majoritarianism' in India<sup>1</sup> By The Wire Staff on 12/06/2017

*In an open letter 65 senior retired officials from different Central services – including the 91-year old Har Mander Singh, a 1953 batch IAS officer – urge all public authorities and constitutional bodies to take heed. The full text of the open letter is reproduced below.*

We are a group of retired officers of All India and Central services of different batches, who have worked with the Central and state governments in the course of our careers. We should make it clear that as a group, we have no affiliation with any political party but believe in the credo of impartiality, neutrality and commitment to the Indian constitution. A sense of deep disquiet at what has been happening in India has prompted us to write this open letter to chronicle our reservations and misgivings about recent developments in the body politic. What has gone wrong?

It appears as if there is a growing climate of religious intolerance that is aimed primarily at Muslims. In Uttar Pradesh, in the run-up to the elections, an odious and frankly communal comparison was made between the relative number of burial grounds and cremation grounds. The question was also asked as to whether electricity was being supplied equally to different communities during their religious festivals. All this without any basis in fact or evidence. The banning of slaughter-houses targets the minorities and affects their livelihoods as well. Such intolerance breeds violence in a communally charged atmosphere – even to the extent of a local leader in UP provoking an attack upon the residence of a superintendent of police, whose family was terrorised. Vigilantism has become widespread. An Akhlaq is killed on the basis of a suspicion that the meat he has is beef and a Pehlu Khan is lynched while transporting to his place two cows he had bought and for which he had the necessary papers. Nomadic shepherds are attacked in Jammu and Kashmir on some suspicion as they practice their age-old occupation of moving from one place

to another along with their cattle and belongings.

*Gau-rakshaks* function with impunity and seem to be doing so with the tacit complicity or active encouragement of state machinery. Punitive action against the perpetrators of violence does not take place promptly but cruelly, the victims have FIRs registered against them. The behaviour of vigilantes – who act as if they are prosecutor, judge and executioner rolled into one – flies in the face of law and jurisprudence. These actions undermine the rule of law and the Indian constitution since only the state – through its various organs and institutions – has the power to enforce the law.

Vigilantism has become popular ""as anti-Romeo squads threaten young couples who go out together, hold hands and are perhaps in love with each other. A thinly-veiled effort to prevent a Hindu-Muslim relationship or marriage, there is no justification in law to harass these couples, particularly when there is no complaint from the woman of being ill-treated.

Student groups and faculty members on campuses like Hyderabad and JNU, who raise troubling questions about equality, social justice and freedom, are subject to attack by the administration, with a supportive government to back them. In Jodhpur, a planned lecture by a renowned academic was cancelled under pressure and the faculty that organised the event subjected to disciplinary action. What happened in Jodhpur has happened at other institutions as well. Argumentation and discussion about different perspectives – the life-blood not only of institutions of learning but of democracy itself – are being throttled. Disagreement and dissent are considered seditious and anti-national. Such attitudes have a chilling impact on free speech and thought.

Several reputed NGOs and civil society organisations are being charged with violating the provisions of the Foreign Contribution (Regulation) Act and the Income Tax Act. While we agree that genuine

violators should be identified and penalised, we note with dismay that several of the targeted groups are those who have taken stands against government policies, expressed dissent or supported communities in cases against the state.

We are also seeing an ugly trend of trolling, threats and online intimidation of activists, journalists, writers and intellectuals who disagree with the dominant ideology. How does this square with free speech?

There is a growing hyper-nationalism that reduces any critique to a binary: if you are not with the government, you are anti-national. Those in authority should not be questioned – that is the clear message.

In the face of a rising authoritarianism and majoritarianism, which do not allow for reasoned debate, discussion and dissent, we appeal to all public authorities, public institutions and constitutional bodies to take heed of these disturbing trends and take corrective action. We have to reclaim and defend the spirit of the Constitution of India, as envisaged by the founding fathers.

**Signatories:** **Vivek Agnihotri**, IAS (Retd.), former Secretary General, Rajya Sabha; **S. Ailawadi**, IAS (Retd.), former Chairman, Electricity Regulatory Commission; **P. Ambrose**, IAS (Retd.), Additional Secretary, Ministry of Shipping and Transport, GoI; **Ishrat Aziz**, IAS (Retd.), former Ambassador to Brazil; **Balachandran**, IAS (Retd.), former Additional Chief Secretary, Govt. of West Bengal; **Balachandran**, IPS (Retd.), former Director General of Police and Chairman, Tamil Nadu Police Housing Corporation, Govt. of Tamil Nadu; **Balagopal**, IAS (Retd.), former Resident Representative, UNICEF, North Korea, **Sundar Burra**, IAS (Retd.), former Secretary, Govt. of Maharashtra; **Chandramohan**, IAS (Retd.), former Principal Secretary, Urban Development and Transport, Govt. of NCT of Delhi; and 56 others.

<sup>1</sup> <https://thewire.in/146332/open-letter-authoritarianism-india-retired-officials/> @ 12.6.2017 □

Courtesy: The Wire, 16.6.2017

## Rajasthan Textbooks Revised to Glorify Modi Government Shruti Jain

**Jaipur:** 'Who gave the slogan of *sabka saath, sabka vikas?*', 'What all has been done by Prime Minister Narendra Modi to improve relations with Pakistan?', 'During his Nepal visit, how did Modi assure Nepal?', 'What was the reason behind implementing demonetisation?', 'Name four development programs of the Modi government,' 'What was the contribution of Vinayak Damodar Savarkar in the freedom struggle?' are a few of the questions in the revised Class 10 and 12 textbooks of the Rajasthan Board of Secondary Education (RBSE).

The new social science textbooks have chapters added on demonetisation, Make in India, the negative impact of non-vegetarian food on health, reporting of terrorist activities by media channels, the prime minister's foreign visits, cashless transactions, NITI Aayog, the 16th Lok Sabha elections, Swachh Bharat Mission and the Paris Agreement, among the Modi government's other initiatives.

The contents of the textbook have been drawn up in such a way that they leave no space for students to question the other side of the initiatives. The questions at the end of each chapter do not encourage any critical analysis either.

"Seventy percent of the syllabus is kept same. Changes have been made only in the social science syllabus, as the previous textbooks focused on the world more than India and Rajasthan. We don't want our kids to lag behind. For those who are making an issue out of it, we have invited suggestions/feedback on the revised textbooks that could be used next time," Professor B.L. Choudhary, chairman of the RBSE told *The Wire*.

Under section 22 of the Rajasthan Secondary Education Act, 1957, the RBSE forms a textbook

committee that is responsible for the preparation and periodic revision of textbooks.

"With the ascent of BJP to the Centre in 2014, the Vasundhara Raje-led BJP government in Rajasthan has indulged itself in propagating the party's Hindutva ideology through alteration in the school syllabus," said Professor Rajiv Gupta of the Rajasthan University. "It is for the first time that the state government has given suggestions to RBSE to revise its textbooks. Controversies of the BJP government are tactfully ignored in the new books. Gandhi's assassination and the 2002 Gujarat riots aren't mentioned anywhere. Also, the initiatives talked about in the textbooks highlight only the positive aspects, lacking any critical assessment. This is a clear example of 'manufacturing consent,'"

### 'Elite' Congressmen wanted to prolong British Raj

The chapter on India's freedom struggle in the Class 10 social science book says that only people from prosperous, intellectual and middle-class backgrounds, who couldn't connect with the masses, were the leaders of the Congress in its first phase. Liberals wanted to strengthen British Raj in India and focused on its publicity, as they considered it emblematic of peace and order, and feared disorder in its absence. They never demanded India's freedom during that phase, the textbooks say.

### Rewriting history

Savarkar, who has been given significant space in the Class 10 chapter on India's freedom struggle, is mentioned as the 'only brave revolutionary to be sentenced to two life terms of imprisonment and put in tireless efforts to stop partition,' sidelining Pandit Jawaharlal Nehru. No reference to Mahatma Gandhi's

assassination has been made in the books.

### Demonetisation as 'kaale dhan ki safai'

The chapter on corruption in the Class 12 political science textbook says demonetisation is known as '*kaale dhan ki safai*' in the history of economics. It was a 'historical decision' by the Central government to bring back black money, fight corruption, stop the financing of terrorist organisations and curb the usage of black money in elections. The textbook says nothing about the hardships faced by the public due to the sudden cash crunch, the impact on people in the informal sector who mainly deal in cash, the decrease in demand and other negative impacts that the decision has had on the Indian economy.

### Non-vegetarian food and health

The Class 10 physical and health education book says that non-vegetarian food harms the body. As compared to the previous edition, meat products have been eliminated from the long list of fat, protein and mineral salts sources. Only eggs have been mentioned in the new book. The book also describes in detail 'when to eat,' 'how to eat,' 'what mantra to chant before the meal' and 'how influence of western culture in the country is breaking families apart and reducing *sanskar* in the new generation'.

### Lotus as a 'symbol of Indian culture'

A poem called 'The Lotus' by Indian poet Toru Dutt, in the Class 10 English book *Golden Rays*, describes 'the victory of the lotus as the victory of Indian culture'. The poem depicts the lotus, which is also incidentally the election symbol of the ruling Bharatiya Janata Party, as the favourite flower of Indian gods and goddesses. Many prizes – the

Padmashri, Padma Bhushan, Padam Vibhushan – are named after the lotus (*padma* means lotus in Sanskrit). The poet describes a dispute among flowers (lotus, rose and lily) as a beauty contest but goddess flora chooses the lotus as the flower of supreme beauty.

The question that follows the chapter reads, 'How is the lotus considered as a cultural symbol in the Indian society?'

### **Modi's foreign policy and 'surgical strike'**

The chapter on 'India's relation with its neighbours' talks about Modi's visit to Pakistan, China and Nepal. It covers agreements signed with China and Nepal with special reference to Pakistan. It covers a range of topics on the Modi government's relations with Pakistan – from inviting Pakistani Prime Minister Nawaz Sharif for the oath taking ceremony and no interaction between Modi and Sharif at the 18th SAARC summit, to the raising of Balochistan's human rights issue, the surprise visit to Lahore on Sharif's birthday, the Pathankot attack, the Uri attack by terrorists and its retaliation by India in the form of the army's 'surgical strike'.

### **The media 'makes violence look more attractive'**

The chapter on terrorism gives a lot of space to 'terrorism and media coverage' and lists the repercussions of 'over reporting' terrorist activities by the media. It reads, 'The media's presentation of terrorism in Kashmir and Punjab is stereotypical, which instead of creating hatred against the terrorists leads to a sense of tolerance towards them. Terrorism prospers due to excessive media coverage and makes violence look more attractive. Over reporting of terrorist activities encourages formation of terrorist organisations, raises their popularity, unfavourable effect on work efficiency of administration and may lead to terrorist groups controlling media channels.'

It may be recalled that the Information and Broadcasting ministry had tried to ban the Hindi news channel NDTV India for a day for allegedly breaching national security with its coverage.

### **Patanjali products instil nationalism**

Patanjali products have been categorised as 'Swadeshi' along with Tata, Godrej, Amul, Hero and Bajaj. The chapter on the Indian economy says 'Swadeshi increases love for the nation and nationalism is an effective element

for the development of the country.'

### **Complete silence on controversies**

Although the textbooks cover recent issues like demonetisation and the Paris climate deal, there is no mention of the events that have contributed to the perception of growing intolerance in the country. Even the chapter on casteism and communalism in the political science textbook does not mention events such as the 2002 Gujarat riots, Mahatma Gandhi's assassination, cow vigilantes, the beef ban, the Dadri lynching or the award *wapsi* movement of prominent writers.

"The government is playing with the future of children. Just because the BJP is in power and wants to propagate its Hindutva ideology, they are teaching all non-scientific things. Already the government schools are not able to compete with the private schools and now such 'revision' of syllabus will bring down the performance of students even further. The textbooks are pedagogically faulty," Komal Srivastava of the Bharat Gyan Vigyan Samiti told *The Wire*.

Source:

<https://thewire.in/147887/rajasthan-textbooks-revised-glorify-modi-government/> □

Rajasthan PUCL:

## **Open letter to the Chief Minister of Rajasthan on the lynching of Pehlu Khan**

To  
Ms. Vasundhara Raje,  
Chief Minister of Rajasthan,

Dear Ms. Vasundhara Raje,  
We are very disturbed by the lynching and murder of Pehlu Khan in Alwar. He was attacked on April 1<sup>st</sup> at Behror in Alwar District and died of the injuries a few days later. We are also dismayed by the acts of omission and commission of the government following the incident, including the delay and marked reluctance in arresting all those guilty of the act.

You are aware of the fact that Pehlu Khan and four others were returning to Haryana from Rajasthan with the cows they had bought, *and the necessary documents* corroborating the fact that the purchase had no relationship with cow slaughter. Cows of a well-known breed of milch cattle were being transported from a cattle fair in Rajasthan to their village in Haryana.

While one may have strongly differing sentiments on the importance of cows, and their slaughter or consumption, the

killing of Pehlu Khan by an arbitrary self-appointed group of vigilantes shows us how much we have succeeded in undermining the most basic principles and values on which we have based our nation. This kind of vigilantism if not checked will lead to large scale violence, brazen disregard for the rule of law, and the complete disregard of constitutional provisions, the preservation of which is a fundamental responsibility of any democratic government.

The act of lynching is in itself a

mindless and horrifying act, and yet the perpetrators have not been promptly and legally dealt with. The post facto delays and inefficiencies reflect on the inefficacy of government. Vigilantism must be seen as a serious threat to law and order and peoples' lives and the government must act strongly and immediately. There has been a reprehensible attempt on the part of certain people in authority in Rajasthan as well as in the Union government to deny this horrific incident, or to minimise its gravity. Other authority figures, whose duty it was to make an example of the perpetrators of this crime, have made themselves complicit by their inaction and silence.

In this context, we would urge that the FIRs registered in regard to this incident and the dying statement of Pehlu Khan be acted on decisively. The culprits must be arrested to restore the faith of the victims' families and their communities in the system of justice in the country. The failure to take immediate action at this juncture will amount to a mockery of good governance and the rule of law, and will inevitably lead to anarchy.

We are sure you will appreciate the urgency and importance of your public statement and action in this matter, and restore the confidence in the government of Rajasthan by:

- Arresting all those who attacked Pehlu Khan.
- Ending all vigilantism in the

name of cow protection.

- Punishment of police/ administrative personnel for dereliction of duty.

Yours sincerely,

Arun Kumar, Aruna Roy, Bhupindar Singh Lamba, Brij Kishore, Brijesh Kumar, D. T. Joseph, Gopalkrishna Gandhi, J. Vasudevan, Kamal Kant Jaswal, KomalAnand, LalitMathur, M. G. Devasahayam, Mihir Kumar Moitra, Mohan Kanda, Narendra Singh Sisodia, Ravi Sawhney, S. S. Meenakshisundaram, Shanti N. Kakar, Surendra Kumar Pachauri, Sushil Chandra Tripathi, Uma Pillai, Vivek Kumar Agnihotri, WajahatHabibullah, of the batch of 1968 of the Indian Administrative Service. □

#### Press-Note: 20/06/2017

Left Parties CPI (ML), CPM and CPI organized joint protest in Jaipur demanding justice for Com Zafar Khan who was lynched to death by Pratapgarh Nagarpalika Team led by Commissioner Ashok Jain while resisting taking of photographs/ videography of women defecating in open.

- **Immediately Arrest Pratapgarh Nagarpalika Commissioner Ashok Jain and other accused responsible for killing of Zafar Khan!**
- **No more of insulting of poor in name of Swaachh Bharat Abhiyan!**
- **Shame on Vasundhara Raje Government for taking of photographs/videography of women defecating in open!**
- **No more misuse of Safai Karmacharis in taking of photographs/ videography of people defecating in open!**

Hundreds of people marched today in protest in Jaipur demanding justice for Com Zafar Khan, a CPI (ML) activist who was lynched to death in Pratapgarh on June 16. Com Zafar Khan, an activist of CPI(ML) in Pratapgarh, Rajasthan, was kicked, punched and beaten to death by karmacharis of the Nagarpalika (municipality) at the instigation of

Nagar Parishad commissioner Ashok Jain when he resisted their attempts to take photographs and videos of poor women from the Bagwasa Kachi basti who were going to defecate in the open.

The protest march started from CPI (ML) State Office at 35, Dhuleshwar Garden, C Scheme and culminated at Shahid Smarak where a protest sabha was organized in which various leaders of left parties and justice loving democratic activists spoke in detail and demanded justice for Com Zafar. Before that slogans were raised during protest march against Vasundhara Raje Government demanding immediate arrest of Nagarpalika Commissioner Ashok Jain who instigated Nagarpalika Karmacharis to attack Zafar Khan.

At the protest sabha CPI (ML) National General Secretary Com Dipanker Bhattacharya said that the incident is unique in the sense that out of the series of lynching cases that has taken place under BJP rule in various states of the country in this incident no rumours or even pretext of beef was used. Com Zafar Khan was attacked and killed while Nagarpalika Commissioner Ashok Jain instigated karmacharis saying '*Maro isko bahut neta banta hai*'. An activist was attacked just because he spoke up for the rights of slum dweller

and on that fateful day was also fighting for upholding dignity of women. He said that this is very attack on democratic right of people to protest and raise their just demands which should be strongly and through building unity resisted by left and democratic forces of the country. He also said that he salute the spirit of surviving family members of Com Zafar Khan who have resolved to fight for justice and to fulfil the dreams of Com Zafar Khan that basti should be regularized and functional public toilets should be constructed.

CPI (ML) State Secretary Mahendra Choudhary said he challenge the govt to show how many of the toilets constructed as part of *Swaachh Bharat Abhiyan* are functional. He said there is a wide scale corruption in construction of toilets which is reflected in their state.

CPI (M) District Secretary Soumitra Chopra said that killing through lynching has become a regular feature of BJP governments in most states of the country. BJP Govt in Rajasthan is also giving full protection to Sanghi goons who killed Pehlu Khan only few months back. She also talked about unfair closure of Hotel Rabaani in Jaipur on the false pretext that beef was served in the hotel. BJP govt is openly

espousing communal politics in the state while govts protection to feudal elements has resulted in increased attacks on dalits, adivasis, poor workers and women in Rajasthan.

CPI leader Narendra Acharya said that uniting of workers, kisans and people above caste and religious identities is only way out to take on this fascistic attack on constitutional rights of people.

CPI (ML) Jaipur leader Manju talked how the BJP govt on one hand is using safai karmacharis for taking of illegal photographs of women defecating in open and committing

violence on activists like Com Zaffar Khan who were resisting this in Pratapgarh while on the other hand same BJP govt throughout the State of Rajasthan is denying basic rights of Safai Karmacharis. She demanded that thousands of safai karmacharis who have become unemployed in Jaipur due to use of contractors by Jaipur Development Authority should be given permanent jobs.

PUCL leader Kavita Srivastava pointed out that the very act of taking of photographs/ videography of women defecating in open is a

criminal act as per IPC. BJP govt is shamelessly encouraging govt employees to commit illegal acts in the name of enforcing *Swacch Bharat Abhiyan*.

Harkesh Bugalia, Sawai Singh, Fulchand Deva and others also addressed the gathering. A memorandum was submitted to Chief Minister of Rajasthan after the protest. The copy of which is addressed with the press note along with photographs of the protest.

**Released by Saurabh Naruka, State Committee Member of CPI (ML)** □

*Courtesy: The Wire, 9<sup>th</sup> April, 2017*

## Muslims Must Refuse to Be Killed

Apoorvanand

Muslims must refuse to be killed. I know what I am saying sounds bizarre but this is exactly what needs to be done. The police and the civil administration no longer seem interested in preventing their murder but, on the contrary, busy themselves in making such murders look like a two-way affair. While they cannot ignore the fact that there is a mutilated body before them and they are forced to register FIRs, they immediately balance it by filing a counter FIR which implicates the murdered in the act of his own killing.

In cases where the murder has yet not been accomplished, they act as a stand by. If the target has somehow escaped, they use their lawful coercive power to force the game to come back to the hunters. We have seen it just now in Jaipur, where a hotel worker was brought back to the hotel to be beaten up collectively.

Lower courts don't look interested in their side of the story and if not dead then they could well end up in police or judicial custody for the crime of possessing a particular type of meat – even though no law may actually exist to that effect.

The doors of the Supreme Court have just been knocked but it is doubtful if the judges there would be able to appreciate the urgency of

the life and death situation Muslims in India are facing.

That is why I believe Muslims will have to stand up and declare collectively that they are no longer going to give the right to decide their fate to others – that they refuse to die like Pahlu Khan and Abdul Ghaffar Qureshi in Rajasthan, Zahid Ahmed in Jammu, Majloom Ansari and Imtiyaz Khan in Jharkhand, Mohammed Akhlaq in Uttar Pradesh, Mustain Abbas in Haryana.

Muslims have no other option since the violence against them has not stirred the kind of collective social and political response that one would expect in a society that is meant to be governed by the rule of law. No political party in India, not even those who swear by secularism, has the courage any longer to call the murders by their name, to say that Muslims are being killed because they are Muslims.

Various kinds of intellectual detours are being taken by politicians and, regrettably, by a section of the media in their nightly 'debates'. It is said that mobs are 'spontaneously' attacking Muslims, or that the violence was a case of 'mistaken identity', that the violence was an expression of 'legitimate historical anger' that took an 'unfortunate'

turn. But no political party has the guts and honesty to say that these killings and assaults are *not* spontaneous, that a long, well-planned, cynical hate campaign is behind the formation of these lynch mobs. Nobody asks how is it that cutting across the linguistic and cultural diversity of India, it is a Muslim who gets identified and attacked everywhere.

The harsh fact is that India's legislators and parliamentarians seem to have deserted the country's Muslims. The killing and brutalisation of Muslims fails to interrupt the routine business of our legislatures.

Muslims have invested heavily in Indian democracy. They are used to speaking like Indians and not as Muslims, for whenever they say that they are being denied resources or security or representation or justice *because* of their religion they are accused of speaking in communal and divisive language.

Muslims are the only community in India who have to bear the indignity of their newborn being seen as a potential threat to the culture and even security of this country.

After each census, even well meaning analysts and demographers rush to assure Hindus that they will not be

overtaken by Muslims. What kind of a country is this in which a Muslim birth is not celebrated, is always seen with suspicion?

Since these days India's Muslim citizens seem to have developed the habit of being regularly targeted by mobs, they would very soon lose the interest of the media because proprietors and editors will say it is very boring to keep reporting deaths which are of the same kind.

So, Muslims will need to say that we live here not by the mercy of anyone but because this land belongs to them as much as it does to India's Hindus or Christians, Sikhs, Buddhists, Jains and others.

They will have to declare that nobody – and no state – has a right to tell them what to eat and how to worship, nobody has the right to insult and humiliate them. They will have to say that it was a solemn promise made to them through the constitution that they would be accorded all rights which make a life human. To break this promise is criminal.

Muslims will have to tell the Hindus – the ordinary followers of the religion, and the politicians who say Hindus are benevolent 'elder brothers' to the minorities – that when attacked under one pretext or another, they expected them to extend their hands in support and

solidarity and not to turn their face away.

Muslims must say that they are here to stay, that nobody has a right to tell them to leave the country, that they will live here with their Muslimness just as Hindus live with their Hindu-ness and think that it is the only Indian way, that they are not at all ashamed of their Holy place not being in this land. All this they'll have to do. But to begin with, they will have to say that they refuse to be murdered and ask the parliament and the judiciary to take note of this resolve.

*Apoorvanand teaches Hindi at Delhi University* □

**PUCL Statement:** 8<sup>th</sup> June, 2017

## **Condemn the CBI Raids on NDTV Promoters, Prannoy & Radhika Roy! Oppose Emergency Era attempt to Crush Media Independence! Appeal to Journalists and Citizens to Oppose Attempts to Silence Dissent!**

The People's Union for Civil Liberties strongly condemns the raids by the CBI on 5<sup>th</sup> June 2017 on the residence and offices of Prannoy Roy and his wife Radhika Roy, co-founders of NDTV. While it is a declared position of PUCL that under our Constitutional scheme, the rule of law is supreme and no individual or institution is above the law, there are nevertheless circumstances in the timing and manner of the raids conducted which raise serious concerns as to whether the raids are motivated and constitute a wilful abuse of law.

PUCL believes that it must not be lost sight of that the raids come on the heels of an incident on 1<sup>st</sup> June 2017 where Nidhi Razdan, Executive Editor, and primary anchor of news channel NDTV asked BJP national spokesperson Sambit Patra, to leave her debate show 'Left Right and Centre' - a live broadcast show which covers current debates - after Patra made a derogatory statement about her channel.

PUCL has gone through the statement of the CBI dated

06.06.2017. PUCL believes that the statement seems merely an attempt to deflect criticism of the recent workings of the CBI. It is shocking that the FIR was registered and CBI raids were carried out without a preliminary inquiry, though the same is required as per the CBI Manual as well as the unanimous judgment of the 5 Judge Constitutional Bench decision of *Lalita Kumari* case (2014). The SC has pointed to the need of a preliminary enquiry in cases of allegations of corruption and where there is considerable delay in lodging complaints. In the present case, the allegations are about corruption over events that took place many years back.

It is also strange that while the case in question is apparently under the Prevention of Corruption Act, and has been registered against unknown employees of the ICICI Bank by a shareholder of ICICI, no raids have been conducted on the premises of the said Bank or its employees to find out who were involved or responsible for the alleged crime.

It is pertinent to point out that the CBI press release cited the Supreme Court judgment in the case of *Ramesh Gelli versus CBI* (2016) 3 SCC 788, to justify its actions. In that case the SC held that Chairman/Managing Director/Executive Director or any other employee of a private bank are also "public servants" within the purview of the Prevention of Corruption Act ("PC Act") in view of Section 46-A of the Banking Regulation Act 1949 which deems such persons to be public servants. However, it is strange that in a case under PC Act where the primary allegations have to be against such "public servants", not one employee/director of ICICI Bank has been named, interrogated or arrested though the complaint is several years old, whereas the residence of Prannoy and Radhika Roy has been raided, within days of the above referred TV show incident.

It must be pointed out that while the CBI/ Police have powers to proceed under the PC Act against directors/employees of private

banks, the said power has to be used after following due procedure of law and only after allegations in the complaint concerned are found to be amounting to/constituting a criminal offence, after conducting a preliminary enquiry inter alia.

It should be further noted that the CBI's Statement states that the complaint against the promoters of NDTV is that they, in criminal conspiracy with unknown officials of ICICI Bank violated Section 19 (2) of the Banking Regulation Act, 1949 and Master Circular DBOD No. Dir B90/13.07.05/98-99 dated 28.08.1998 of the Reserve Bank of India.

It is pertinent to mention that the offences under the Banking Regulation Act are against the Bank and/or its employees only; for violation of Sec. 19(2) of the Banking Regulation Act, as per Section 46 (4) of the Banking Regulation Act, the penalty is in the nature of a fine only, and not imprisonment.

What is very important to note here is that under the Banking Regulation Act, 1949, cognizance of the offences can only be taken in case of a complaint in writing by an officer of the Reserve Bank of India specially authorised to file such complaints. However, in this case no such complaint seems to have been lodged by an authorised officer of the RBI. To the contrary, the CBI statement explains that the complaint is lodged by a private person said to be a shareholder of ICICI Bank and NDTV. In such a situation, the CBI is bound by higher standards of transparency, accountability and responsibility, to explain their actions. This is particularly so given the nature of allegations and because the accused are well known media persons who are vulnerable to being targeted for false or motivated allegations and prosecutions on account of their professional work.

We would like to make it clear that

PUCL is not against any fair and lawful investigation, carried out as per mandated procedures, where there is enough preliminary evidence to warrant prosecution. However, in the present scenario it appears that the CBI's actions were neither based on standard procedures and practices nor as per court mandated guidelines. The CBI must act to uphold the rule of law under the Constitution and must not act based on directions of the political executive. This leads to the erosion of credibility and confidence about the impartiality, independence and fairness of a premier investigating agency such as the CBI, and has serious consequences.

In this context, the recent raids, clearly appears to be a case of political vendetta and deliberate harassment.

Last year, the government had imposed an unusual one-day ban on NDTV's Hindi channel, on the grounds that it had disclosed sensitive information in its reporting on an insurgent attack on an Indian air base. The channel had protested, saying that its reporting went no further than any other channel's and that it was entirely based on official briefings. It will be useful to remember here that NDTV is one of the few channels which had extensively covered the 2002 Gujarat carnage and had openly reported the allegations of complicity of the state machinery in allowing the killings to continue. Prime Minister Narendra Modi was then the state's chief minister and the present BJP President Amit Shah, a minister in his cabinet. Ravish Kumar, in his popular daily programme *Prime Time* on NDTV India, has also been a relentless critic of the government and the BJP, in his inimitable style of humour and sarcasm. All these appear to be the real reasons why the government has chosen to harass and malign NDTV, including by the present raid on the

promoters of NDTV.

The PUCL has, ever since its inception during the Emergency, always vigorously maintained and emphasized that a free media is critical to democracy, as the inherent right to participate in decision-making is premised upon the freedom to obtain, communicate and discuss information. PUCL has always believed that it is of the greatest importance that the citizens be enabled to know what is happening in different regions, different sectors of the economy, and different sections of the society; and to listen to different and alternative approaches and critiques, so that they can effectively participate in the process of self-government. If facts cannot be freely presented and comments cannot be freely exchanged, there is no way in which the citizens can even attempt to hold the rulers to account. Our experience also suggests that a free and vigilant media is vital to restrain corruption and injustice at least to the extent that public opinion can be roused as a result of press investigations and comments. However it is precisely playing this independent and investigatory role in reporting of misdeeds of those in power which makes the media in India vulnerable to harassment, intimidation and threats by ruling party, political executive and bureaucracy. There are innumerable such attempts to muzzle, silence and defang the media that have occurred all across India in the last few decades.

Seen against this backdrop the raids on the Prannoy and Radhika Roy co-founders of NDTV is reminiscent of the Emergency era and a chilling reminder of the price to be paid for questioning the government and ruling elite.

PUCL must highlight that this year, India slipped three places, to 136th in the World Press Freedom Index

compiled by **'Reporters Without Borders'**, which highlighted concerns that so called Hindu nationalists were "trying to purge all manifestations of anti-national thought".

The People's Union for Civil Liberties condemns the efforts of the present government to suppress the voice of its critics in the media through malicious prosecution on the one hand, and vicious labeling of "anti nationalism" and "seditious" on the other. It stands with the NDTV and others of the print and electronic media who are courageously

bringing uncomfortable but very real issues like crony capitalism, repression of minorities, atrocities on dalits and adivasis, agricultural crisis, environmental devastation and the impoverishment of the working class to the attention of the citizens of the country.

PUCL also decries the motivated use of the enforcement and intelligence agencies against those who venture to hold or express opposing opinions, which will lead only to breakdown and loss of faith in the Rule of Law. The PUCL also believes that such misuse of the powers under criminal justice

system given to independent agencies such as the CBI weakens them, and is not in the long term interest of the nation.

PUCL appeals to journalists, media houses and ordinary citizens not to remain quiet but to stand up and assert the importance of independence of the media and oppose any and all attempts to muzzle and silence dissent. At stake is the possibility of a new version of 'Emergency' versus protecting, promoting and deepening democracy.

**Ravi Kiran Jain**, President, PUCL National; **Dr. V. Suresh**, General Secretary, PUCL National □

**Chhattisgarh PUCL: Press Statement: 24<sup>th</sup> April.2017:**

**Note:** On 24<sup>th</sup> April, 2017, 25 jawans of the CRPF were killed in an ambush carried out by Maoists in Burkapal area of Sukma district in Chhattisgarh. PUCL Chhattisgarh state unit issued a Press Statement soon after news broke out about the massacre condemning the ruthlessness with which the ambush was carried out. Despite this, Mr. Venkiah Naidu, Union Minister condemned human rights groups for not saying anything about the ambush. PUCL National President, Mr. Ravi Kiran Jain and former PUCL National President, Rajinder Sachar issued separate statements pointing out to the inaccuracy of Mr. Venkiah Naidu's statement and demanding an apology from him. Of course, no such apology actually gets expressed even when such persons get to know about the baselessness of their statements. The jingoism that has taken over much of our media reporting is exposed by the fact that on many occasions, numerous statements made by human rights organisations like PUCL do not get published by *Mainstream* media. We publish below the statement issued by PUCL Chhattisgarh as also the responses of Mr. Rajindar Sachar and Mr. Ravi Kiran Jain.

## **PUCL Chhattisgarh Severely Condemns the Ruthless Ambush Carried out by Maoists**

The Chhattisgarh PUCL severely condemns the ruthless ambush carried out by Maoists at the Burkapal area under Police Station Chintagufa limits in district Sukma on 24<sup>th</sup> April 2017, and expresses its deep grief at the killing of 25 *jawans*, mostly young persons of poor families. According to initial reports, this attack, the most lethal of its kind in five years, took place when around 90 *jawans* of the 74th Battalion were engaged in a road opening operation. It appears that about 200 Naxalites dispersed in different groups conducted the ambush and in the continuous firing that took place for about an hour many of them might also have been killed. The Maoists decamped with all arms and ammunitions of the 25 killed and 6 injured *jawans*, leaving no bodies behind. A month ago another attack of the Maoists using locally made mortars, tiffin bombs

and arrows with explosives had killed 12 CRPF Personnel under PS Bhejji limits. There have thus been more casualties in the first four months of this year than in the entire year for the last four years. This incident shows that the large numbers of surrenders and arrests (many of them challenged by villagers) boasted by the Chhattisgarh police in the past few years have not led to a significant decline in the military capacity of the Naxalites. A situation of civil war still prevails in Bastar although the Government of India refuses to declare this an "internal armed conflict" to avoid monitoring by the United Nations. The PUCL apprehends that soon the security forces would "retaliate" by "search and Cordon operations" in the area which are only likely to hurt the soft target of ordinary civilians. Consequent arrests, beatings and

killings will only intensify the cycles of violence and counter-violence.

PUCL reiterates its longstanding demands that de-escalation of violence requires the restoration of faith of the local adivasi people in the State through the strict implementation of pro-tribal laws like the PESA, Forest Rights Act; the better provision of health, education and other welfare activities; a perception of getting justice and dignity; the restoration of civil administration as opposed to administration by the security forces in the interior areas; and addressing of popular demands as voiced by Sarv Adivasi Samaj or other local tribal organizations, in other words a political solution.

**Dr. Lakhon Singh**, President; **Advocate Sudha Bharadwaj**, General Secretary, PUCL Chhattisgarh □

## Justice Rajindar Sadha's letter to Mr. Raj Kamal Jha Sahib with Press Statement

To  
Mr. Raj Kamal Jha, Chief Editor  
The *Indian Express* Newspaper,  
New Delhi-110002  
Dated: 01/05/2017  
Dear Mr. Raj Kamal Jha,  
Today *Indian Express* at Page 15  
carries an article by the Union  
Minister Mr. M. Venkaiah Naidu  
under the heading "Romancing the  
Maoists. The silence of the human  
rights activists after an attack in  
which security forces are killed is  
telling". This is a rehash of the  
statement issued by Mr. Naidu in  
the *Indian Express* of 26/04/2017.

this article his has again wrongly  
criticized human right activists of  
keeping silent at the killing of 25  
CRPF personnel at the hands of  
Maoists.

This allegation was false. I issued a  
contradiction on 25/04/2017  
annexing the statement issued by  
our PUCL Unit at Chhattisgarh  
condemning these killings  
(herewith attached) I also sent it to  
Mr. Naidu. It is a matter of regret  
that Mr. Naidu has kept  
mysteriously silent at his wrong  
accusation.

It is also a matter of deep concern

straight. It is a sad for our  
generation to see the functioning of  
*Indian Express*, in which the strong  
commitment of its founder Ram  
Nath Goenka that all news is  
sacred and will be impartially  
publicized (whatever the personal  
view of *Indian Express*) because  
truth however unpleasant will never  
be concealed. I leave it to you to act  
as you feel proper in the  
circumstances.

With best wishes,

Yours

Sd./-

Rajindar Sachar ☐

## PUCL President's letter to Hon'ble Mr. M. Venkaiah Naidu

To,  
Hon'ble Mr. M. Venkaiah Naidu  
Minister of Information &  
Broadcasting,  
Govt. of India, New Delhi.  
05<sup>th</sup> May 2017

Dear Mr. M. Venkaiah Naidu,  
In your article in the *Indian Express*  
of May 1<sup>st</sup> 2017, "**Romancing the  
Maoists**" with a headnote'. The  
silence of the human right activist  
after an attack in which security  
forces are killed is telling' you have  
irresponsibly alleged that human  
right activists are silent on Sukma  
ambush . You have also alleged  
that whenever an extremist or  
terrorist is killed in an exchange of  
fire with security forces human right  
activists raise a hue and cry. But  
there is deathly silence when the  
outlawed Guerillas go on a  
rampage and kill security forces or  
innocent villagers. After having said  
so you have asked 'these activists'  
to 'answer if they believe in the  
moist ideology of achieving power  
through the barrel of gun'.  
Well, you are wholly wrong in

saying that human right activists  
are silent on Sukma ambush.  
Before giving such a statement a  
minister is supposed to act with  
responsibility and check whether  
human right activists were really  
silent. You did not care to do so. The  
Chhattisgarh state unit of PUCL  
immediately issued a press  
statement on 25<sup>th</sup> April 2017  
'severely' condemning 'the ruthless  
ambush carried out by Maoists at  
the Burkapal area' in District Sukma  
on 24<sup>th</sup> April 2017 and expressed 'its  
deep grief at the killing of 25  
*jawans*, mostly young persons of  
poor family'. The copy of that press  
statement is annexed herewith.

PUCL (People's Union for Civil  
Liberties), is well known Human  
Rights Organization of this country  
which was founded by Shri Jai  
Prakash Narain in October 1976.  
PUCL is committed to the use of  
only peaceful means to achieve its  
objects. By the same token it does  
not support use of violence even for  
laudable causes .Our answer to  
your question whether 'these

activists believe in the Maoists  
ideology of achieving power  
through the barrel of gun is a big  
NO.

We condemn the killing of any  
extremist, Maoist or a terrorist by  
the security forces in so called  
'exchange of fire'. The security  
forces kill these persons in a fake  
encounter which is a cold blooded  
murder by the state. No person can  
be deprived of his life or liberty  
except according to the procedure  
established by law. A terrorist or a  
Maoist should be put to trial and  
punished according to law. He  
should be given the same  
treatment which was given to  
Nathuram Godse who killed  
Mahatma Gandhi and to Ajmal  
Kasab, a Pakistani citizen accused  
of terrorist attack committed in  
Mumbai. There should be no killing  
in fake encounters or in custody of  
security forces.

Yours,

Sd./-

**Ravi Kiran Jain**, President, PUCL  
National ☐

PUCL former President Justice Rajindar Sachar's letter to Hon'ble Mr. M. Venkaiah Naidu with Statement PUCL Chhattisgarh:

To,  
Hon'ble Mr. M. Venkaiah Naidu  
Minister of Information &  
Broadcasting,  
Govt. of India, New Delhi.  
Dated: 28/04/2017  
Dear Mr. M. Venkaiah Naidu,  
Your rhetorical statement "Why are  
human rights activists Silent on

Sukma ambush, asks Venkaiah"  
published in news papers on  
26/04/2017 referring to the killings  
by Maoists in Chhattisgarh.  
I hope your office has made  
available to you the condemnatory  
statement issued by our  
Chhattisgarh State unit of PUCL  
(see above). I hope normal

courtesy and correct public conduct  
requires a public apology to PUCL.  
I may remind you that Peoples  
Union for Civil Liberties (PUCL)  
was founded by Jaya Prakash  
Narain in 1976. With best wishes,  
Yours,  
Sd./-  
Rajindar Sachar ☐

Condolence Statement: 05<sup>th</sup> March, 2017

### Syed Shahabuddin is no more

*People's Union for Civil Liberties* (PUCL) is deeply grieved over the sad demise of Shri. Syed Shahabuddin, former diplomat and Member of Parliament who passed away on 4<sup>th</sup> March, 2017 this morning after prolonged illness.

Shri Shahabuddin was an outstanding diplomat and upright politician who consistently stood for probity and integrity in public life, opposed nepotism and corruption and championed the need for democracy at all levels of public life, including within political parties. He was an enthusiastic supporter of democratic and human rights movements and was a life member of PUCL. On behalf of PUCL, we convey our condolences to the bereaved family.

**Ravi Kiran Jain**, National President, PUCL; **V. Suresh**, National General Secretary, PUCL ☐

### Condolences on the Death of Mr. Era Sezhiyan

*People's Union for Civil Liberties* (PUCL) expresses deep grief at the death on 6<sup>th</sup> June, 2016 of Mr. Era Sezhiyan, one of the founding groups of members of PUCLDR, veteran Parliamentarian, a fierce fighter for liberties and fundamental rights of people and a crusader for democracy and democratic rights of people and a champion of constitutionalism. We remember him as the person who had suggested to Mr. Rajindar Sachar, at the time when PUCL was fighting the battle for electoral rights in the Supreme Court, about NOTA (None of the Above) option to be included in the ballot box. He was the Chairman of the Public Accounts Committee of Parliament between 1971 and 1973 and is reputed to have presented a record number of 96 reports to Parliament! His greatest contribution to Indian democracy is perhaps the way he safeguarded the few available copies of the Shah Commission set up by the Janata led government to enquire into the Excesses committed during the infamous Emergency (1975 to 1977) and published the same in 2015 so that future generations of democrats could read and know about what happened in India during that dark period of our nation's history. We express our condolences to his family and friends.

**Ravi Kiran Jain**, National President, PUCL; **V. Suresh**, National General Secretary, PUCL ☐

### Launch of *Dr. Trupti Shah Memorial Lecture Series: A Report*

**Note: Dr. Trupti Shah, was an active member of PUCL, Vadodara, an indefatigable fighter for the rights of all sections of people, especially the poorest, marginalised, vulnerable sections including informal and unorganized working classes, women, dalits and environmental victims. She passed away in 2016. The following is a Report of the First Trupti Shah Memorial Lecture. Since the discussion is of contemporary relevance we are carrying the report about the discussions.**

8 May 2017

**Sahiya (Stree Sangathan)** launched '**Dr. Trupti Shah Memorial Lecture Series**' on 7 May 2017, Sunday beginning with discussion on "Contemporary Concerns: Feminist and Environmental Movements in India."

Around 450 + concerned citizens and activists from various parts of Gujarat, Delhi, Mumbai etc. have participated in this meeting. The day long discussion held in Vadodara at Gandhinagar Gruh.

As Deepali Ghelani of Sahiyan (Stree Sangathan) shared in the inaugural session, this series has

been designed to commemorate the life and work of one of Gujarat's foremost academic and activist, Dr. Trupti Shah, who lost her life on 26 May 2016 after a valiant battle against lung cancer. An economist by training, Trupti's life-long activism focused on women's issues, communal strife, caste,

labour and human rights. The women's movement, environmental causes, and the wider struggle for justice in Gujarat and India lost a voice that never flinched from standing up for victims of exploitation, injustice and violence. The series commemorates Trupti's ideals and commitment to these causes and aims to provide a platform for discussion and debate among grassroots activists associated with various people's movements. Two such events will be organised every year through public lectures, roundtable discussions, study circles and film screenings.

Johanna Lokhande, a feminist activist moderating the session on contemporary concerns of India's women's movements identified four areas for discussion: How to face the onslaught of rising Hindutva and religious fundamentalisms, challenges of livelihood and citizenship, ways to build solidarities between various movements especially for the marginalised and how to sustain the women's movement in the face of increasing state repression and surveillance.

Bakula Ghaswala, veteran feminist activist based in Valsad while reminiscing on her association with Trupti Shah said women should carve out independent identity as individuals and not replicate the patriarchal norms in their personal lives. She opined that Hindus who constitute India's largest faith group should not have a persecution or fear complex and that casteism is a bigger threat that needs attention.

Anubha, Saumya, and Avantika from 'Pinjra Tod', a movement of women students that started in Delhi University but is rapidly spreading to campuses across the country, observed that university campuses are not equal spaces and are ruled by patriarchal norms. The government had failed to provide equal and safe public space for women and instead

curtails their mobility in the name of securitisation. They shared how girl students in Delhi college campuses are contesting these controls on their mobility by reclaiming public space during night times, opposing control and surveillance, and demanding equal rights to all facilities to further their education.

Avantika said that the campaign which began in 2015 has three basic demands: setting up of sexual harassment committees in colleges, hostels and campuses, regulation of paying guest facilities and private hostels and roll-back of night curfews for girl hostel inmates. Commenting that the university campuses function like an "upper caste, Brahmin man" towards girl students, asserting control in the name of safeguarding and security, she said that 'Pinjra Tod' attempts to build different protest culture from the prevalent political culture which is 'masculinist'. While this independent mobilisation and awareness-raising through creative cultural protests celebrating women's resistance has received huge support from students, the challenge before Pinjra Tod is how they are projected negatively by the section media which sexualises their movement and turns a blind eye to their various campaigns against sexual violence by the state and caste violence. Saumya made a nuanced argument about how Pinjra Tod is not an elitist urban movement but one that constantly attempts to recognise and affirm the different voices within their movement (non-urban, Dalit, tribal, minority). While addressing the important issue of controls on women students on university campuses, Pinjra Tod remains committed to building awareness among students of the continuum of patriarchal violence, from the family to the state, and against caste and communal violence.

Mumbai-based Hasina Khan of

Bebaak Collective pointed out the struggles of Muslim women today are the same as women of other religions. She pointed out that negative media and mainstream stereotyping of Muslims and of Muslim women as burkha clad, head covered, controlled by their menfolk erase their multiple identities and discount their struggles for justice. She said Muslim women's groups are wary when the right wing Hindu groups and BJP claim to speak for Muslim women and Modi being portrayed by 24 hour TV channels as saviour of Muslim women on the issue of triple talaq. She also pointed out that increasing ghettoisation, brought about by the current wave of communalism and communal violence in the country, is witnessing conservative Muslim groups forcing Muslim women to seek redressal within the community and within the religious framework, although they have constitutionally guaranteed rights. She also pointed out the adverse impact of the government's beef ban on livelihoods of the Muslim community and their physical safety, which is further increasing the vulnerabilities of Muslim women. The concerted efforts of the government and the media to stereotype and villainise the Muslim community is making the condition of Muslim women worse and compounding the challenges before secular Muslim women's groups.

The afternoon session was on contemporary concerns of India's environment movements. Anand Mazgaonkar, moderator of the session, said with regards to environmental degradation, it is a tragic-comedy of democracy that, like other movements like the women's movement, sensitive people are called upon to protect the rights, not of the minority, but in fact those of the 'marginalised

majority'. The media, through invisibilising the voices of the oppressed and their issues, project the view that only a miniscule proportion of society are affected by projects that severely impact access to natural resources that is the right for all citizens, not only a miniscule section of elites in society. This aspect was discussed by all the three speakers, Shripad Dharmadhikary, Seema Ketkar and Lara Jesani.

Shripad Dharmadhikary, an engineer, activist, researcher, writer and educator working on water justice, discussed how rivers, considered nurturers of culture and society are being reduced to commercial ventures, to provide boating for pleasure, tourism etc., through Riverfront Development Projects whether it was the Sabarmati, Vishwamitri or the Ganga. He pointed out the senseless hypocrisy of calling rivers sacred mothers, and living entities, and then reducing them to tourist spots for corporate enrichment. Riverfront Development was not only environmentally damaging but also spawned corporate control of the land around the river. He strongly argued that if we were more judicious, just and futuristic in how we viewed rivers and water we would neither have droughts, displacement, and destruction of rivers nor inter-state disputes over river water sharing.

Seema Ketkar, a researcher, narrated the long struggle of the people of Jaitapur in the ecologically sensitive area of the Konkan in Maharashtra, against the proposed nuclear power plant. She pointed out that common people who are usually considered illiterate are forced to rise up to challenge the State against its

destructive policies and projects that are considered 'holy cows', face up to violence and repression from the powers-that-be even as they continue their daily struggle for livelihood. The Jaitapur movement is a shining example of how women are mobilising against the nuclear plant that threatens to destroy their livelihoods, even in the face of state action against the movement.

Gitaben Gohil a former Sarpanch and currently member of Taluka Panchayat echoed Seema Ketkar's sentiment and informed everyone about how women generally confined to their homes mobilised to resist the proposed Nuclear power Plant in Mithi Viridi. As a result Government and NPCIL have been forced to look for alternative sites.

Advocate and activist Lara Jesani outlined the slow progress made globally in our understanding of the environment since the conference in Rio de Janeiro in the early 1970s, which also informed environmental legislation. She lamented how human rights, sustainable development and justice were trampled upon now in the name of development and how we were reversing the tiny bits of progress we had made since then. Unless there is course correction and broader awareness about the philosophy, spirit and letter of Environmental Law we are in for harder times. What emerged as a result of the two discussions was the need for collective resistance against the repressive state and patriarchal society. This demands debate and discussion among various movements, perspectives and ideologies.

Dr. Trupti Shah Memorial Series: Towards debate and discussion on people's issues

The Emergency was certainly a

major onslaught on Indian democracy. However, our present context, in which rightist, reactionary, authoritarian, patriarchal and fascist forces are gaining space in the various institutions of democracy, without a formal suspension of civic rights, portends a dangerous future for the people. Today an undeclared Emergency is more powerful to curb the democratic rights of the people.

The situation today is made worse within a context of global economic crisis and social alienation on unprecedented scales, which are providing the ground for right-wing conservative forces to gain ground. Not only are these forces occupying institutions of the state but also in the minds of many people. There is a powerful alliance and coordination between the state, government, non-state actors and various types of fundamentalist forces to further the right wing agenda. As a result we are often witness to a contradictory situation where ordinary people are supporting such agendas against their own interests.

We are passing through a period in which it is important that we look back, review, listen to each other, deliberate, debate and discuss these current predicaments, not just about tactics and strategies for our ongoing struggles for justice, but also at ideological and conceptual levels. Activists are often preoccupied by the pressures of everyday struggle and do not have the time to engage in such discussions.

Deepali Ghelani Rita Chokshi Sejal Joshi Reshma Vohra Kamal Thakar Sahiyar (Stree Sangathan) □

## **Ayodhya Case Should Be Decided By the Supreme Court No Scope for Mutual Settlement Rajindar Sachar**

The suggestion of chief Justice of India to even act as a mediator in pending Babri Masjid demolition case, showed his concern but was a little odd considering that it has come at the instance of an inter meddler, and without parties involved being before the Court – that is why it caused amongst the parties a certain concern. In my view Babri Masjid demolition case is not a matter for compromise. This case raises the deep constitutional concern regarding our constitution which clearly says India is a secular republic.

I was in Geneva attending U.N. Sub Human Rights Commission meeting when I was told the horrible news that came on T.V. that Babri Masjid had been demolished and saw the gory speckle of B.J.P. hoodlums climbing the Masjid and breaking it down. B.J.P. government Chief Minister Kalyan Singhs assurance to the Supreme Court that he will take full steps to prevent it were belied. The Supreme court by a majority just accepted his apology instead of sending him to jail for contempt of Court. But this was nothing compared to the ominous conspiracy of Congress Prime Minister Mr. Narasima Rao, who suddenly became inaccessible to senior journalists, his Home Secretary and even his colleagues. I am also ashamed to admit the unworthy role of complicity of the judiciary which inspite of the injunction having given since 1949 against public not to enter the area did not proceed against the public – even the higher judiciary did not intervene – rather turned a blind eye.

This was the time when the magnitude of danger should have been appreciated by all parties but

was not. The battle for secularism should have been joined with a singular determination of nipping the cancer of communalism. But then nothing was done.

I then made a public statement that; “Immediately the Government should have announced December 6, as a ‘National Repentance Day’ when people will fast and pray for unity and welfare of all the communities”. But the non-BJP parties analyzed the situation as merely one of law and order and thus acquiesced in this dastardly Act.

Whatever the past history, all the parties let the matter go to Allahabad High court to give a decision. High Court has given a decision with which both parties are aggrieved. B.J.P. is still insisting that it would build a temple at the site where Masjid undoubtedly stood for over 500 years. Muslims cannot obviously agree to a shameful compromise on sanctity of Masjid. The matter is already before the Supreme Court – it cannot run away from giving a decision which may not make everyone happy. But then it is their constitutional duty and it has no other alternative. I cannot foretell the Supreme Court decision. But if past precedents are to prevail, then the case in favour of Muslims is invincible. I say this on the precedence of Shahidganj Masjid case (Lahore now in Pakistan) decided by the Privy Council in 1940. The Supreme Court need not decide on merits whether Babri Masjid had been in existence where Ram Temple existed or not because that is of no consequence as it is not relevant to the decision of case. This is because even if was, there is no denying that Babri Masjid has been in existence since

500 years.

Now it is obvious to the meanest intelligence that it is impossible to prove that the birthplace of Lord Ram was under the masjid – it may be a matter of faith, genuine or contrived or otherwise, but that is no proof, nor can it ever be put forward as a legal ground to take away the land from the mosque.

If the finding is that the masjid was not built on a Ram Birthday place, then the Muslims get the land back and will be free to use it in any way, including the building of the mosque.

Alternatively even if it is held that there was a temple on the land of Babri Masjid, even with this finding the suit by the VHP/RSS has to be dismissed. Admittedly, Babri Masjid has been in existence for over 500 years till it was demolished by goons of the VHP/RSS in 1992. Legally speaking, even then the Sangh Parivar would have no right even if a temple had been demolished to build Babri Masjid. I say this in view of the precedent of the case of Masjid Shahid Ganj in Lahore decided by the Privy Council in 1940. In that case there was admittedly a mosque existing since 1722 AD. But by 1762, the building came under Sikh rule and was used as a gurdwara. It was only in 1935 that a suit was filed claiming the building was a mosque and should be returned to the Muslims.

The Privy Council, while observing that “their Lordship have every sympathy with a religious sentiment which would ascribe sanctity and inviolability to a place of worship, they cannot under the Limitation Act accept the contentions that such a building cannot be possessed adversely”, went on to hold “The property now

in question having been possessed by Sikhs adversely to the waqf and to all interests there under for more than 12 years, the right of the mutawali (caretaker) to possession for the purposes of the waqf came to an end under the Limitation Act". On the same parity of reasoning even if a temple existed prior to the building of the masjid 500 years ago, the suit by the Hindu outfits like

Nirmal Akhara VHP / B.J.P. etc has to fail.

There is another reason why in such a situation, the suit will fail because in common law, even a rightful heir, if he kills his ancestor, forfeits his right of inheritance. In the masjid case too there was a "murder most foul" and hence the murderer cannot be allowed to take the benefit of his own dastardly

deeds, whatever the factual position may be.

Of course it is the privilege of the Chief Justice of India to constitute the bench. May however one respectfully submit that it may be more reassuring if bench of seven judges or nine judges was to hear the appeal.

Dated: 22/03/2017 □

## Letter regarding Custodial Torture and Human Rights Violation of 21 Under-Trial Prisoners in Bhopal Jail on May 24, 2017

To,  
Justice (Retd.) D. Murugesan,  
Member, National Human Rights  
Commission,  
Manav Adhikar Bhawan,  
Block-C, GPO Complex, INA,  
New Delhi – 110023

Respected Justice (Retd.) H.L.  
Dattu,

We are writing to you to express grave concern and seek immediate intervention of the Hon'ble Commission in the cases of custodial torture and human rights violations of the 21 Under-Trial (UT) Prisoners in Bhopal Jail. These 21 UTs are alleged to be members of SIMI and charged with various cases. Several instances of torture and inhuman treatment have been reported to have been meted out to them since October 31, 2016, when eight other UTs were killed in an encounter.

The facts of the cases are attached in the petition submitted by the family members and relatives of the 21 UTs. However, we would like to draw Hon'ble Commission's attention through highlighting some specific cases.

Mohd. Iqrar: Complained of repeated physical torture with injuries on head, thighs and hips. Beard forcefully cut and forced to chant anti-Islam slogans. Fears for his life in Bhopal jail. Locked-up in barracks without respite

Abu Fazal: Complained of repeated physical torture resulting in leg fracture. Being forced to chant anti-Islamic slogans and convert religion. Tortured and beaten during prayers and forced to wake up after every two hours of sleep. Locked-up in barracks without respite Jail authorities are repeatedly threatening to kill him and Mohd Iqrar or urging them to kill themselves

Khalid Ahmed: One of the persons killed in the 'encounter' had, several months before his death, complained of adulterated food with drugs resulting in severe body pain.

Mohd. Adil: Complained of physical torture and mental harassment. Food served in limited quantity and basic necessities are not provided.

Sajid Hussain: Complained of mental harassment and physical torture leading to attempted suicide. Denied medical treatment.

Irfan Nagori : Denied medical treatment for an eye ailment resulting in blindness in one eye and deteriorating vision in the other.

While these are only a few cases to demonstrate physical torture and inhuman treatment being meted out to the 21 UTs, there are certain issues prevalent in almost all the cases. These are –

Most of these UTs are denied basic necessities, served food in limited

quantities, denied meeting with their relatives; relatives kept waiting for long periods and meeting time cut short to few minutes. While brief meetings, personnel from ATS are present constantly obstructing the conversations and privacy. Even access to legal counsels is restricted and UTs can only interact with their counsels during video conferencing. Mohd Irfan, Sajid Hussain have been denied medical treatment. Submissions made by family members of Mohd. Adil, Mohd. Irfan, Mohd. Zubair and Mohd. Javed to various authorities are attached.

Most of these UTs are kept for long periods locked up in barracks, at times for days all together.

UTs who require medical treatment, in some cases also directed by the courts, completely denied by the jail authorities.

Some of these cases, though brought to the notice of the local courts where these matters are pending, the courts have not addressed any of these.

When the UTs through video conferencing or through their counsels/relatives have placed before the courts the complaints of torture and inhuman treatment, the UTs have faced reprisals and further harassments by the jail authorities. Submissions made by Imanurrahman, in the case of Mohd.

Iqrar and Abu Fazal, are attached. There is a common feeling by several of these UTs that they may be killed by jail authorities. In several cases, UTs fear for their lives and fear that it will be shown as a case of suicide.

Madhya Pradesh State Human Rights Commission has not even taken cognizance of several complaints which have been placed before them. The complaints submitted as on

December 16, 2016, is attached along with the petition.

The reprisal by jail authorities is clearly demonstrated through the case of Mohd. Iqrar –

Mohd. Iqrar on April 26, 2017, through the video conferencing, submitted before the magistrate about repeated physical torture with injuries on head, thighs and hips. His beard was forcefully cut and forced to chant anti-Islam slogans. He was constanly

threatened with death if he mentioned about jail conditions to the magistrate. On May 5, 2017, when Imanurahman, brother in law of Mohd. Iqrar, met Mohd. Iqrar in jail, Mohd. Iqrar complained of further torture due to his submission before the magistrate. His other brother in law, co-prisoner Abu Fazal, also confirmed this He is being forced to chant slogans such as 'Jai Shri Ram' and given only limited food. He is locked-up in

Contd. to page no. 20

## PEOPLE'S UNION FOR CIVIL LIBERTIES

### MEMBERSHIP FORM

The General Secretary, People's Union for Civil Liberties

**Dear friend,**

I subscribe to the aims and objects of the People's Union for Civil Liberties and agree to abide by its Constitution.

Please enroll me as a member.

I remit herewith Rs 50/- (yearly)/ 1000/- (Life)/ 2000/- (Patron) membership fee. [See Clause 3(c) and (d) of the Constitution].

I also remit herewith Rs. 100/- at concessional rate as the subscription of the PUCL BULLETIN (optional).

I am not a member of any political party/I am a member of \_\_\_\_\_

\_\_\_\_\_ (Party).

Name : \_\_\_\_\_

Address : \_\_\_\_\_

\_\_\_\_\_

State : \_\_\_\_\_ Pin Code : \_\_\_\_\_

E.mail : \_\_\_\_\_ Contact Phone : \_\_\_\_\_

Signature

\_\_\_\_\_  
*NB: Please send money in the name of the 'People's Union for Civil Liberties', preferably by DD/MO. In case of outstation cheques, please add Rs. 70/-. Please do not send Postal Order. Always send the Membership Form to the State/Local branch.*

**National Off.:** PUCL, 270-A, Patparganj, Opp. Anand Lok Apptt. (Gate-2), Mayur Vihar-I, Delhi-110091 (Phone: 011-2275 0014)

Contd. from page no. 19

barracks with no free movement. Given the serious concerns pertaining to custodial torture and human rights violations, which the petition highlights, we appeal to the Hon'ble Commission to –

Under Section 12 (a) of the Protection of Human Rights Act 1993 (PHRA), enquire into the human rights violations against 21 UTs in Bhopal Jail, particularly the instances of restrictions to meet relatives and legal counsels, accessing medical treatment and basic necessities and, torture and inhuman treatment including death threats by jail authorities. NHRC should record statements of all 21 UTs in conditions in which they can speak freely and without fear of repercussions

While enquiring under Section 12 (a) of the PHRA, ensuring the independence of inquiry, only do so through Hon'ble Commission's investigation wing or through an independent body appointed by the Hon'ble Commission, preferably NHRC's NGO Core Group.

Through the appointment of a senior criminal lawyer, ensure trial monitoring of cases of the 21 UTs ensuring that they are allowed free and fair trial. The senior criminal lawyer, appointed by the Hon'ble Commission, should report to the Hon'ble Commission on a periodic basis.

Under Section 12 (c) of the PHRA, undertake a surprise visit to Bhopal jail to ascertain the living conditions in the jail and make appropriate recommendations to the state government.

Given that the 21 UTs have serious threats to their lives, repeated instances on cruel and inhuman torture, petition before the Supreme Court under Sections 12

(b) and 18 (b) of the PHRA to transfer the case out of Madhya Pradesh for an independent and speedy trial.

Urge that this complaint is not transferred to the Madhya Pradesh State Human Rights Commission for disposal or routinely sent to the Commissioner of Police for investigation.

21 UTs and their family members have claimed custodial torture and inhuman treatment in Bhopal Jail. Basic necessities and rights, such as meeting family members, food, free movement, medicines and clothes are denied. Their repeated attempts to approach various authorities have failed. Given that Hon'ble Commission has the onus and the powers of protecting human rights of all individuals, including the UTs, we appeal to the Hon'ble Commission to intervene in the matters pertaining to custodial torture, inhuman treatment and human rights violations of these 21 UTs in Bhopal Jail. We appeal to the Hon'ble Commission to consider all prayers mentioned above and take appropriate steps.

Looking forward for your immediate action in this regard.

Yours Sincerely,

**Kavita Srivastava**, Secretary, PUCL National and **N.D. Pancholi**, Vice-President, PUCL National; **Manisha Sethi**, *Jamia Teachers' Solidarity Association*; **Sharib Ali** Innocence Network; **Suhail KK**, *Quill Foundation*; **Mushfique Raza**, Association for Protection of Civil Rights; **Mathew Jacob**, *People's Watch*

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

#### PEOPLE'S UNION FOR CIVIL LIBERTIES

*Founder :* Jaya Prakash Narayan

*President :* Ravi Kiran Jain

*General Secretary :* V. Suresh

*Treasurer :* Surendra Kumar

*Vice-Presidents :* Binayak Sen,  
G. Saraswathi (Ms.), N.D. Pancholi,  
P.B. D'sa, Radhakant Saxena,  
Sanjay Parikh, Vinay Kantha.

*Secretaries :* Kavita Srivastava (Ms.),  
Nishant Akhilesh, Rohit Prajapati,  
Sudha Bharadwaj (Ms.),  
Vandana Misra (Ms.), YJ Rajendra

*Organising Secretaries :* Ajay T.G.,  
Arjun Sheoran, Nishat Hussain (Ms.),  
Ramashray Pd. Singh.

#### PUCL BULLETIN

**Editor :** V. Suresh

**Editorial Board :** Rajindar Sachar

**Assistance :** Babita Garg

#### **Printed and Published by:**

V. Suresh, General Secretary, PUCL,  
270-A, Patparganj, Opp. Anandlok  
Apartments, Mayur Vihar-I, Delhi-110091  
for *People's Union for Civil Liberties*

**Printed at:** Dixit Printers, 108, Basement  
Patparganj Indl. Area, Delhi-110092