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## Private Sector – Its Obligations to Dalits

Rajindar Sachar

A lively but in my view, ill-informed, discussion is taking place in public on the question of job quota in the private sector. The controversy has become sharper by the weight of legal opinion of the Attorney General that it was not possible to provide reservation for SCs and STs in the private sector without amending the Constitution. I have my reservation on the correctness of this view. I realize that emphasis is made on job quota possibility because of our feudal and hierarchical social system which puts a job in an office whether in private or public sector as the highest achievement. However, I feel that though emphasis on job may be kept up, the real battle *dalits* need to fight is to have a share in the expanding business opportunities and that too in proprietary capacity. It is in this context that I put forward an alternative which is immediately available and which can give more affluence, recognition and opportunities to *dalits* not only for jobs in private sector but for expanding the opportunities to share in the growth of Indian economy, and that too without amending the Constitution.

It is well known that Central and State Governments award thousands of crores worth of public works and contracts to the private sector. All these activities flow from the Government playing a very crucial and significant role either to make a particular avenue open to the private sector like the privatization and modernization of airports, express highways Public Works Department, Delhi Development Authority (DDA), Delhi and similar ones in number of other States

for roads or even construction of Govt. properties which are to be executed by the private contractors. I am of the view that if proper steps available even under the present legal set up are taken, a very large segment of *dalits* population can be absorbed and can take benefit of the rising economy.

It is in this context that a reference to USA legislation called the "Public Works Employment Act of 1997" would be apt. That Act had a minority business enterprise clause which provided that 10% (minority population of USA) of the federal funds granted for local public works projects must be used by state and local grantees to procure services or supplies from business owned and controlled by "minority group members", the latter being defined in the Act as United States citizens who are "Negroes, Spanish-speaking, Orientals.....".

This provision was challenged as denying an equal protection clause provided under the 14th amendment of the US Constitution (from which Article 14 of our Constitution has been adopted). The Court upheld the validity of the legislation as it contained provisions designed to uplift those socially-economically disadvantaged persons to a level where they may effectively participate in the business mainstream of USA economy.

The arguments raised as to why the private contractors should be compelled and limit their choice in this particular manner as to from where the supplies will be received and whom they will sub-contract was rejected, by holding that "legislation (...on page 20)

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## **Meerut Riots**

*[In May 1987 the police and the PAC had connived in Hashimpura of Meerut and allegedly picked up and killed more than 40 Muslims during communal disturbances in the area. It was alleged that the bodies of the killed were dumped in the upper Ganga Canal. The then UP Government ordered an enquiry the findings of which were made public in 1994. The case was dragging in Ghaziabad courts. Some Human Rights workers formed a Legal Advisory Committee for the Hashimpura case. In 2002, this Advisory Committee approached the Supreme Court praying for the transfer of the case to Delhi fearing pressure and influence by the accused if the case continued in Ghaziabad in UP. (It may be pointed out that Ghaziabad is a neighbouring district of Meerut). The Supreme Court transferred the case to Delhi where the court of Additional Session's Judge N P Kaushik, on June 1, 2006 framed charges of murder, attempt to murder, criminal conspiracy, abduction, unlawful confinement, assault, and unlawful compulsory labour against the Provincial Armed Constabulary (PAC) personnel charged with killing of Muslims during curfew in Meerut on May 22, 1987.*

*The PUCL had appointed a committee to investigate the immediate and the basic causes of these riots. The committee comprised the then President of PUCL (Justice) Rajindar Sachar (Retd), Shri Inder Kumar Gujral, Prof A M Khusro, Prof Dalip Swamy, and Prof K C Gupta.*

*We are reproducing below the entire report of the committee brought out on June 23, 1987, to put the proceedings of the important case in proper perspective. – Chief Editor]*

The riots that erupted in Meerut during May and June 1987 have unfolded an ugly face of our society. The administration proved unwilling as well as incompetent to handle the situation of street murders, arson, and looting. Its attitude of benign indifference, bordering on partisan lines created an intense mistrust in the minds of people regarding the role of the law and order machinery. The ferocity with which the social and communal misbehaviour and the accompanying police atrocities occurred in the city are not only a matter of shame but they have also disrupted our social order.

The PUCL decided to investigate the Meerut riots to focus the immediate and the basic causes of these riots and to suggest ways and means to prevent such riots in the country.

The team constituted of: 1. Mr Rajindar Sachar, 2. Mr I K Gujral, 3. Prof A M Khusro, 4. Prof Dalip Swami, and 5. Prof K C Gupta.

On June 12, its members met and interviewed several advocates, social workers, trade union leaders, academicians, eminent citizens, administrative officers (including the District Magistrate). It was assisted by the local executive committee of PUCL, especially Mr Jain.

Meerut is an important town about 60 kms, from Delhi. With a population of half a million (4,13,395 in 1987 census of

Meerut Municipal Board area), of which 62.5 percent are Hindus and 34 percent Muslims, the town has maintained a relative communal balance. It is known for its weaving, publishing, handloom, printing, sports, brass-band, and scissors factories. The factories are owned by Hindus as well as Muslims, the former dominating the class of employers and the later dominating the labour force. Both communities have shared the economic prosperity that occurred over the 1970, though Hindus have generally prospered at a faster rate than Muslims. The Ansaris among Muslims have acquired considerable economic clout on the basis of the 40,000 strong powerloom factories, which are operated mainly as a domestic industry. *Gaddis* (dairy owners) and *Kassies* (meat dealers) are also among the prosperous Muslims. The level of education, is however, low; only 6 percent of Muslim children are registered for higher education. The rich Hindus own cloth printing factories, sports, publication houses, and shops. Direct competition in the same industries between the two communities is not significant, but the employer-employee contradiction in several lines overlaps the communal division.

With 34 percent of total population, Muslims are a decisive factor in the electoral

calculation of any political party. All parties tend to woo the Muslims voters. During the days of anti-imperialist struggle Meerut was a strong centre for Congress and Muslim League politics. It was an important centre of *Khilaafat* Agitation during 1916-23. After 1947 the Muslims mass turned to the Congress. With the formation of B K D and later the Lok Dal a sizeable number of them, mostly engaged in farming, transferred their loyalty from the Congress to the Lok Dal. Most Hindus owe their allegiance to the Congress, but the BJP also holds attraction to those engaged in trade and services. The left parties anyhow wield only marginal influence in the area.

There are many instances of cross voting. For example in the elections of 1985 the Hindus dominating four segments voted for Mohsina Kidwai.

The Babri Masjid - Ram *Janambhoomi* issue has triggered a new wave of communalism through out U.P. (The rally held in Delhi and some of the provocative speeches made there were its contribution to worsening the atmosphere).

The Central Government is also not above-board in matters relating to communalism. Government's prevaricating approach to Babri Masjid has contributed generally to communal tension.

This forms the back-drop to the Meerut riots. The events that led to the riots in May were as follows:

On 14th April 1987 when Nauchandi fair was in full-bloom communal violence broke out. It is said that a police *daroga* on duty was struck by a fire cracker and as he was drunk he opened fire killing two Muslims. Another incident is also reported to have occurred on the same day. Muslims had arranged a religious sermon near Hashimpura crossing. Nearby there was a *mundan* function in a Hindu family. Some Muslims objected to film songs being played on loud-speakers and there was a quarrel. Somebody from the Hindu side allegedly fired. The Muslims then in return set some Hindus shops to fire. In all 12 persons, both Hindus and Muslims, were reported to have been killed. Curfew was imposed and the situation was controlled. However, the tension prevailed and both sides were bent on doing some further trouble.

On May 14 two bombs exploded in Mohalla Chhipiwara and Chhatta Tagi Hussain. The police did not take any action as Muslims were observing *Rozaas*. On May 16 also there was a bomb explosion in Mohalla Kainchian (In the evening Ajay Kumar Sharma was murdered in Kainchian, which was described by the police as Landlord-Tenant problem). The action of the police, in making searches at early hours in the morning in a rough and callous manner was bound to create quite a panic amongst the Muslims in the locality and out of panic there were appeals to Muslims to collect together so as to prevent police excesses. People panicked when the police tried to interrogate people in the area.

The scene of action on 18th May was the Hashimpura locality and the nearby Imliyan mosque, where Ansari Muslims belonging to the weavers community live. At about 9 p.m. two kiosks (small wooden shops) situated at Suraj

Kund Road were put to fire by some miscreants. Of these two kiosks, one was owned and run by a Hindu manufacturing shuttle cocks and the other owned by a Hindu and run by a Muslim manufacturing carrom-boards. Thereafter electricity suddenly went off. A mob began to form. After about one hour at 10 p.m. on the Hapur Road, opposite to Imliyan Mosque, a shop, Lakshmi Confectioner, was looted and burnt down and one of its proprietors, Kulbhushan, was done to death.

The police tried to nail the suspected culprits and went to Hashimpura and Imliyan for making arrests. It was after *namaaz* time, during the month of *Ramzaan*. Police action was strongly resisted by the inmates. While the police was retreating a *Jawaan* dropped his rifle (some say the rifle was snatched). Soon after the midnight police reinforcement arrived, they announced that the people should get out of their houses otherwise there would be firing. More than 3000 people of Hashimpura and Imliyan came out. Now the electricity was restored and the rifle which was dropped was found outside a house. The police entered that house and shot dead two brothers inside.

A police jeep was parked near Imliyan. A police officer wanted to drive away in the jeep with some arrested persons. The women assembled there resisted, but the jeep drove off killing a girl. There was a great commotion and the mob naturally became unruly and police opened fire killing several persons. According to the DM 130 persons were arrested between midnight and 2 a.m. Curfew was clamped.

It is at this stage that something very unfortunate happened. There appears to be no doubt that some mischief makers got control of the loudspeaker on the mosque and started exhorting people to gather together and to save Islam. We were told this by various reliable

people, both Hindus and Muslims, and we have no manner of doubt, that either out of panic or because of the mischievous call given to the Muslims, people collected together in the street. The result of this exhortation was not unexpected. A carnage followed.

The mob fury started after 3 A.M. They started burning, looting, and killing Hindus at Hapur Road, Golekuan, Pilokheri, Lakhipura, and Shyam Nagar. Hapur Road was blocked by big wooden logs. Several vehicles along with their occupants were set to fire. Shops and a petrol pump and many other establishments of Hindus were looted and burnt.

One of the unfortunate incidents was the burning alive of Dr Prabhat, who was, ironically going out to attend a call of a Muslim patient. His car was stopped and the mob in its senseless fury burnt him along with the car. This is doubly unfortunate because Shri Har Pal Singh, father of the deceased, even much later, continues to subscribe to his non-communal approach and was responsible for saving a few Muslim lives when Hindu mobs went on a rampage subsequently.

In Pilokhari several cloth printing factories owned by Hindus were burnt by the mob that surged in thousands at 6.30 A.M. the police picket posted there was too weak to handle the arsonists. The mob burnt several factories, burning about a dozen persons (*chowkidaars*) inside the factories. The mob then went to Lisari Road. The farm of Nepal Singh was attacked, 6 persons are said to have been burnt to death. The loss to the factory was incredible.

Subhash Nagar, which is next to Hashimpura, was another area which was the scene of shooting on the early hours on 19<sup>th</sup> May. The team visited the area and met Mr Ganesh Dutt, President of the Subhash Nagar Samiti. The version given to us was that in the early hours there was slogan

shouting from adjacent area from Hashimpura. Naturally a large number of people went up to their roofs curious to know what was happening. Evidently there was mutual stone throwing from Subhash Nagar and Hashimpura area. Gun shots were fired from Hashimpura area and one Sushil Tyagi and two others, who were standing on the roof in the Subhash Nagar area were killed on the spot. Though the matter was immediately reported to the police but none came to the spot. As a matter of fact the grievance of the local people was that even till the day of our visit, i.e., 15<sup>th</sup> June, 1987 no one had come from the police to make investigation. This was totally unexplained conduct on the part of administration, considering that a written report about the killings had been sent to the administration. Even under the normal law investigation should have been done on the report of a murder but evidently the administration was paralysed and continued to be so even after 3 weeks of the incident.

We met Mr Tyagi, father of deceased Sushil Tyagi, who though, naturally, very upset on the death of his son, nevertheless told us proudly and with restraint that he had taken the body to the village Ahmadshahpur Padra and had stayed there for 3 days to make sure that no untoward incident took place as a result of the death of his son. We were heartened to note that there were people, who, even in the face of such a tragedy, refused to lose their balance. We would like to pay publicly our tribute at this worthy conduct and wish more people would to follow this example. This police indifference however continued to be as bad as before, even though FIR about this murder was recorded at the police station.

We went on the top of the houses in Subhash Nagar at Mr Mehta's building and saw from there the path the gun shot would have taken. There does not seem to be any doubt that firing came

from Hashimpura side which did result in killings in Subhash Nagar.

In the afternoon of 19<sup>th</sup> the Hindu mob under the benign protection of the PAC began to retaliate. They started burning and destroying Muslim houses and shops on Hapur Road, the Mawana bus stand, stadium, Shastri Nagar, and Miyan Mohammed Nagar. In Mohammed Nagar 225 houses of the total of 354 were gutted. The residents, mostly poor Muslims like rickshaw-puller, etc., narrated the event with a cold helplessness. They accused the PAC of clear complicity and direct involvement in destruction. The PAC allegedly began firing at 2 p.m. and then started looting and burning the houses. Many persons were burnt alive and the remains of their houses could still be seen when this team visited the area. The D.M. pointed out that 130 families were compensated at the rate of Rs 15,000/- each.

In Shastri Nagar several Muslim houses that were strewn between Hindu houses were burnt by the mob which came from other localities. The houses of an income-tax official, a chief engineer, an executive engineer, a noted Urdu poet, and a rich business man who had recently migrated from outside were burnt and looted. Just as at Miyan Mohammed Nagar, here too there was total destruction except the house walls. A shrine of Najafshah was also completely demolished.

Curfew was clamped at 11 a.m. on 19<sup>th</sup> in areas falling under Delhi Gate, Lisari Gate, and Kotwali police station. It was subsequently extended to other areas also. Despite this violence continued through the city. At most places the police abetted by their benign indifference. Next day, i.e., on 20<sup>th</sup> May the muslim shops at Eastern Kacheri Road, Western Kacheri Road, P L Sharma Road, Abu Lane, Mawana bus stand, Transport Nagar, etc. remained disturbed.

One of the most shameful chapters of human callousness was enacted in Hashimpura area. It would appear by then that sufficient contingents of police and PAC had been inducted into Meerut. It was not clear but it seems that some decision was taken to really spread terror in Hashimpura area. Pursuant to this on May 22 Hashimpura was surrounded by the PAC. The PAC then forced all residents out of their houses to the main Road. Then a house to house search was conducted. The residents complained that several houses were looted by the PAC.

All residents of Hashimpura were lined up on the main road segregated, and one person in *Burkha* identified 42 young men, who were asked to board a police lorry. Another group of 324 were arrested and taken by other police vehicles.

What the police did in Hashimpura is something which can never be lived down and the shame of this will continue to haunt any civilised Government. We talked to old persons whose sons and grand-sons were taken away by the police. We met young women whose husbands were taken away and later on they were either missing or their dead bodies were found. The way the residents of Hashimpura were treated was shameful. We were told that hundreds of people were taken out from the locality and asked to sit on the road. One army person asked people over 50 years and less than 10-12 years to get on one side and all the others were dumped into waiting trucks. We were told by one Ahmed, who had got away on the excuse that he had his MA examination that morning, and that 3 of his colleagues, namely, Kamaludin S/o Jamaludin, Sarajudin S/o Sabarudin, Nasim S/o Nasim Ahmed, had been taken away on the trucks. These three had not come back thereafter and the father Jamaludin corroborated this version.

Out of 42 only 6 persons are traceable, others have just disappeared. There is no record of these persons with the police. Abdu Bhai the grand father of Zulfikar told that Arif and Karimuddin were also with his grandson. They were arrested together and taken in a truck to Muradnagar and when the truck reached a canal Zulfikar saw Karimuddin being shot by the PAC and thrown in the canal. More than 20 bodies have in fact been found floating in the Ganga Canal.

One of us (Mr Rajindar Sachar) on coming back from there wrote to the Chief Minister of UP bringing to his notice as to how hundreds of people had been taken away and how many had died and were not traceable and requesting that the matters needed to be immediately looked into. A copy of these letters was also sent to the Prime Minister for doing the needful. We are sorry to say that not even an acknowledgement was received from the Chief Minister of U P or from the Prime Minister.

The other group of 324 persons was taken to the civil lines Police Station, where they were beaten. After keeping them for a night they were shifted to Meerut jail, where their injuries were noted down. Subsequently other criminal prisoners were provoked to beat them up. Some were shifted to Fatehgarh jail, where 5 persons died inside the jail. Abdul Rashid and Nasirudin, who remained in Fatehgarh jail for 21 days, narrated the inhuman treatment meted out to their group in the jail. They were mercilessly beaten; five of them died inside the jail. The DM confirmed the deaths inside jail and pointed out that a CID enquiry was instituted, though he pleaded that it was outside his jurisdiction.

Another gory incident related to village of Maliana. The PAC picket is accused of having fired indiscriminately and killed 2 dozen people and grim destruction of property also took place.

The Maliana incident has left a deep scar as the allegation was that the police systematically killed Muslims without any provocation. It is a matter of regret that though judicial enquiry is ordered, its findings have still not seen the light of the day. This incident continues to act as a constant source of bitterness between the two communities. Unfortunately though PAC is responsible for this carnage, Hindus get the blame because Muslims believe that this was done because PAC is a Hindu police and they acted in a communal way and not as a law and order force.

In all localities and almost all persons whom we contacted told that when approached the police did not respond. The incidents of killings and injuries in Subhash Nagar, factory burning in Pillokhari, murders on Hapur Road were all reported, but the police reported that they did not have enough manpower. No incident of death was investigated even after a month. The DM maintained that the outburst was too high to be attended to individually. About the 5 deaths in jail the DM gave us two versions. One, the prisoners were attacked by a crowd collected at the gate, two that the persons were attacked inside the jail. He also maintained that there was no obstruction to lodging FIRs. Postmortem of 5 bodies were done but the bodies were not handed over to the relatives. An enquiry by the CID was ordered to investigate the case.

The DM also pointed out that from 19<sup>th</sup> to 21<sup>st</sup> May there were 2 to 5 companies of PAC, which were inadequate to control the riots. On 22<sup>nd</sup> May he received 10-12 companies from outside. It was then possible to nab the culprits in Hashimpura.

Hindus resented the release of Zafar Ali, who was arrested under NSA for possessing a unlicensed gun. The DM clarified that the State Government revoked the arrest under Section 14. The license of Zafar Ali was

suspended and he was asked to surrender his gun. When Zafar Ali refused to surrender his guns, he was arrested under NSA.

Spread of rumours also led to great deal of tension. In official releases expression was given that many of the Pakistanis had entered Meerut illegally. We confronted the DM with this news who told us that 7 persons arrested on 25<sup>th</sup> May from Nougaja Mohalla, only 2 persons were from Pakistan. These two had valid visa and were in Meerut to meet their relatives. They were released because there was no justification to arrest them. Somehow the news was allowed to be spread that Pakistanis had entered without visa, thus adding to the false suggestion as if there was a conspiracy behind this communal riot. This version was totally uncalled for and we feel that the district administration must exercise greater restraint in the type of news it passes on to the people.

How much suspicion had been aroused between the two communities became clear when people complained to us that food which was brought from outside Meerut was not allowed to be distributed by the administration. We checked up with the administration (DM) who accepted that food which had been brought by some organisations from Delhi was not allowed to be distributed. According to him, first, the food was being distributed community-wise and, secondly, rumours had been set afloat that the food which was being distributed was poison and the communities may be fed on this food. Of course, he conceded that none of the food was found in any way poisoned but so much was the misunderstanding that the administration did not allow voluntary agencies to distribute food even though when many voluntary agencies both of muslims and Hindus wanted to distribute relief without in any manner restricting it to any particular community. We are

sorry that the administration should have taken this attitude because common relief work would have eased the tension.

The delegation visited various areas and localities and talked to many persons including relatives of the missing and the dead. We talked to many people in Hashimpura. They were in great panic and had horrible tales of police cruelty to tell. All of them stated that they had been beaten by police. We were given a list of 41 persons who were said to have been carried away by the police on 22<sup>nd</sup> May 1987 from Hashimpura but whose whereabouts were not known. A copy of the list, which was supposed to have been given to the Commissioner for Relief, was given to us. We were also given a list of 5 persons who were taken away by the police from Hashimpura and were said to have died in police custody when they were taken to Fatehgarh jail. Their death was confirmed by the DM Meerut who, however, pleaded that the area was outside his jurisdiction. One of our members, Mr Rajindar Sachar, wrote to the Prime Minister and the Chief Minister of UP mentioning these facts as mentioned above. A copy of the letter forms Annexure to this report.

Another incident of the total inaction and the callousness of the administration was brought to our notice when we visited Subhash Nagar. On the night of 19<sup>th</sup> firing was stated to have taken place from some house in Hashimpura and some persons who were standing on the roof of a house of Subhash Nagar were killed. We visited the place of occurrence and it does seem that firing must have taken place from the Hashimpura side because that was the only roof from which the bullet could have traveled and hit the persons who were on the top of the house. We were told by the President of Subhash Nagar Association that they had telephoned the police and other District officers asking for their

help but no one from the police visited the area even by the time when we visited them. This is extremely deplorable considering that information about the cognizance of offence had been given and yet the police had not taken the elementary step of investigation which they were duty bound to do under law. That 3 people undoubtedly died in Subhash Nagar due to bullet injury is uncontroverted but the response of the administration was totally callous. Days after the incident not even a sub-inspector of police had visited the sites to record statements and find out what exactly happened. No amount of general deterioration in the situation in Meerut could be any explanation for this attitude. Conditions on that night were not so bad that the police could not have visited the scene of deaths. As a matter of fact it would appear that the whole of the administration was waiting for additional re-enforcement of police and PAC to arrive before taking any action. But the use they made of this is something shocking. When the additional re-enforcement arrived they went out with recklessness and with a communal slant, with the result that the Muslim areas were made the special target of attack by the police (it is probably correct that a mob did come out on 19<sup>th</sup> early hours on the Hapur Road and burnt a petrol pump, and a timber godown belonging to Hindus). But, as mentioned above, the coming out of the mob on the street was a panic reaction to the police brutality in searching and killings of some persons when they went to arrest some people in Imliyan Mohalla in early morning. Thereafter from 22<sup>nd</sup> when the re-enforcement of PAC and army arrived it was a one sided communal attack against the Muslim area and Muslim individuals.

We also visited Khalla Mian Mohammed Nagar and Khalla Swad inhabited by poor working Muslims. It would appear that a mob of Hindus possibly with

connivance of the Police had gone on rampage looting and burning most of the area, signs of which were visible when we went around the area. There is no doubt, of course, that on the 19<sup>th</sup> the Muslim mob had gone on a rampage when they burnt machines, godowns of printing cloth owners, owned by Hindus. It would be a reasonable guess that the attack on machines of printing cloth belonging to Hindus were accentuated and were partly fanned by rival Muslim economic interest because the type of destruction was a senseless one and explainable on no other premise. The area was very much away from the city and mob must have had to be led and directed by someone in the know of various locations.

It won't be wrong to say that Meerut had lost balance on those days and the barbarism and the utter inhumanity being indulged in by both Hindus and Muslims was a terrible experience. Had the matter remained between Hindu and Muslim mobs, they would no doubt have damaged and injured each other sufficiently but being both equal in strength matters might have been sorted out because of the mutual exhaustion. But what made the matter horrible and made it a matter of shame was the role played by the PAC and the police which instead of behaving and trying to defuse the situation acted in a communal stance and committed barbarities of callousness on the Muslims, causing death and harm.

Considering that both Hindu and Muslim mobs had indulged in looting, arson, and killing, the response of the PAC in picking out Muslim area and committing wanton acts is condemnable. The Muslims can have a legitimate grievance that the police did not act as guardians of law and order but played a partisan role. Rather it helped the Hindu mobs in looting and burning of Muslim areas. There is sufficient evidence to support such apprehensions of the Muslims.

The role of the administration has left much to be desired. The administration remained in a paralytic stage and did not come out in strength in meeting the challenge of the communal

madness. We feel that had more sober and serious efforts been made to gather together to create restraint on Hindus and Muslims it would have been easier to control the situation earlier and

also would have removed the communal mistrust which unfortunately continued for a very long time.

## Appendix Letter to U.P. Chief Minister

**Shri Vir Bahadur Singh,**  
Chief Minister, Uttar Pradesh,  
Lucknow.

My dear Chief Minister,

A delegation on behalf of PUCL comprising Mr I K Gujral, Dr A M Khusro, Prof Dalip Swamy, General Secretary of PUCL, and myself went to Meerut on the 17<sup>th</sup> of this month. We visited various areas and localities and talked to many of the persons including relations of the missing and dead. The tension in the area is obvious and it will be long before that normalcy can be claimed. It is not my purpose to develop on various aspects what our team saw. I shall revert to that some time later. I am, however, writing to you on matters which require immediate and urgent attention.

During our visit to Hashimpura we were told how on 22nd May people of the locality were carried in trucks in hundreds. They are said to have been beaten by the police. We were given a list of 41 Persons who were said to have been carried by the police on 22.5.87 from Hashimpura but whose whereabouts are not known in as much they are not to be found in any of the jail and their relations do not know where they are and it is suspected that they have been victims of police brutality, possibly leading to their death. A list is attached along with my letter. Out of this list I may mention that one of the persons who told us was Zamil Ahmed S/o Quadir mentioned at Serial No. 1 of the list. Similarly, Mohd Iqlak S/o Mohd Yasin (serial No. 3) met us personally and told us of their misery. We were also told that this list has been supplied to the Commissioner for Relief which evidently means that

responsibility has been taken for claiming that these people are missing since 22.5.87. This is too serious a matter to be allowed to be proceeded with leisurely. Our organisation feels that Human Rights and Right to Live is too fundamental a matter and any violation of it must receive immediate attention of the authorities concerned. I am not aware of what the district administration or the U P Government is doing in the matter. I would, however, request that immediate high level enquiry may be instituted so that some confidence is restored to the minorities.

I must also bring to your notice another very sad and serious matter. We were given a list of five people, who were carried from Hashimpura on 22.5.87 and said to have died in police custody when they were taken to the Fatehgarh jail. These facts were also confirmed by the District Magistrate, Meerut when we met him though he stated that Fatehgarh jail was out of his jurisdiction, and, therefore, he could not give us any details about it. We were, however, given to understand that a CID enquiry or Magisterial enquiry has been instituted. According to us this is most unsatisfactory and unacceptable. Five people had died in police custody when they were in jail. The responsibility for the life of prisoners is implicitly on the jail authorities and the police. We are not aware that any action of suspension or dismissal has been taken against any of the concerned official. Death of 5 persons in such circumstances is not a matter which can be left to be enquired by a Magistrate. The least that can be done is to entrust this part of the incident also to the judicial enquiry which has to enquire into the village Malyana incident. This is apart from

the fact that adequate compensation to the families of the victims and proper apology and regret on behalf of the State Govt. must be made to the families of the deceased.

That though you have announced the institution of a judicial enquiry we were told that neither the judge nor the terms of references have yet been announced. It is strange that the announcement of an enquiring judge is being delayed in a matter which has shocked the whole country. The delay in announcement of the enquiry is seriously casting a doubt on the *bonafide* of the State Government in finding out the truth. Immediate announcement of a judge who has to hold the enquiry must, therefore, be made.

As far as the Gian Parkash Enquiry Committee is concerned the terms of this have not been made public and, therefore, people are making a lot of speculations. One of the speculations is that terms are restricted to 18-22 May. This would be wrong because the enquiry should not be limited to any period and must cover a period for the whole of the May so that it can find approximate causes and all the events which happened during this period. One other matter in this connection was brought to our notice, namely, that 15<sup>th</sup> June, 1987 had been fixed as the last date by which it would receive affidavits from the public. Considering that there has been a grave tension in the town, we feel that the committee should be authorised to receive affidavits which are filed by the end of this month. This would be necessary to give reassurance to the public that no point of view is shut out.

I hope the matter listed above would receive your immediate attention. Yours sincerely, – **Rajindar Sachar**, Senior Advocate, Supreme Court of India, President, *People's Union for Civil Liberties*, D-26, Gulmohar Park, New Delhi-110049, Tel: 662933, June 23, 1987

**Copy to:** Shri Rajiv Gandhi Prime Minister, Government of India New Delhi □

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## TN & Pondicherry PUCL Report:

### Conditions in Shri Lankan Tamil Refugee Camps

Following the emergence of war-like situation between Shri Lankan government and the LTTE, the arrival of Eelam Tamil refugees to India has increased. From January 12, 2006 to July 7, 2006, 4343 people belonging to 1363 families have landed in the coasts along Rameshwaram. According to the data provided by the Tamil Nadu government, as on 31.1.2005, 52,332 refugees belonging to 14,031 families live here in 103 camps. If newly arrived refugees are also taken into account, today not less than 58000 refugees are there in camps all over Tamil Nadu. It is to be noted that on an average 50 refugees keep coming per day.

In this situation, a 19 member team comprising people's rights activists belonging to important rights organizations in Tamil Nadu visited Mandapam camp at Rameshwaram on July 8, after taking permission from the government, to ascertain the conditions in the refugee camps in Tamil Nadu and to ascertain whether adequate, basic necessities are there in these camps. Further, the team members divided themselves and visited the following camps all over Tamil Nadu:

Keelpathupattu, Periyasevalai (Villupuram district), Thiruvadhavur (Madurai district), Kullanchavadi, Virudhaachalam (Cuddalore district) Pavalathanoor, Kurukkappatti, Athikattanur (Salem district), Paramathi Velur (Namakkal district), Karur, Bhavanisagar Dam (Erode district)

**Team Members:** 1. Sa Balamurugan, General Secretary, PUCL, Tamil Nadu; 2. P Rathnam, Senior Advocate, Lawyers Centre for Social Justice; 3. K Sukumaran, Federation for People's Rights, Pondicherry; 4. A Marx, Professor, PUHR; 5. Se Kochadai, Professor, PUCL, Sivaganga; 6. Gana Kurinji, PUCL, Tamil Nadu; 7. Sankaralingam, Professor, PUCL,

Madurai; 8. S Shanmuganathan, PUCL, Sivaganga; 9. A Subramaniam, PUCL, Sivaganga; 10. Damayanthi, Advocate, Citizens' Protection Centre, CPCL; 11. Kesavan, Advocate, CPCL; 12. Bhagat Singh, Advocate, Lawyers' Centre for Social Justice, Madurai; 13. Robert, Advocate, Madurai; 14. Megavannan, Writer, PUHR; 15. M Muthukkannu, INSAF, Pondicherry; 16. M Ilango, Periyar Dravidar Kazhagam, Pondicherry; 17. Veeramohan, Periyar Dravidar Kazhagam, Pondicherry; 18. Era Murugappan, Federation for People's Rights; 19. Pavendan, Advocate, Tamil Nation Advocates' Centre.

#### Conditions of Camps

All the refugees who land in Rameshwaram area are brought to the Mandapam camp. This is said to be a transit camp. Yet, when we visited that camp, we saw that apart from 4343 people who had come since January, 756 people belonging to 230 families had been living there for more than 10 years. On July 8, 28 people had arrived. These people who were left ashore at Arichal Munai had paid Shri Lankan rupees 1000 and travelled to Mugandaraya Chatram 9 kms away. Intelligence agencies were interrogating them. Apart from Arichal Munai, refugees are also landing in Pamban. They also come here from several areas like Thalaimannar, Pesalai and Kilinochi etc. Most of those who had landed that day were Christians engaged in fishing. A family of a nurse working in a government hospital and a family of a driver were among them. Because of the war-like situation fishing had totally stopped. The youth and women have been endangered physically and their lives are under threat from the Shri Lankan Army. Those who had come had stayed for three days in Mannar forests and paid SLRs 7000 to 10,000 to the boatmen. They said that 10,000

more people were waiting in the Mannar forests to come here. They face the danger of being abducted if seen by Shri Lankan Navy or Liberation Tigers of Tamil Eelam (LTTE).

After landing ashore in India, firstly check-up by the Indian Navy, and then Special Branch enquiry at Mugandaraya Chatram and then enquiry and registration by police at Danushkodi Police Station take place. And then they are brought to the Mandapam Camp in the evening. They are being offered food provided by voluntary agencies.

Those newly arrived are quarantined under police custody at the Mandapam Camp. This is a prison house. When we visited, 39 people were confined to the quarantine (nearly 20ft/20ft) for males. Only 2 toilets provided. Among them, Mohan Raj (27) from Kilinochi had been confined from June 17 and Murugaiyan (42) from Mannar from June 27. Food for them is being brought from outside. Food expenses per head per day are Rs 35. During enquiry, those suspected of having links with movements are being sent to special camps. The camp official says that the Indian government has ordered that the refugees should be confined to such quarantines for 30 days.

Problems are similar in other camps. Nowhere the accommodation provided to the refugees is worth living in. All of them were built at the end of 1980s. After that they were not repaired. Mostly, they are 10 ft / 10 ft rooms made of tiles or tar boards. In the camps in Pavalathanoor and Kurukkampatti (Salem dt), both types of houses are there. They are called 'tile camp' and 'board camp'. Nobody can stay in board houses during the day time. Tile houses break and leak during rainy season.

These government-provided houses also have not been given to all. For example, in Pavalathanoor camp, there are

123 families (482 people). There are only 60 government-built houses here. Everywhere, the prevailing situation is that those living for more than 10 years are to build houses on their own if someone gets manned and set up a new household. Even for that, in some camps, the officials are to be bribed (In Athikattanoor camps, this allegation was levelled).

No camp has proper toilet facilities. Even in the few toilets that are provided water facilities are not there. Men and women have to go to the nearby forests to relieve themselves. Since such a practice is non-existent in Shri Lankan culture, women suffer the greatly.

When women go out for this, they face eve teasing problems in some places. People in nearby gardens also hit them with stones. In the forest area in the Mandapam camp, the problems of snakes are also there. Here, an old woman named Selva Nayaki, 64, doesn't eat because she is not able to go out to defecate. There are no rooms to take bath. Even women are also to take bath at common wells. No camp has adequate drinking water facilities. In Vrithachalam camp, there is only one tap but there is no water tank for that. During mornings and evenings, water comes only for a short time. They travel for some miles to fetch water by cycle and fulfill their needs. Though there are wells in Rameshwaram camp, they have not been cleaned.

In all camps, electricity facility is provided only through single-bulb system. Only in some camps, separate meters have been allowed. For the single bulb, electricity is provided from 6 p.m. to 6 a.m. For the kitchens and verandahs, which they have constructed themselves, there is no electricity facility. In the Kullanchavadi camp, there is no electricity for one part. They are forced to draw current in an illegal manner. In Bhavanisagar camp, there are houses without electricity for 16 years, though

single bulb facility has been provided to 30 houses built later, since power is drawn from the same source for all bulbs they are compelled to pay more.

Though registration cards are immediately provided to those in the camps, in many camps, there are many without registration. For example, in Keelpathupattu camp, 949 people belonging to 100 families live without refugee registration. They don't get any facility provided by the government. The refugee registration for children born to those who marry outside the camps are cancelled (Example – Bhavanisagar camp).

Nowhere litter vans or garbage trucks come. Litter cleaning work does not take place. Those in the camps are forced to do it themselves.

Many camps have no medical facilities. In some camps, voluntary organizations provide medicines through trained people. In Mandapam camp, though there is a hospital with beds, the number of beds has not been increased for the last 15 years. Non-refugees in the nearby areas are also forced to use this hospital.

Crèche facilities inside camps are being conducted only by voluntary organizations. Providing nutritious food to children, including peanuts, has been stopped recently. Though there is no bar for students to join nearby schools and colleges, there is no fee concession. Some voluntary organizations help to some extent. But, there is no total help. The two percent reservation in higher education was revoked during the previous regime. Though Usha Nandini, D/o Sakuntala Devi, in Keelpathu Pattu camp scored 807 marks in 12<sup>th</sup> standard exams, she was denied a B.Sc (Nursing) seat. Her father had been imprisoned in a special camp for 16 years and in 2005 he was released at the intervention of court and sent back to Shri Lanka.

The government relief money provided to those registered as

refugees is not enough. The head of the family is given Rs 200/-pm, those above 12 years of age are provided Rs 144/, the first child below 12 years of age is provided Rs 90/- and the next Rs 45/-. Every month, adults are given 12 kg of rice and children 6 kg at a subsidized rate of 57 paise per kg. For each card, 5 litres of kerosene, sugar, etc., are provided at ration shop rates. They are to meet these and other requirements from the relief money provided to them.

Since this is not possible, men and women engage in all possible work like construction work, carpentry and painting. Since they are refugees, they have no job security at their places of work. Kannadasan (44), H/o Kamalendravati (43), hailing from Jaffna and living in Mandapam camp died due to electric shock while on work on June 6. No compensation was given. Camp authorities are also in the dark. In Paramathi camp, Ananda Kumar (36) and Kathirkamthambi (36) were hurt while on work when a tree fell and injured their backbones.

In some places, it has been complained that the ration rice given is of low quality and less in quantity.

Close relatives of many in Mandapam camp are scattered several other camps in TN. Hence, many people here demanded change of camps. When we visited there, the camp official said that transfer orders have been issued to 1600 people.

In Karur camp, since 1990, some 40 families have been set up in a single rice godown. These families live with curtains made out of gunny bags, sheets, sarees, etc.

In the camps, nowhere there are street lamps and road facilities.

In some camps, there are only thatched sheds in the name of libraries. In crèches, there are no toys for the children.

The minimum clothes (lungis, banians and sarees) given once a year and vessels given once in

two years are not adequate. In some, Tamil Eelam refugees live in camps without their basic needs being fulfilled and in conditions not worth living.

Some women in the camps have formed self-help groups. But, there is no government recognition for them. Even opening accounts in banks in the name of self-help groups has been denied.

#### **Our Recommendations:**

1. All people in the camps should be registered and be issued cards. The children born in the camp should be accorded Indian citizenship if the parents desire so, or else, they should also be registered as refugees.

2. Those who are registered as refugees for more than 10 years and those who are married to Indian citizens should be accorded Indian citizenship if they desire so.

3. The relief amount given is not adequate to fulfill basic necessities. Rs 35 is spent for food alone on each of those quarantined. Same amount should be given to those in camps. Each adult should be given  $30 \times 35 = \text{Rs } 1050$ . There should be no distinction between head of the family and others. Those below 12 years of age should be given Rs 600 and there should be no distinction between first and the subsequent children.

4. It is to be appreciated that 12 kgs rice is given at the rate of 57 paise per kg. But, it should be of good quality and of right quantity. The government should make arrangements to monitor this.

5. Dresses should be issued twice in a year instead of once and vessels should be issued once in a year instead of once in two years.

6. The level of quantity of sugar and kerosene should be raised. Each family should be given 10 litres of kerosene every month. All essential commodities being issued to BPL families should be issued in similar quantity to Eelam refugees as well.

7. Poll promises of free television, gas, etc., of the present DMK-led dispensation at the state should be extended to Eelam refugees as well when they are actually implemented.

8. The houses not maintained for 16 years or so should be renovated on a war footing. Tar roofing should be replaced immediately and the construction of *pucca* houses should be started. Those who are living in godowns should be given individual houses.

9. Refugee camps should be attached to the nearby local administration so as to take care of water supply and drainage facilities. Wells should be desilted.

10. Adequate number of toilets should be constructed in camps without delay. Existing toilets should be repaired by fixing doors, extending proper water facilities and by cleaning septic tanks.

11. Laying roads and street-lights should be accorded priority and fulfilled.

12. Each house in the camps should get 24 hours electricity supply and each house should also have 3 light points and plug point facilities.

13. Medical facilities should be upgraded. Medical camps should be conducted every month in each refugee camp. Number of beds in the hospital in Mandapam camp should be increased and the facilities be expanded.

14. The government should assume the responsibility for total education expenses. Reservation in higher education and professional education should be proportionate to the total population of refugees as was in the previous DMK regime. Free text books and free bus passes should be issued. The government should direct the nearby standard educational institutions to admit and accord free education to the children in the camps.

15. Creches and libraries should at least have minimum facilities. The system of nutritious

meals to children, that is suspended now, should be restored.

16. The government should immediately recognize the Self-Help Groups operating inside the camps and all assistance being offered to SHGs outside should also be extended to SHGs inside the camp. SHGs in the camps should be allowed to open account in their names in the banks.

17. Employment opportunity in government services should be given to the people in the camps. The procedure for permission to go and work outside the camps should be made easy. The government should monitor if they are given due wages at their workplaces and should also guarantee their security at workplaces. A proper mechanism should be instituted in each camp for this purpose.

18. The government should offer assistance to the girls of the age of marriage and should also extend medical facilities to the pregnant women.

19. The government should offer assistance and encourage them to engage in small business activities while the banks should offer loan facilities.

20. The government should take appropriate action to liberate the people in camps from the harassment of money-lenders.

21. Quarantines in camps should be abolished and the refugees should be treated with human dignity.

22. The hurdles for voluntary organizations to offer assistance to the people in the camps should be removed and their functioning inside should be made easier.

23. The refugees who land at Rameshwaram coast should be brought to the camps with proper vehicle facilities. Necessary enquiry procedures should be made easier and shorter. The government should assume the responsibility for their immediate medical assistance and food. Proper vehicle facilities should be made in the camps for this purpose.

24. The orders for transfer of camps, for justified reasons, should be issued immediately if the refugees in the camps desire so and the due warrants for transportation by bus or train should also be issued to reach the new destination.

25. We learn that the two special camps in Tamil Nadu are much worse than jails. The government should publish a white paper containing details of inmates of these two camps, the duration of their stay and whether anyone was forced and sent to Sri Lanka, etc.

26. The government should appoint an enquiry commission under a sitting judge of the High Court to probe the conditions prevailing in the camps.

27. It is highly deplorable that the Government of India has not yet signed the 1951 International Convention related to the Refugees that has been signed by more than 100 countries in the world. The Government of India should immediately sign 1951 International Convention on the Status of Refugees and also the subsequent 1967 Protocol on the Status of Refugees.

28. Though the Government of India has not signed the 1951 Convention on the Status of

Refugees, it is to be appreciated that it is adopting the principle of non-repatriation of refugees. Still, confining them for several years in special camps without enquiry and trial should be stopped. The Government of India also should not treat refugees in different states belonging to different nationalities, race and languages differently. The Government of India should evolve a national policy with regard to refugees.

29. Philanthropic-minded individuals, voluntary organizations and corporate houses should come forward to adopt refugee camps and provide help.

30. It is necessary that the political parties in TN should pay attention to the conditions of Tamil refugees and raise demands for their rights and fight for them.

31. The people in the camps hesitated to express their grievances to us. They were afraid. In each camp, complaint boxes should be set up and they should be opened every month and the complaints should be read by Deputy Director level officials and action should be taken.

32. In each district, a group comprising legislators and

members of Parliament, human rights enthusiasts and officials should be formed and these groups should monitor the refugee camp activities. They should visit the camps at least once in three months and ascertain the grievances.

33. UNHCR should send an investigation team to probe the conditions in the Shri Lankan refugee camps in India and should accord UN refugee status to Sri Lankan refugees. The Government of India should take up this specific issue with the UNHCR.

**Note:**

1. Officials fully cooperated in surveying the Mandapam camp. Deputy Director Mr V Jayakumar helped giving full details. But, in Paramathi Velore at Namakkal district, despite permission from Tahsildar, Revenue Inspector Mr Dhanasekaran refused permission.

2. This is only an interim report. A detailed full report with photographic evidence will soon be released. – **Sa Balamurugan**, General Secretary, TN & Pondicherry PUCL and other Members of the team, 18.06.2007  
□

## **Bihar PUCL Report:**

### **Police Raid on the Office of Jan Pratirodh Sangharsh Manch**

On June 15<sup>th</sup>, 2006 the Secretary of JPSM (*Jan Pratirodh Sangharsh Manch*), Bihar, Mr RC Prasad, had a telephonic conversation with the General Secretary, PUCL, in which he gave the information about the raid conducted by the Jakkampur *thaanaa* and the Special Task Force on their office at Postal Park, Patna. He further informed that the raid was conducted in the night of June 14 sometime between 9.30 p.m. to 10.00 p.m. The Office Secretary of the organization Shri Ajay Bharti, Gram & *thaanaa* Birpur, Zila-Begusarai was arrested and that in the morning of June 15<sup>th</sup> the office furniture's, telephone set, fan, kitchenware, books, and

papers of the library, musical instruments and some boxes and all the food grain that had been kept in the office, were carried away in tractors.

He then requested PUCL through a letter dated 18.06.2006 to enquire into the entire incident.

The PUCL met on 18<sup>th</sup> June 2006 and the incident was discussed on the basis of the request for enquiry received from Shri RC Prasad along with the copy of the FIR. PUCL decided to enquire into the incident and an enquiry team was constituted comprising the following persons: 1. Shri Kishori Das, Vice-President, PUCL, Bihar; 2. Prof Daisy Narain, Vice-President, PUCL, Bihar; 3. Shri Nageshwar

Prasad, General Secretary, PUCL, Bihar. Mr Mithilesh Kumar (Advocate), Secretary, PUCL, Bihar & Mr Shashank Shekhar (Advocate), Executive Member, PUCL, Bihar provided legal assistance in the preparation of the report.

On June 22<sup>nd</sup>, 2006 the enquiry team met the Secretary, Jan Pratirodh Sangharsh Manch, Shri R C Prasad and recorded his statement. Shri R C Prasad said that the office where the raid had been conducted and articles seized was the office of Jan Pratirodh Sangharsh Manch and that Manch has no relationship with Communist Party of India (Maoist) and that Manch believes and acts within the framework of

the constitution, while protesting against corruption and exploitation. He said that on June 14th between 9:00 p.m. to 9.30 p.m their office was raided by the police and he alleged that more than a raid, it was loot. He further said that several articles and commodities were taken away in course of the raid. He said that the FIR list is an incomplete one and that many more things were taken away. He alleged that the box containing Rs 25,000 along with books of account and expenditure were taken away. Most of the items taken away mentioned by Mr R C Prasad find place in the FIR, the number sometimes varied, for e.g., the number of steel almirah, boxes, chowkies, books and sacks of rice and wheat that were seized.

When the enquiry team asked him about the organization, he mentioned that JPSM, is a front organization for six other organizations like (1) Janwadi Kisan Mazdoor Sabha (2) Nari Mukti Sangh (3) Democratic Student's Union (4) Bharat Nav Javan Sabha (5) Krantikari Buddhijivi Sangh and (6) Krantikari Sanskriti Sangh. JPSM came into existence on June 27, 2005 and earlier it was the office of All India Jan Pratirodh Sangharsh Manch (AIPRF). He categorically stated that JPSM is not a banned organization and in this context a writ has been filed in the Patna High Court. A complaint is being filed in the Patna High Court against police raid. Later Mr R C Prasad provided information regarding his complaint to the National Human Rights Commission on 16.06.2006. The NHRC has already registered a case No.625/4/2006-2007/UC issuing notice to the SSP, Patna calling for report within 4 weeks.

On June 22nd in the evening around 4.00 p.m., the PUCL team visited Kayastha Toli, Postal Park, where the JPSM office is located at the end of a narrow lane, Road No.4.

As it had rained on the previous days, there was water

logging and it was not possible to go inside the lane to reach the office. But from a distance the lock hanging on the door of the office could be seen.

The enquiry team spoke to some of the neighbours. One of them, Ms Sulochana Kumari, was initially hesitant but later said that on June 14, around 9 or 10 p.m. the police came but she did not see what happened as she had gone inside. She said that the people who visited the office created no trouble and did a lot of rehearsals and had singing sessions, etc. As the office has a hand pump sometimes people of the area also use the pump for water.

Mr Bhola Prasad Kesri and Sanjay Kumar, other neighbours said that the lane was filled with water. And on that the police arrived and probably went inside the office, but they did not see exactly what happened. The following morning they said, that various things from the office were carried away by labourers.

Another person in the neighbourhood Mr Arjun Paswan told the enquiry team that on June 14th, the police raided the office and in the morning took about one and a half tractor full of food grains the next morning.

The team asked others also in the locality but they refused saying that it was night and raining heavily, so all of them stayed indoors.

Then the team visited Jakkanpur police station to meet *Thaanaa* in-charge. He was not available. In his absence the team spoke to Sub-Inspector Shri Bhawnath Manjhi. He confirmed that the raid on JPSM's office did take place on the night of June 14, 2006 and that police remained the whole night. The seized articles from the office were brought to the *thaanaa* the next morning. However, he clarified that he was not in the raid.

After sometime the *Thaanaa*-Incharge, Mr Ramesh Kumar Malla arrived. He said that in the FIR, No.102/06, dated 15.6.06

everything had been recorded. His attitude was cordial and he said that the order had come from higher authority. Asked about the arrest of Shri Ajay Bharti he said that there are probably one or two murder cases pending against him and they are trying to locate the cases. When asked whether there was any link between the arrest of Vinay K Singh and the raid on the office as published in *The Hindustan*, June 16, 06, he denied that there was any link.

On June 24, 2006 after taking prior appointment, two members of the enquiry team, Prof Kishori Das and Prof Daisy Narain met the I G, Patna Zone Mr Rajbardhan Sharma. He said that he had no knowledge about the incident and that he would look into the matter, although when the appointment was fixed with him he had said that he would get the relevant documents related to the case. Another date was fixed, but due to some reasons the team could not meet him again.

On 28th June, 2006 the PUCL team met Shri Ajay Bharti in the Beur Jail. He narrated that on 14th June at about 9-9.30 p.m police raided the office and captured him and ransacked the whole office and started asking irrelevant questions, to which he tried to reply as far as possible. He was taken to the *thaanaa* on the morning of the June 15th along with the seized goods, over there he was humiliated and beaten by the STF police in the course of which his glasses were broken and that was causing him a lot of problem till date.

#### **Contents of the FIR**

The details of the FIR bearing Jakkanpur PS case no. 102/06 are as follows: In the aforesaid FIR the informant is S I Imtiaz Khan who is said to have received information from unknown sources on 15.6.06 at about 9.00 a.m. He came to know that an office of MCC is being run in the residence of Shri RC Prasad, Postal Park, Road No. 4, Kayastha Toli, where meetings are being held to arc-use people against the state machinery. It is

further said that in the meantime the STF officers also came across him and he along with the STF and Commando police and two independent witnesses raided the house. It is further alleged that they found one Mr Ajay Bharti resident of Birpur, Dist. Begusarai in the house. It is further alleged that they found books relating to the banned organisations, posters, banners, *dhol*, *nagaaraa*, rice etc. in the house. It is again alleged that the aforesaid Shri Bharti informed that this office has been functioning as the office of the front organisation of MCC for the past so many years Shri RC Prasad is its Secretary. It is further alleged that Shri Bharti also informed that meetings were held there to arouse people against the state machinery and to revolt against the state.

It is further alleged that in the said office information regarding organization and money for the same was also directed to be collected. It is further alleged that in the said office the members were provided food items, musical instruments and there was also TV set for their entertainment. It is further alleged that Shri Ajay Bharti knew the chairperson of the organization, Shri Nagendra Mishra and its Secretary Shri R C Prasad and he did not know any other person in the organization. Thereafter the seizure of approximately 50 articles including rice and wheat in huge quantity and books, etc., were seized in the presence of independent witnesses and transported to Jakkampur *Thaanaa* in tractors. A case was constituted against the aforesaid persons and Shri Ajay Bharti was taken into custody.

It was then decided that the team should meet the Senior SP and on the date and time for the meeting was fixed for July 13th at 10.30 a.m. The team met Senior SP and enquired about Jakkampur *Thaanaa* FIR no. 102/006A15.06.06. He said that the raid on the office of JPSM at Postal Park, Patna was

conducted on the basis of information given by Shri Vinay Kumar Singh who had earlier been arrested, Shri Vinay K Singh had admitted that he is a Maoist and they sometimes stayed in the postal park office and Shri RC Prasad cooperated with them. The SSP said that the JPSM was a Maoist organisation and that posters calling for the boycott of *Graam Panchayat* elections have been found in large numbers in the office. He said that he consider it to be an act of treason. He also said that the young members carry arms and engage in violent acts and when they become old they join the front organisations.

The Maoist Organization is banned and any person or organization which supports or sympathizes with such organizations, are considered it to be members of a banned organization.

When questioned about the articles seized, the SSP said that books, furniture, musical instruments, utensils have been seized, but the incriminating evidence that was found are the posters asking people to boycott the Gram Panchayat elections.

He said that even the Central Government has declared naxalism the greatest threat to the country. Parties like the People's War, Party Unity, MCC, CPI (ML) are against development and do not accept the constitution.

PUCL, he said, has members who belong to such organizations and in a way a front organization of the Maoists.

He even questioned whether PUCL has faith in the constitution or not!!!

He narrated some incidents while he was posted in Garhwa and Sitamarhi, and said he had very bad experience of PUCL interference. He said that Ajay Bharti, who had been taken under arrest from the JPSM office at Jakkhanpur, had no cases pending against him.

#### **Observations:**

1. There appears to have been no valid reason for the police raid on the office of the JPSM at Postal Park, Patna. The *Thaanaa*-Incharge, Jakkampur police station had mentioned that the raid took place on the morning of the 15<sup>th</sup>, the SSP stated that the raid was conducted on the night of June 14<sup>th</sup>. This means that Shri Ajay Bharti (70 years of age) had been kept for more than 24 hours in police custody, which is quite evident from the manipulation in the FIR wherein the date of institution of the case has been manipulated to be 15.06.06 from the actual date, already confirmed by the SSP Patna, being 14<sup>th</sup> June 2006, which shows that the aforesaid Shri Bharti was kept in custody for more than 24 hours without being remanded by the magistrate. It is needless to say that the custody of Shri Bharti is *ab initio* illegal and is contrary to the protection provided to the citizens by the Constitution of India as well as the law laid down by the Hon Supreme Court in D K Basu case. That there is no case against the aforesaid Shri Bharti, he is neither a member of the banned organization nor there is any other case against him. He has been apprehended only because of the fact that he was found in the aforesaid office and hence the charge under Section 17 C.L.A Act is not maintainable at all and even charges under other sections are not maintainable and hence Shri Bharti should be released henceforth.

2. On being repeatedly questioned about the incriminating evidence found in the office of JPSM, the SSP repeatedly stated that pamphlets calling for the boycott of the polls were the only incriminating evidence that was found. One wonders how such posters can be treated as incriminating evidence and as Acts of Treason against the state. Only on the basis of such posters no organisation or individual can be

accused of working against the constitution. In a democracy, peaceful boycott of polling is not unconstitutional or treason against the state.

3. There was absolutely no reason to carry away rice and wheat, stored in the office in the course of the raid. Even the SSP admitted that it was quite possible to have various kinds of books in the office and that it was not against the law at all. But the reason given by the SSP for taking away everything that was there in the office was rather flimsy. When one member of the team asked him why the goods were seized the SSP said that there was nobody to whom the keys of the office could be given. That if somebody came to claim the goods kept in the *thaanaa* such will be returned. This shows that either the SSP is unaware of the rules related to seizure and release of the seized articles or that whoever goes to the *thaanaa* for claiming the articles might be arrested.

4. That regarding the raid there are contrary versions of the officer- in-charge of Jakkampur Thaanaa and SSP. The Thaanaa-Incharge has said that this raid has nothing to do with the arrest of Vinay K Singh and the same was also reported in *The Hindustan* daily dated 16 June, 06. Whereas the SSP has claimed that the raid was conducted because of the information given by the said Vinay K Singh.

5. That contradictory statements have come from the Thaanaa- Incharge Jakkampur and SSP Patna with respect to Shri Ajay Bharti. The Thaanaa-Incharge has reported that some murder cases are being investigated against Shri Ajay Bharti whereas the SSP has denied this allegation. In such a situation keeping a 70 year old Ajay Bharti in the jail on the charge of treason (17-C.L.A) is nothing but disrespect to democratic values.

6. PUCL is an association of persons who believe in the Indian

Constitution and democratic values. It has always been the protector of the civil rights of the citizens of the country. Any person who brands PUCL as a front organisation of any political party or parties, whatsoever, does not know the values and the ideals followed by PUCL in the annals of civil liberties and human rights. The SSP does not appear to have any respect for such human rights organization or the Universal Declaration of Human Rights to which India is also a signatory. The PUCL for 25 years has been working in the field of human rights and civil liberties and it seems that the Senior SP was deliberately using insulting language against the organization, which is highly objectionable.

#### **Recommendations:**

1. That an enquiry should be ordered against the police officer who has made interpolation in the FIR by way of overwriting, where the date has been mentioned and he should be given exemplary punishment.

2. That in this case as well as in other cases it is being observed that large scale misuse of Section 17 of C.L.A Act is being practiced by the police. It is expected that the misuse of the said section be immediately stopped.

3. That the raid made by the police on the office of Jan Pratirodh Sangharsh Manch Bihar is illegal and also suffers from prejudice. This aforesaid raid is an attack on the fundamental rights of citizen of India and as such a quick remedial measure like release of Shri Ajay Bharti and release of the seized goods along with suitable compensation should be resorted to.

4. That the police shall not behave as tormentors of the people, whereas it should try to project itself as a people friendly organisation and as a protector of public interest. – **Mr Kishori Das**, Vice-President, PUCL, Bihar; **Prof Daisy Narain**, Vice-President, PUCL, Bihar; **Shri**

**Nageshwar Prasad**, General Secretary, PUCL, Bihar. □

#### **Press Release:**

### **Delhi Police Insults Asma Jehangir**

It is a blot on the face of Delhi police that will be hard to wash off. The PUCL expresses its deep sense of shame on the utterly condemnable act of Delhi police. Ms Asma Jehangir, former chief of the *Human Rights Commission of Pakistan* (HRCP), a well known NGO, is visiting Delhi, and she and her colleagues' rooms were searched by Delhi police. Ms Jehangir's name is as well known as a Human Rights Activist in India and Pakistan both as that of V M Tarkunde.

Ms Asma Jehangir, Fakhruddin G Ebrahim, and IA Rehman were in Delhi to attend a meeting of *South Asians for Human Rights* (SAHR). According to press reports, her room was searched after sun down when there was no woman constable present.

The Delhi police Commissioner should express apologies publicly on this lapse. – **Y P Chhibbar**, Ph D, General Secretary, PUCL August 3 2006 □

#### **Printer's Devil**

Last page of the *PUCL Bulletin* of August 2006 was the victim of printer's devil. The last line of first column should read as "...and the National Conference is highly". Similarly the end of the second column should read as, "before the deity. – **Rajindar Sachar**, July 19, 2006.

The oversight is regretted. – **Chief Editor**

#### **A Request for July 1988 Issue**

We do not have any copy of the July 1988 issue of the *PUCL Bulletin*. If any subscriber can send the same to us we will get the same copied and return, else, if a neat and clear copy is sent to us we will meet all the costs thankfully. – **General Secretary**

## Chhattisgarh PUCL:

# Lasting Peace in Dantewara is Possible only Through a Political Solution

The Chhattisgarh PUCL is deeply grieved and disquieted over the events that have unfolded over the last three days in Errabore in Dantewara district of Chhattisgarh. PUCL has always maintained that unarmed non-combatant citizens should not be subjected to violence. And, in this context it condemns killing of unarmed men, women and children, and conveys its deep sympathy to the family of the bereaved.

At the same time, the killing in full view of Television Cameras and in the presence of armed security personnel of three persons reported by Salwa Judum activists to be naxalite sympathizers reveals the fact that the violence and killing in the area enjoys the open support of the State Government and the Security Forces. This also exposes the claim that the Salwa Judum was a spontaneous peace campaign.

Having said this, it is important to point out that the Errabore incidents confirm the PUCL's findings made six months ago that a near Civil War situation exists in Dantewara today. During this investigation, the PUCL had expressed its clear opinion that the Salwa Judum was not a

spontaneous citizen's campaign but a government sponsored militarized campaign to forcibly remove people from their villages to the camps. The incidents at Errabore prove that the government has been totally incapable of providing security to these people.

PUCL has always maintained that the situation in the area cannot be solved in a militarized manner. Today, when the entire state machinery has collapsed, both the Central and the State governments are still engaged in further attempts at military intervention in the area, totally ignoring the urgent necessity to work towards a political solution.

In the wake of these terrible and tragic events, PUCL would like to draw the attention of the conscientious citizens, people's organisations and the government towards its recommendations made six-months ago that:

1. That all killings by the State, the Salwa Judum and the Maoists be stopped;

2. That the government sponsored Salwa Judum campaign be withdrawn immediately, and stop creating armed Village Defence Committees as part of the

government's anti-naxal operations;

3. That the Government and the CPI (Maoists) ensure that people return to their homes in peace and security, and that people be assisted in regaining their livelihoods in their villages, and camps be dismantled;

4. That a high level Judicial Enquiry be instituted to investigate the violence against unarmed non-combatants during the so-called "peace campaign" named Salwa Judum, and the culprits be prosecuted;

5. In the context of the Civil War like situation in Dantewara, International norms and protocols be invoked in the effort to ensure lasting peace;

6. In the context of grave threats being posed to the Right to Life and Livelihood of the people being uprooted from their *Jal, Jangal* and *Jameen* as a result of various MoUs being signed with the Multinational Corporations as well as Indian Big Capital, the PUCL demands that all these MoUs be revoked in order to ensure the Constitutional Rights of the people of Bastar and Dantewara. – **Rajendra K Sail**, President, **Binayak Sen**, General Secretary, Raipur, 19th July 2006 □

## National Convention on Black Laws & Human Rights in Chhattisgarh

(In the Context of Chhattisgarh Special Public Security Act 2005)

### Resolutions Adopted at the National Convention, April 2006

1. The Chhattisgarh Special Public Security Act 2005 (CSPSA) is Anti-Constitutional, Anti-Democratic, Anti-People and is an extremely repressive law, under which any form of democratic protest is being declared "unlawful activity" and any group protesting shall be declared "unlawful". By including terms like "tendency" and "encouragement" in the definition of the crime, the Government is

bound to use its discretion and misuse it for settling scores with its political opponents. The Act denies legal recourse to relief to the victimized persons, and provides for two to seven years of imprisonment without proof of intent or definite act to commit certain acts. Even the journalists and other media persons publishing reports or interviews about banned organisations would also be punished under the Black Law. Enacting this law while deliberately ignoring the

comments and amendments to TADA and POTA by the Supreme Court, the National Human Rights Commission and the Parliament, the CSPSA is more repressive than any of the above mentioned black laws. Various political parties, people's organisations, journalist's associations and national/international human rights organisations have strongly protested against the CSPSA. The State Government's draconian designs and motive are clearly reflected in the fact that it

has already banned some organisations under the CSPSA, while the Advisory Board has not yet been constituted under the law. Especially the ban on "Adivasi Balak Sangh" raises definite doubts that in the tribal-dominated areas even children below the age of 18 years would be arrested. Thus, this Convention categorically demands that the "Chhattisgarh Special Public Security Act 2005" be repealed forthwith, and calls upon all democratic people's organisations and political parties to jointly launch a national campaign in protest against this Black Law. If necessary, the CSPSA would not only be challenged in the Supreme Court of India but in the International Legal Forums for violation of international conventions and international standards set up for the human rights.

2. The raising of the Sardar Sarovar Dam without the rehabilitation of dam oustees is an illegal, un-constitutional and inhuman act. This Convention stands in solidarity with Medha Patkar and her supporters presently sitting on *Satyaagrah*, and strongly condemns the cowardly fascist attack on the office of *Narmada Bachao Aandolan* at the behest of the Gujarat Chief Minister Narendra Modi. This Convention demands that all forceful implementation of big schemes/projects without proper rehabilitation of the affected people in Orissa, Chhattisgarh and Jharkhand should be immediately stopped as these are in gross violations of human rights.

3. This Convention strongly condemns the Chhattisgarh State Government's stubborn refusal to make public under the Right to Information Act the MoUs signed by it with various MNCs and big industrials. This Convention demands that the Chhattisgarh Government should fulfil its constitutional obligations towards protecting and promoting the rights of the adivasis, displaced farmers, labourers and towards

the public sector, and guarantee the citizen's right to life and livelihood by protecting and using the rich mineral resources, *jal, jangal aur zameen* (land, water, and forest) and cancel the MoUs that negate such rights of the people.

4. This Convention endorses the Findings and Recommendations of the Report of the Fact Finding Team on Bastar constituted by human rights organisations like the PUCL, PUDR, APDR, IAPL, etc., in November 2005. This Convention demands that about 47 thousand Adivasis forced to live in Relief Camps should be provided a conducive climate to lead a normal life and for livelihood in their villages and on their land. Especially, the inhuman process of militarization of youth below the age of 18 years in the name of Special Police Officers (SPO) must be immediately stopped by the State Government.

5. This Convention strongly condemns the politicization of the issue of Conversion and violent attacks on the minorities in the name of Ant-Conversion Laws in the BJP ruled states, and demands for the protection of constitutional rights of minorities in Chhattisgarh.

6. The State Government is demanding fifty years old records for providing the caste certificate to the OBCs, Scheduled Castes and Scheduled Tribes, which is impossible for landless residents and poor workers and peasants. Thus, denial of Constitutional protection provided to these citizens is a matter of grave concern. The Convention demands immediate change in the Government Policy.

7. This Convention demands the appointment of a retired judge of the High Court as the Chairperson of the State Human Rights Commission in accordance with the provisions of the law, and also demands to make public a report on the review of five years of its life and work in Chhattisgarh.

8. This Convention expresses concern at the appointment of former Police Officer of Punjab, Shri K P S Gill as the Special Advisor in Chhattisgarh, because Mr Gill's role and place in gross violation of human rights have been condemned by all the peace-loving and democratic citizens and organisations. Mr Gill's complicities in fake encounters and disappearances of many citizens during his tenure as the Police Chief of Punjab State have been shameful and condemned even by prestigious human rights organisations, and several police officials working under his command have been declared guilty by the courts of law in India. In addition, Mr Gill has been found guilty of sexual harassment of a woman officer of the IAS rank by the various courts of law, including the Punjab High Court. Serious questions about the real motive of the Chhattisgarh Government are bound to be raised in appointing such a notorious police officer as the Special Advisor. It also raises doubts about the capabilities and integrity of senior police officers in the State. – People's Union for Civil Liberties (PUCL) – Chhattisgarh: **Rajendra Sail**, President; **Sudha Bhardwaj**, **Tuhin Deb**, Working Committee Members; **Rashmi Diwedi**, Joint Secretary; **Binayak Sen**, General Secretary □

**Letter:**

## **Merit & Reservations**

Sir,

I enjoyed your piece on Merit v. Reservation (Social Justice vs Excellence - Y P Chhibbar, July 2006), especially, of course, the A Sen part. In Denmark we have less difference in school standards. They are all low – or high – as per your viewpoint. In universities there is some difference – now it is getting formalised. – **Stig Toft Madsen**, Denmark, 21 July, 2006 □

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**Contact:**

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Phone: 2275 0014

**Letter:**

**Know More for No More Bonded Labour**

Friends,  
Although the system of bonded labour stands legally abolished by enactment of Bonded Labour System (Abolition) Act 1976, the problem continues to persist widely in India. The official accounts for the incidence of bonded labour don't quite reveal the magnitude of the problem, independent surveys by reputed agencies place the total number of people mired in different forms of bonded labour at tens of millions. Without doubt, it is the worst form of enslavement and labour exploitation, which has its genesis in the feudal and semi-feudal structure but has transmitted from traditional to emerging new societies and economies by producing and reproducing itself to the requirement of new economy and production relations.

In the past 30 years, there has been wide range of interventions to address the issue from local, national and international agencies. Although

these initiatives have helped in releasing more than 2,80,000 bonded labourers but many feel that this is just the tip of the iceberg. Most of these release cases were a sum total of isolated interventions, which could not be replicated with same affect in other areas of the country. The agencies and activists working on the issue at various levels feel the lack of sharing experiences and information as a major drawback in effectively intervening to the problem of bonded labour.

Therefore, with the view to address this growing concern, Centre for Education and Communication (CEC) in arrangement with ILO introduces its website [www.bondedlabour.org](http://www.bondedlabour.org) with aim to provide resources exclusively on the issue of bonded labour to help all the agencies, partners, stakeholders and activists committed to ending bonded labour. It allows ready access to a range of materials on bonded labour, and on means to combat

it. We hope that all its users will find this resource useful, and will wish to contribute their own materials and experiences so as to expand and improve the site as an effective tool in urgently and effectively fighting against bonded labour.

We gladly welcome all types of queries, suggestions, information and responses on the website which can be directed to the *Project Officer (Bonded Labour), Centre for Education and Communication (CEC), 173 A Khirki Village, Malviya Nagar New Delhi - 110017* or call 91-11-29541858 / 29542473 or e-mail to [abhay@labourfile.org](mailto:abhay@labourfile.org). – Anita □

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– **General Secretary**

## Letter:

Dear Editor,

Mr Jaswant Singh, former External Affairs Minister has been claiming that there was a mole in Prime Minister Narsimha Rao's PMO and who had leaked nuclear secrets to the United States. He has, however, consistently refused to name him on the ground that he is doing this in public interest. It is one of the funniest examples I have heard. This explanation deceives no one because if anything public interest requires that the name of the mole should be exposed, whoever he may be. Moreover, Jaswant Singh should know that non-disclosure is an offence and keeping this information from the police is itself a crime under our

## Jaswant Singh's Claim

penal law. With all this being very clear to Jaswant Singh why is he keeping silent? Some wag may question that the motive is really to save not the mole but the recipient of the information from the mole (who could be no other than an official of the C.I.A.) and the hesitation of Jaswant Singh may be to not to embarrass his old and publicly accepted close friends like Talbort and other officials in the US State Department.

Now, that the Prime Minister has publicly dared Jaswant Singh to name the mole if he (Jaswant Singh) has a decency and courage to do so, there is no alternative for Jaswant Singh but to name the person if he wishes

to retain any credibility. Not only that if it is a fact, as Mr Jaswant Singh says, there is no option for him but to name the mole because there is no greater public interest than the country's security which will suffer if the name of the mole is concealed. After all, Jaswant Singh is writing his true memoirs and not an Agatha Christie or Hercule Poirot's detective novels. It should not be necessary to remind, well read Jaswant Singh the famous invocation that there are times when it is a duty to speak and a sin to keep silent "The present is a time to speak."  
– **Rajindar Sachar**, July 24, 2006  
□

## Letter:

### (Justice) Rana Bhagwan Das

Indian immigration authorities at Wagah acted quite correctly towards Justice Rana Bhagwandas of Pakistan and should be complimented and not criticized. It was, and should not be, in their power to determine who is to be given preferential

treatment. PUCL stands for equality before law. Justice Bhagwandas himself should have admired the conduct of the immigration staff. The most the Justice was entitled was a courteous expression of regret for the inconvenience he suffered

and not for the correct conduct of officials. In a democratic society, what happened at Wagah was hardly newsworthy. – **Brijen K Gupta**, Rochester, NY August 16, 2006 □

## Letter:

### Wooden Headed Police and Bureaucracy

The treatment meted out by the Indian Police to the world renowned Human Rights Activist of Pakistan Ms Asma Jehangir and her fellow H R Activists, two of them (possibly retired) Judges from Pakistan and the other two former Nepal and Shri Lanka ,as soon as they checked into a hotel at New Delhi on 31<sup>st</sup> July 2006, was nothing but shameful. As soon as they checked into separate rooms in the Hotel, a posse of Delhi Police barged in their rooms and rummaged their baggage to search for objectionable objects. They had visited India for 4 days only to participate in a discussion on violation of Human Rights in South East Asia. Asma asked them for a court's search warrant.

The policemen replied they were under orders from Government to search any foreigner, as soon as he/she arrives in India, for the security of the ensuing Independence Day on 15th August. It appears that Hoteliers are directed to inform the police as soon as a foreigner checks in their hotel. Asma's immediate reaction was "one would not be surprised if such an incident takes place in Pakistan, but not in India which is an open society where Human Rights are largely respected". Our P M was graceful to tender an apology to Asma whom he knows personally. In fairness he should have also apologized to the other delegates. This incident shows how wooden-headed is our police

and bureaucracy. They do not know the status and credentials of different persons of the world. In any case the police should have discreetly inquired about their credentials, before taking such extreme measures against the foreign visitors to India. – **M A Rane**, Mumbai, Aug 6, 2006 □

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*(...from page 1)* was enacted to prohibit practices which perpetuate the effect of discrimination being practiced, with a view to eliminate those barriers and to ensure that the minorities were not denied equal opportunity to participate in federal grants to state and local governments, which is one aspect of the equal protection of the laws. It is not a constitutional defect in this program that it may disappoint the expectations of non-minority firms.

When effectuating a limited and properly tailored remedy to cure the effects of prior discrimination, such “a sharing of the burden by innocent parties is not impermissible”.

Question of constitutional objection is totally off the mark. After 44th amendment Right to Property is no longer a fundamental right. Only Parliamentary legislation is necessary to deprive a person of it without compensation. It is also well settled that Article 19 confers no right on an individual to carry on business with the Govt. – if it wishes it has to be on terms settled by Govt. As such, no objection can be taken by the private sector to the provision making it incumbent on it to share proportionately with Dalits the funds given to it by the Govt. or local body agencies.

Similarly, governments could prescribe conditions as a part of scheme of disinvestment of public sector. It would then be permissible for the Central and State Governments to provide that out of these amounts the private contractor will have to ensure that a certain percentage which, to start with, could be fixed at 10% (though it is low as compared to the *dalits* population of 15-16%) to be made available to them either in the matter of sub-contracting or executing some works or in the matter of employment. Such a course would require not only no constitutional amendment but not even an Act of Parliament. The reason being that the Government, being the spending authority, it is permissible for it by executive orders to direct that a certain portion of this money available will be utilized either for providing employment or for sub-contracts to the *dalits*. This is what was done in USA and which while upholding the said legislation very eloquently observed – “if we are ever to become a fully integrated society, one in which the colour of a person’s skin will not determine the opportunities available to him or her, we must be willing to take steps to open those doors.” The same principle aptly applies to the position of *dalits* in our country.

Our Supreme Court has held that “economic empowerment of the poor, in particular the Scheduled Castes and Scheduled Tribes, as is enjoined under Article 46, is a constitutional objective as basic human and fundamental right to enable the labourer, Scheduled Castes and Scheduled Tribes to raise their economic empowerment.”

I see no reason why our Supreme Court which is far more progressive and poor-oriented than the USA’s Supreme Court, will not reject similar challenge. But of course the overriding question still remains – is there a political will and determination in the Central and State Governments to take on the combined forces of Big Business.

I am convinced that it is not only jobs but business opportunities that need to be opened to Dalits, to make a real change in their social and economic set up. □

**Letter:**

## **Attack on ISKCON Temple**

It was indeed shocking and mind boggling to hear the news about the grenade blast in the ISKON temple in Imphal. It needs outright condemnation. Immediate answers are needed to all the questions raised. No judicial enquiry or promises of compensation can heal the wounds and the hurts of the completely innocent people.

Why are we bent upon setting precedences? When our poor Elizabeth was killed we said, “My god! But this never happened in Manipur before”. Then our women challenged the Assam Rifles with their stark nakedness and set a precedence of sorts. And now we have this public massacre of the magnitude which has never happened before. How many more precedence have to be established? We may be in the meanwhile surrounded and butchered by bullets raining on us from all sides. The group responsible for this should come out and own the tragedy.

The government has to take appropriate action otherwise we should all demand this government’s resignation. The government will now have to prove their accountability and convince the people that they still have rule of law. The citizens of Manipur need to be convinced of this. Time has come for us to stand against this anarchy. – Yours in pain.  
– **Dr N Vijaylakshmi Brara**, Imphal, Camp Shillong, 17 August 2006 □

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