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## Binayak Released but Many Questions Remain Unanswered

**K G Kannabiran**

Binayak Sen has been released at last. But was there any reason at all for his arrest? There was a debate in the electronic media on his release. The debate was not about Binayak Sen, his background and about the total absence of reason for his arrest and prosecution. The media person who generally guides the debate did not ask questions about his arrest and prosecution. He veered the debate around to Maoists and their acts of violence and the condemnation of the Maoists and their politics. Thus the media person very successfully moved away from the debate about Binayak Sen and his arrest. The debate throughout was a campaign against the Maoists. Gautam Navlakha fell into this trap and was arguing about the tribes, their land and its expropriation, none of which is of interest to Arnold, the media person.

The result of the confused debate was that Binayak was not projected as a medical person who was practicing in these areas after he joined Shankar Guha Niyogi and that he played a pivotal role in setting up a workers' hospital in Dilli Rajara. It did not strike Gautam to mention about Binayak being the last of the bare-foot doctors who was treating the tribals in the area. The unspoken assumption left is that Binayak Sen is linked to the Maoists. The grant of bail without any arguments and on his personal bond is not a favour. The extensive appeals by the medical doctors in the country and the resolution in the British Parliament facilitated his release. No organizational effort, nor any lawyers' semantic effort.

In fact Dr. Ramanadham, a Medical Doctor and a Vice President of Andhra Pradesh Civil Liberties Committee (APCLC) became a naxalite suspect for taking up the cause of human rights violations when an Inspector, Yadgiri Reddy, was shot by Naxalites at the Kazipet Railway Station on the 2nd of September. On the next day, as the police inspector's dead body was vending its way to the funeral along the main road wherefrom the Doctor's clinic was a few yards away from the procession, some people entered the clinic and shot Doctor Ramanadhan dead. The SP of Police was at the head of the procession. A General Secretary of the District Bar of Warangal was shot in his house while he was reading the morning paper. His wife was made to clean the blood-stained floor; Lakshma Reddi was dragged out of his house and shot; Purushotham, an Advocate and Azam Ali, a teacher, were slaughtered in broad day light. All of them belonged to the APCLC and all of them were human rights activists. All these deaths were uninvestigated, and if investigated at all, then very perfunctorily. While we of the Human Rights organization are grateful for small mercies shown, we would like to know what (on page 3...)

## Press Release:

### Dr. Binayak Sen's Release

People's Union for Civil Liberties (PUCL) notes with satisfaction that after a prolonged legal battle and movement and appeals by human rights activists, NGOs, Nobel laureates, writers and artists not only in India but in many countries abroad also for the release on bail of Dr. Binayak Sen, Vice-President, PUCL, bail was at last granted to him by a division bench of the Supreme Court of India consisting of Justice Markandey Katju and Justice Deepak Verma after a very brief hearing on 25<sup>th</sup> May, 2009. Senior Advocate Shanti Bhushan had appeared before the Court on behalf of Dr. Sen. (Justice) Rajindar Sachar, former Chief Justice, Delhi High Court and Sanjay Parikh, Sr. Advocate, Supreme Court were also present in the Court. Orders for granting him bail on production of personal bond were issued by the Hon'ble Court.

Dr. Binayak Sen was arrested two years ago on May 14, 2007 on charges of acting as a courier between Maoists, although the Chhattisgarh government has not been able to produce any evidence before the Court to prove its charge against Dr. Sen, who is

well-known for his social service amongst the Tribals of the State. He was lodged in the Raipur jail and his health has deteriorated severely during the detention period. Many attempts at securing his release on bail from the trial court, the High Court and even the Supreme Court had failed earlier. Dr. Sen's release on bail is a victory not only for the PUCL but also for everyone who associated himself/herself with the movement for his release and also a victory for the human rights activists working for securing democratic freedoms for the people in every nook and corner of the country.

PUCL thanks all the human rights activists, NGOs, Nobel laureates, writers and artists who have been actively participating in the movement for the release of Dr. Sen and all the Advocates who have been appearing in various courts with appeals and arguments for his release. PUCL also thanks the media-persons, connected with electronic as well as print media, for the reports of the movement carried out by activists all over the country and abroad, telecast and published by them, which immensely helped in turning the movement for the release of Dr.

Sen into a national movement for the protection of the rights of the human rights activists in the country. We also thank (Justice) V.R. Krishna Iyer, former Judge of the Supreme Court, for lending his support to the movement for the release of Dr. Sen by writing a letter in this regard to the Prime Minister, Dr. Man Mohan Singh, on April 17, 2009 which was also published in *The Hindu*. Various other newspapers, including *The Indian Express*, *The Times of India*, and *The Hindustan Times* etc. have also been publishing articles and reports supporting the movement. We thank them all for their valuable support.

PUCL also demands from the National Human Rights Commission and the Government of India that they should initiate steps to frame jurisprudence for the protection of human rights activists in the country so that they do not become victims of political or police acrimony while doing their task of protecting the human rights and civil liberties of their fellow human beings. – **Mahi Pal Singh**, For General Secretary, PUCL, May 26, 2009 □

## Press Release: Chhattisgarh PUCL

### Granting of Bail to Dr. Binayak Sen Good News, But Delayed Act of Justice

The Chhattisgarh People's Union for Civil Liberties (CG-PUCL) has welcomed granting of Bail to Dr. Binayak Sen, General Secretary of CG-PUCL by the Supreme Court of India today, but has called it "a delayed act of justice". In a press statement issued today the CG PUCL has said that Bail should have been granted to Dr. Sen almost two years ago, and was of the opinion that Dr. Sen's two years of

incarceration were unwanted and unjustified.

The CG PUCL also considers this to be a moral victory for the world-wide campaign for the Release of Dr. Binayak Sen carried out by human rights organisations, doctors, media persons, intellectuals, cultural artists, Nobel laureates, and the people's organisations.

The CG PUCL has also stated that the moral strength behind the campaign and the solidarity action

for the Release of Dr. Binayak Sen has bared naked the State Government's vindictive act against widely respected and recognized human rights activist, who courageously exposed the gross violation of human rights and repressive steps taken by the BJP-led Government in Chhattisgarh, especially in fake-encounters, custodial deaths and *Salwa Judum*.

Dr. Raman Singh's Government has lost morally in

trying to justify keeping Dr. Sen behind bars for such a long period of time without even an iota of evidence being produced in the Trial Court. On the contrary, even star prosecution witnesses, including government servants, have been declared "hostile" by the State. CG PUCL asserts its profound faith in the judicial processes, and hopes that the Dr. Sen's trial would not only be fair but also justice should not be delayed as it gives credence to the

maxim that "justice delayed is justice denied", as is clearly evident from the case of Dr. Binayak Sen.

Senior Advocate and Former Law Minister of India, Shanti Bhushan, represented Dr. Binayak Sen, and large number of senior lawyers was present in the Supreme Court in large numbers. Prominent among these are: Mr. Rajindar Sachar, Former Chief Justice of Delhi High Court, Adv Soli Sorabjee, who had argued Dr.

Sen's application in the Supreme Court in the first place, Adv Sanjay Parikh, Adv Colin Gonsalves. A large number of human rights activists, intellectuals and people's organisations were also present in the Supreme Court today. The Order was passed by the DB comprising of Justice Markandey Katju and Justice Deepak Verma. – **Rajendra K Sail**, President; **Vijendra**, Joint-Secretary - 25May, 2009 □

(from page 1...) is the offence committed by Binayak. The legal and Constitutional background must be borne in mind. In 1948 on the 10<sup>th</sup> December the Universal Declaration of Human Rights was proclaimed. After some time the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were brought into force. India is a signatory to these after entering their Reservations. On the 26th Jan 1950 the Constitution of India came into force, recognizing our liberties, providing for judicial enforceability of Chapter III of the Constitution which deals with the Fundamental Rights. The most important liberty Article 21 is about forfeiture of life or liberty of the person without procedure established by law. The word person is inclusive of the citizen. The question then is: Is forfeiture of liberty of Binayak authorized by law?

Binayak Sen is a human right activist and the General Secretary of the State unit of People's Union for Civil Liberties, an ALL India Organization founded by Sri Jaya Prakash Narayan. He is the General Secretary of a human rights organization and as a doctor he is a human rights activist as health is a fundamental right and a human right as well. He has been working as such in Chattisgarh, predominantly a tribal area. Apart

from forest predators, poachers and all manner of parasites are present in the tribal area and to prevent these from stealing or making away with forest wealth police and forest bureaucracies are present and they also turn parasites dependent on forest wealth. A human Rights Activist has to deal with these if he is serious about his work. He believes that by protecting human rights he will protect democracy. Without understanding the nature of the job he has undertaken, like many of us, the police implicated him in the offences alleged to have been committed by the Maoist movement that is present in these areas.

With the enactment of The Protection of Human Rights Act 1993, Human Rights have been given a statutory basis and therefore human rights activities are legitimate and cannot be considered irrelevant in matters of forfeiture of life or liberty. Whenever and wherever human rights violation takes place, the human rights activist is entitled to intervene and protest.

Normally when making arrest of a suspect and detaining him in custody he is subjected to interrogation for recording confessions for recovery of articles connected with the crime and also compelled to confess to the crime he is suspected of, and if it is an associational crime like

conspiracy, once the prosecution establishes an agreement between two or more persons, his statement implicating others becomes admissible against them. It is during this period that large human rights violations take place. With reference to Personal Liberty, human rights violations generally take place during investigation, that is to say, the time when a suspect is taken into custody and the filing of charge sheet is the period human rights violations are most likely to take place. And Binayak was, as we would have, protesting and meeting police officials to see that human rights violations do not take place. A Human Rights activist is found busy while investigation is on, and to get rid of this obstacle that impedes impunity by the police, the human rights activist is implicated and even killed. The fear of exposure of impunity that leads the police to shoot down activists, as in Andhra, or cause disappearance as in the case of Jaswant Singh Karla. This trend has to be stopped and the human rights field has to be made a 'no risk zone'! We must make the justice system accept and recognize the legitimate field of human rights activity. We must argue for a binding law that interference by human rights activist is legitimate and valid and that is the only way of reducing impunity in governance. There is a necessity for review of the precedents from the colonial times holding that irregularities in pre-trial investigation will not vitiate the trial. These precedents deprive the human rights activists of a proper and a legitimate defense. They have to be argued and agitated against. □

## Rajasthan PUCL:

### Binayak's Bail Not on Medical Grounds, Upholds Civil Liberties

Dr Binayak Sen was granted bail on the 25th of May 2009. In the midst of our celebrations that the illegal detention of Dr. Sen is over, some clarification is needed. One question doing the rounds is whether

**Binayak was granted bail on medical grounds?**

**No it was a general BAIL without any conditions on furnishing personal bonds.**

*Please read below the piece I wrote initially as a reply to Antara Dev Sen's article published in the Decan Chronicle, but then developed as an independent note:*

I was inside the Court on 25th of May, when the matter of Dr. Sen's bail came up in the Supreme Court. Just before we entered we were given the counter that the Chhattisgarh Government had filed the previous evening. It was the same old things. Profiling Binayak as a naxalite sympathizer, as one sharing the same ideology, claiming that his being doctor was just a cover for his work with the Maoists. (See the attachment. I have made a pdf file of the counter filed by them). That really disturbed us. In an hour's time at about 11.15 am we went in.

Our case number was 32 on the cause list. When our number was announced, the two senior counsels Shanti Bhushan representing Binayak Sen and Mukul Rohtagi for Chhattisgarh State got up. The senior judge Justice M. Katju spoke. His first comment, even before any of the counsel's had spoken was that **"We know that Dr. Binayak Sen has been in jail for two years, bail should be granted"**. Sh. Mukul Rohtagi promptly spoke up and said **"Your lordship I would like to bring to your notice the facts of the case...."**. He was interrupted mid sentence by Justice Katju who told him, **"take**

**your seat.....we are aware of the facts of the case", and in the same breath," Bail is granted on furnishing personal bonds to the satisfaction of the trial court. Next Case..."** It was actually Justice Ashok Bhan's order on its head. On 10th Dec 2007 the Ashok Bhan and DK Jain infamous one line order said "The SLP is hereby dismissed".

At least I was in a state of shock. It had happened too fast. Had the court really granted bail...? We were still wondering what the outcome of that brief moment had been when one of our friends in court looked at my confused state, raised his fist with a sense of victory and said "celebrate". We got out and met our lawyers and we knew that bail had been granted on the merit that Binayak had been incarcerated too long and that the Supreme Court trusts Binayak so it had asked the lower court to leave him on a personal guarantee, no securities, no conditions, no ground - medical or any other. That evening when we finally got the certified copy to send to Raipur we read another line in the SC order which further confirmed that the court was in a hurry to ensure the release of Dr. Sen. It said that the **"...and this court doth further order that this order be punctually observed and carried into execution by all concerned."** Maybe that is why the Court refrained from giving a longer more reasoned order as that would have further delayed the release.

I had mentioned this even in an earlier debate on the Times Now news channel on the 25th evening itself when the anchor Arnab Sen kept saying that Binayak had been granted bail on medical grounds. I feel the need to set the record straight again.

The attitude of Justice Katju who did the speaking during the

hearing which lasted 30 to 40 seconds, was clear from the first sentence that he made that Binayak had been kept two years (as if meaning too long). The case papers that were drafted by our lawyers and presented to the SC were built on the merits of case, where not a shred of evidence could be fixed against Binayak even after examining 70 witnesses in the trial. And since the grounds for bail are dependent on whether the person would influence witnesses if granted bail and whether he/she could be trusted and not as one who would disappear, we had presented these dimensions very strongly as none of them applied to Binayak. Supporting the profile of Binayak we had also filed several news reports, appeals by noble laureates, Amnesty, UK Academics and the awards etc. We had of course also filed the medical status report of the Doctor.

The medical grounds were only argued orally by Mr. Jethmalani on the 4th May after Justice DK Jain had issued notices to the Chhattisgarh State Government. The Court's first question to Mr. Jethmalani that day was whether anything had changed since Dec 10th 2007 when the SLP for bail had been dismissed. Mr. Jethmalani stated that not just the charge sheet but also the trial was underway and more than 70 witnesses had deposed and there was nothing to prove the case of the prosecution. After the show cause notices were issued to the Chhattisgarh State, Mr. Jethmalani brought the health question to the notice of the SC. Let us recall that at the trial court in Raipur the Prosecution had filed an application that Binayak's health was not as serious as opined by the Raipur doctor who had examined him on the 24th of March. That had got us worried so

the argument of his getting treatment of his choice was brought up before the Supreme Court.

The SC order that day was in this order:

1. Issue returnable notices to the State Government in two weeks,

2. The case can be listed during vacation if the petitioner wanted

3. That the best treatment be provided in the State at State expense.

The last part of the order actually was heard by all in the open court as "the best treatment be provided by the State at State expense". When the typed order came the "by" had been replaced by "in". When we got that order we knew that in the next hearing we would have to make a case for a general bail (not bringing in the medical ground at all).

The morning before the 25th of May, when we were preparing for the hearing, our lawyers had

shown us several judgements, including one that was as recent as 18th May where Justice Katju had granted anticipatory bail, arguing that bail should be granted before jail as a person's civil liberties and reputation had to be guarded. Equally strong were his words in a bail matter in the month of March where once again interim bail had been granted. So an element of pro civil liberties did reflect in these judgements.

While it can be said that there is not much to celebrate about either the Indian Judiciary or the Indian State when it has taken two years to grant bail to one who has been falsely implicated I feel that precisely if we had not built a campaign through the *Satyaagarh*, those fiery marches, speeches, hard hitting articles, Globally people appealing including the noble laureates, all those awards to Binayak and had the complete black and white nature of the case not been highlighted then maybe I would agree that **"we still need fig**

**leaves like heart ailments to bail out our heroic activists who are unlawfully incarcerated".**

But in this case I think it is clear that Binayak was granted bail on the merit that nobody who has no evidence against him can be kept in jail for so long. Particularly in Binayak's case since his profile was that of a Doctor and a civil liberties person who challenged the State, the court could perhaps see that his was being penalized for his views.

**So let us keep the argument straight that Binayak was granted bail as his confinement was all wrong. Freedom was his right. His medical condition gets addressed once bail gets granted.**

The man is out and let us be happy and it is time we got others out. There are more than 150 of them in Jail. – **Kavita Srivastava**, General Secretary, PUCL Rajasthan ☐

## Press Statements:

While welcoming release on bail by the Supreme Court of Dr. Binayak Sen PUCL president of Chhattisgarh, Balraj Puri Convener PUCL J&K State demanded his unconditional release in response to appeal of civil society in India

and abroad. His only crime, according to all available evidence, was that he was defending the rights of innocents victimized by the state for their suspected sympathy with the Naxalites, Puri said. Peaceful protest against

## J & K PUCL

violation of human rights is a democratic right of every citizen, he added. – **Balraj Puri**, Director, Institute of Jammu and Kashmir Affairs, Jammu.

Really happy to learn that Dr. Sen has been released. After some days rest, it would be desirable that Dr. Sen takes up a mission of visiting various States/centres. The occasion can be utilized for explaining his perception about the human right

activities which would undoubtedly enlarge the canvas. Certainly the Kerala PUCL would be all the more happy to accord receptions to him at various centres. It may please be noted that some communal organizations under the garb of human right outfits may be

## Kerala PUCL

eager to arrange the receptions, which we have to seriously take care of. Please convey our best enquiries and regards to Dr. Binayak Sen, our National Vice President. – **P.A. Pauran**, General Secretary, PUCL Kerala State.

## TN & Puducherry PUCL

It is a great time of jubilation for everybody to hear that Dr. Binayak Sen has been granted bail. We, on behalf of all human rights defenders, register our appreciation with gratitude

for the relentless efforts undertaken by our PUCL comrades to materialize the long cherished dream. Once again kudos to the members of national

PUCL and the active members of Chattisgarh PUCL.

In solidarity. – **G. Kurinji**, Vice President, Tamil Nadu & Puducherry PUCL, 25 May 2009 ☐

## Press Release:

### Appeal to Maoists in Chhattisgarh

#### “Ensure Safety of Nagesh Jhari and Punem Honga, and Release Them Immediately”

The PUCL condemns the act of abduction of Nagesh Jhari (Panchayat Secretary) and Punem Honga (Former Sarpanch) on the night of 2nd of June 2009 which happened between the villages of Basaguda and Avapalli in Bijapur District in the State of Chhattisgarh. It also demands that the Maoists publicly declare their whereabouts and not only ensure their safety but also their immediate release.

PUCL is against any kind of abduction or illegal custody of any citizen. However, if any person has been taken into custody, alive, by either State or Non-State Actors,

including the Maoists and Salwa Judum, then it is their bounden duty to protect their lives and prevent any harm to them in any manner whatsoever. In any case violence on citizens is not acceptable in a democratic polity. We know of several such acts of violence by the State, the Salwa Judum and the Maoists, which we have condemned time-and-again due to our commitment and resolve to preserve and promote the Right to Life, guaranteed under the Constitution of India.

The PUCL makes a strong Appeal to the Government of Chhattisgarh, Government of India,

to the Maoists and *Salwa Judum* that

1. Whenever any person is taken into custody there should be an immediate official declaration of the same and their whereabouts;

2. That they should not be subjected to any torture, whether mental or physical;

3. Their basic needs must be taken care by whosoever is in command/authority;

4. Principles of natural justice should be applied. – **Kavita Srivastava**, Secretary, National PUCL; **Rajendra K Sail**, President, Chhattisgarh PUCL, 6<sup>th</sup> June 2009 □

Members of the Punjab & Chandigarh have welcomed the release of our National Vice-President, Dr Binayak Sen.

Please convey our best wishes to Dr Binayak Sen. We all wish him good health. All of us congratulate him for his bold legal fight against arbitrary action of the Chattisgarh State govt.

### Punjab PUCL

Justice has prevailed at last. It gives hope that the “Justice delayed need not be always justice denied” – as written by Comrade Mahi Pal Singh.

PUCL Punjab & Chandigarh have lauded the efforts made by social Activists and Human Rights organisations from abroad and within the Country for supporting Dr. Binayak Sen.

Members of the PUCL Punjab & Chandigarh wish to call Dr Binayak Sen at Chandigarh (Union Territory) to meet our members, Intellectual citizens and the media as per his convenience. We look forward to meet Dr Binayak Sen at an early date and to share our views with his ‘Experience of Life’.

## PUCL Punjab:

### Act Violation: Court Premises Lack Facilities for Labourers

#### Swati Sharma

[Mrs. Madhu P. Singh, Vice-President of the PUCL Punjab & Chandigarh branch is an Advocate and dynamic Social Activist. We publish below a news item from ‘*The Tribune*’ dated 11<sup>th</sup> May 2009, which depicts her concern for betterment of the Children of the Migrant Laborers. – Courtesy – *The Tribune*]

On the premises of the Punjab and Haryana High Court, which is known as the guardian of law, the Labour Act is being violated as children of migrant labourers are loitering around at a construction site, as there is no crèche for them.

According to the Act laid down for welfare of the migrant labourers, contractor at the construction site is

supposed to have arrangements like the crèche for the children of the migrant labourers and basic facilities like drinking water and urinals.

The building and other construction workers (Regulation of Employment and Conditions of Service) Third Ordinance, laid down in 1996, provides for the following matters, namely, “Fixing hours for normal working day, weekly paid rest day, wages for overtime, provision of basic welfare amenities like drinking water and urinals, crèches, first aid, canteens, etc. for the building workers.”

The record room on the court premises is being renovated and has a whole lot of labourers employed there

who are working with their families around.

While the migrant labourers and their wives were busy working, the children were loitering in dust and in case of any mishap, who will be responsible?

These children within the age group of two to five years are walking around barefooted in the uncongenial environment.

A regular visitor at the High Court and a social activist, Advocate Madhu P Singh said, “Other than dust there are sharp edged equipments which are used that can lead to an accident. Will the administration pay for the loss? A young child can become physically handicapped.” □

## Defend the Right to Freedom of Expression and Political Opinion!

Release all the political prisoners who have been booked for exercising their right to not vote in Yamunanagar!

Condemn the attempts of the government to foist false cases and negative profiling of the political activists!

The Committee for the Release of Political Prisoners (CRPP) take strong exception to the manner in which the police officials have resorted to a witch hunt of people who have exercised their right to not vote and had politically exhorted to the people of many villages in the Chhachhroli areas in Yamunanagar under the banner of Shivalik Jansangharsh Manch. These people have only resorted to exercising their democratic right in a democratic country that India claims to be to ask the people not to vote. And this is a constitutionally guaranteed right. To indulge in sensationalism and hostile profiling of the people involved in the campaign as anti-nationals and hence deserved to be charged under several sections such as 124-A, 153-B, 34 IPC, 125 RP Act of year 1951 smacks of nothing less than outright prejudice and pre-meditated attempts from that arm of the state who supposed to uphold the law so that justice prevails.

The state police and the CIA have launched themselves into a hyperbole and declared prize money of Rs. 11000 for anyone who would furnish information about the Maoists anywhere in the state. This again is a desperate attempt from the side of the state to deal with a political issue as a mere "law and order" problem. It also defies all reason and logic to understand this aggressive witch hunt indulged in by the state police and the CIA depicting the whole attempt to go on a poll boycott campaign through posters as a major threat to the national interest! The responsible person that he is, the SP Vikas Arora and

his deputy Mukesh Kumar should explain how Shivalik Jansangharsh Manch is 'anti-national' when they resort to a campaign among the people to not vote as the local representatives has completely failed in protecting the aspirations of the common people. Does that mean talking for the interests of the people, the common citizen of this country, tantamount to being 'anti-national'? The responsible and learned men in khaki should explain. It is interesting to note that immediately after the arrests the police are quick to add that they have increased the surveillance while the SDM Bilaspur has held meetings with the villagers and assured them full protection. Full protection for people from whom? From those who will talk in favour of their interests?

The act of the police and the government of Haryana defy all logic of a democratic polity. It exposes the worst face of a system which is scared of its own image. In a metro like Delhi, funded NGOs and pro-establishment organisations like the Youth For Equality have been campaigning for the right to not vote making a song and dance of the section 49 (O). Nobody bothered to arrest them. No one talked about any 'anti-national' designs and mind you there was no price money also.

When the poorest of the poor people resort to their democratic right and come forward to assert themselves the government and all its arms takes law and procedures to their hands and indulge in the worst kinds of arbitrariness. It is high time that all democratic people should stand up and expose this double standards and demand justice.

The CRPP calls upon the Haryana government and police to immediately stop the witch hunt of people having political opinions that might have a note of dissent with the status quo. Historically

Haryana State has used Sedition charges to suppress voices of dissent. Around 50 peasants were charged under sedition in the Kandela Peasant Movement of Bhartiya Kisan Union during the Chautala regime in 2003. In 2007, 9 persons were charged under the same act while demanding residential plots on the Panchayat Village Common land. In the same year, 11 students were charged under the same act when they were protesting against Private University Bill. All these cases were proved false in the Court. The present arrested Poonam was also targeted in that case and was acquitted only in the previous month. Now she was staying at her parental house while again being arrested by Police after a media hype of Election boycott call given by Shivalik Jan Sangharsh Manch in Chhachhroli region and the alleged Maoist presence there.

In the past 20 -25 days the police have arrested 14 people from different places to plot a major story. These include Poonam(24) r/o Brahman Khera, Bintu (26), Charan Singh (22) r/o Bhund Kalan and Mukesh. They were arrested in the sequence: Poonam on 20 April from Brahman Khera, Bintu and Charan Singh on 9 May from Bhund Kalan, Mukesh from Bhund Kalan on 10 May. This was followed by the arrests of Subhash and Dinesh, from Khijrabad Anaj Mandi. All of them are being portrayed as Maoists. Yet another five more have been arrested from Jind. The arrested are Rajesh, Ved Pal, Tilku, Sanjiv, and Devinder.

The CRPP once again demand an immediate stop to all such arrests and framing of political activists of the Haryana government not to say the unconditional release of all the activists who have been part of the vilification campaign of the state and police. We demand all the forces fighting for democratic rights to protest against these undemocratic, authoritarian and fascist designs of the Haryana government.

In Solidarity. – **Gurucharan Singh**, President; **Amit Bhattacharyya**, Secretary General; **SAR Geelani**, Vice President; **Rona Wilson**, Secretary Public Relations form *Committee For The Release Of Political Prisoners*, May 15, 2009 □

**PUCL Dakshina Kannada:**

## **Judgement of SHRC, Bangalore**

**Not only an Iron Hand but also Socio-Economic Measures Required to Deal with the Menace of Naxalism**

**(Before The Karnataka State Human Rights Commission, Bangalore)**

April 2, 2009

**Present**

Dr. Justice S.R.Nayak, Hon'ble Chairperson, Sri R.H. Raddi, Hon'ble Member, Sri B. Parthasarathy, Hon'ble Member.

**Complainant:** Karnataka State Human Rights Commission, Bangalore (*Suo moto*) **VS**

**RESPONDENT:** The Principal Secretary to Government, Home Department, Government of Karnataka, Vidhana Soudha, Bangalore 560 001

**Common Final Order**

**Per Dr. Justice S.R.Nayak, Hon'ble Chairperson**

On the basis of press reports reporting that on the intervening night of 18<sup>th</sup> and 19<sup>th</sup> of November, 2008, in an encounter a police constable and three naxalites were killed during an exchange of fire at Mavinahola near Horanadu in Chickmagalur District, the Commission *suo moto* registered these cases and by its Order dated 28-11-2008 directed the Principal Secretary to the Government, Home Department, Government of Karnataka, Bangalore, to submit a detailed report about the encounter. Accordingly, the Additional Chief Secretary to the Government, Home Department, vide his letter dated 29-01-2009, has submitted the report.

2. The facts leading to the encounter, as stated by the Additional Chief Secretary, Home Department, in brief, are as follows: On 18-11-2008, at about 23.00 hours, a team of 14 Anti-Naxalite Force personnel led by Anti-Naxalite Force Deputy Superintendent of Police Sri Ravinarayan went on a combing operation from Menasinhadya.

The team reached Mavinahola Forest which comes under the limits of Kalasa Police Station at about 0200 hrs (On 19/11/2008) and sighted 3 torch bearers heading toward the team. Suspecting them to be Naxalites the team leader Dy. S.P. Ravinarayan revealed their identity as Police and asked them to raise their hands and told them that the police wanted to search them. On seeing the ANF team the Naxalites started shouting slogans "Maovadi Zindabad" and opened indiscriminate firing on them. In this juncture one of the ANF team member Guruprasad, PC 480 was hit by a bullet on his head and fell at the spot. The Naxalites kept on firing and also lobbed Hand Grenade on the ANF party. The ANF team sensing danger took position and in retaliation started firing towards the Naxalites in self-defence. Thus exchange of firing took place. Taking the advantage of darkness, one female Naxalite suspected to be Kanyakumari, managed to escape in the dense forest. The exchange of firing continued till 0430 hrs. After waiting for some time and finding no firing in return, the ANF team cautiously approached the place from where the firing was coming with the help of search light and it was found that the Police Constable who got bullet injury on the head had succumbed to injuries at the spot itself. After carefully verifying, it was found that three Naxalites had died on the spot as a result of retaliation firing by the ANF party. Along with the dead bodies one 9 mm Sten Gun, empty cartridge, one country made pistol, two live hand grenades along with live cartridges were found. The other materials

recovered were haversack, pamphlets, Maoist literature etc.

3. The Additional Chief Secretary, Home Department, has further stated that Cr. No. 58/2008 u/s 353, 302 and 307 r/w S. 34 IPC, S. 25 of Indian Arms Act 1959, Sections 3, 4 and 5 of Explosive Substances Act, 1908 and Sections 13, 17 and 19 of Unlawful Activities Prevention Act, 1969, has been registered in Kalasa police station and the investigation of the case has been handed over to SDPO, Koppa Sub Division, and the investigation is going on. The Sub Divisional Magistrate, Chikmagalur Sub Division, has conducted inquest over the dead bodies at the spot and a team of doctors have conducted P.M. examination over the dead bodies at Chikmagalur District Hospital under videography. Further, the District Magistrate, Chikmagalur, on 22-11-2008 has ordered Magisterial Enquiry into the incident by the Assistant Commissioner, Tarikere Sub Division, Chikmagalur District.

4. The Director General and Inspector General of Police, Karnataka State, vide his letter dated 13-1-2009, has forwarded a copy of the report sent to the Senior Superintendent of Police, National Human Rights Commission, on 1.1.1009.

5. Having perused the reports of the Additional Chief Secretary, Home Department and the Director General and Inspector General of Police, Karnataka State and having regard to the fact that the matter is seized by the National Human Rights Commission, there is nothing to be done by this Commission at this stage except to express quite often said and repeated strong feeling of the Commission with earnest hope

that the Government would wake up and address the problem of Naxalism and extremism and resulting loss of lives and destruction of national properties. In recent time naxalites seem to be active in Malnad hill area and innocent gullible people have become victims of their operation. The Commission is not tired of telling the Government that Naxalism has to be countered by two-pang attacks: (i) The naxalites who have taken law into their own hands and who do not respect the Indian Constitution and the Rule of law and indulge in violence should be dealt with iron hand, and the law enforcing authorities should be allowed legitimate latitude to exercise powers to meet the exigencies of any situation, and (ii) the solution to the menace of naxalism cannot be considered merely as a law and order situation. Quite often naxalites find very conducive environment for their illegal and violent activities only in those places where the people are cut off from the main land and denied basic amenities like accessible roads, educational institution, hospitals etc. and where the people are illiterate and denied socio-economic benefits and live in abject poverty and threat.

6. All of us know that it is not possible at all to combat and defeat divisible forces, whether they are external or internal, without creating universal harmony, security and sense of belonging amongst the people of the country. Peace and security are invariably inter-linked with human rights and relationship of harmonious world. Harmony

requires peace, security and happy co-existence between different people, community and nation. Denial of human rights has its effect on peace, harmony and tolerance. In order to bring peace and harmony in the society, inequalities prevailing in the society in any form should be removed. Despite our historical wedding to liberalization and globalization in 1990s and discernible growth and development in wealth, there is no change in the disparity that existed before the said wedding amongst the people. So long as the State denies social and economic benefits of any development to the majority of its people, it is impossible to sustain social harmony and peace in the society. When the majority is poor and inequality prevails, conflict arises leading to violence. When people clash, human rights are often times the first casualty. This situation intensifies the conflict and violence escalates. To enforce the people's right to peace, social pressure is required to bring about social justice and equality, to enlarge democratic space to deepen its roots, to resolve through democratic debates and peaceful avenues. Naxalism or extremism shall not be viewed as a mere law and order problem. It needs to be understood that the socio-economic imbalances and prevailing inequalities in many spheres of human life are also the causes for the disturbing situation we notice today. Desired human rights regime can be established only upon harmony of internal social environment of the country

amongst its entire people. For achieving stable and harmonious relations amongst all the people of the country and to foster mutual understanding, respect, tolerance and peace human rights education is essential. Education has been called the technique of transmitting civilization. Civilization is nothing but the humanization of man in society, and man is humanized only when he lives a life in harmony with his true aspirations and powers. Learning human rights should become a way of life and that way of life should lead to eradicate poverty, ignorance, prejudice and discrimination based on sex, caste, creed, race, religion and disability.

7. In previous cases relating to encounter deaths in Mensinahadya, the Commission had recommended to the State Government to immediately take up socio-economic measures in the naxal affected areas. Such a course of action is absolutely necessary to combat the menace of naxalism effectively. We hope and trust the Government of Karnataka will do the needful in that direction without any further loss of time.

HRC Nos. 4095/SM-831/08 to 4113/SM-849/08 c/w 4133/SM-860/08 to 4135/SM-862/08, HRC 4183/SM-866/08 to HRC 4185/SM-868/08, HRC 4215/08, HRC. 1415/08, HRC 4216/08, HRC 4275 to 4277/08, HRC 629/09 and HRC 683/09 are disposed of as above.

– **Dr. Justice S.R. Nayak**, Chairperson; **R.H. Raddi**, Member; **B. Parthasarathy**, Member (*Sent by: P.B.D'Sa*) □

## Women Reservation Bill - A Gender Justice Compulsion

**Rajindar Sachar**

It is ironic that Sharad Yadav (M.P.) who constantly reminds us of his Lohia legacy should be opposing Women Reservation Bill on the ground that sub-quota should be provided within OBC

quota. He has probably forgotten that Dr. Lohia believed that in order to usher equality and dignity in the society Dalits, and *Women* (emphasis supplied) should be placed in higher positions even if

they were not most capable to compensate for past injustices. Dr. Lohia did not bifurcate the quota for women – for him the suffering women must not be split by sub-castes which will only weaken their

capacity to demand equal gender justice. Though women constitute about 50 per cent of the population, their strength in the *Lok Sabha* has been almost negligible right from 1952 when they numbered 45, to about 50 at present.

An International Labour Organisation study shows that “while women represent 50 per cent of the world adult population and a third of the official labour force, they perform nearly two-thirds of all working hours, receive a tenth of world income and own less than one per cent of world property.” Therefore, reservation for women is not a bounty but only an honest recognition of their contribution to social development.

Women activists must appreciate that the opposition to the Bill arises not so much from any ideological stand as the real apprehension of the existing male members when they are asked to commit political *harakiri* by being asked to vacate their seats for women members. To expect this is totally unrealistic; the legislators are not *Karan*, the warrior of Mahabharata epic who was even willing to surrender his life-saving belt or Jesus of Nazareth who willingly embraced the cross to redeem his fellow beings.

I have always maintained that all this can be avoided by increasing the membership of legislatures so that 1/3<sup>rd</sup> representation can be given to women without disturbing the existing male members. Even Lallu in his recent Parliament speech referred to the increase of seats – I have no doubt that if this increase is done Lallu, Sharad and other can be persuaded to give up their insistence on sub-quota. It is an old adage that both women activists and sub quota protagonist should remember - “that a little bending is necessary to shoot the arrow straight.”

At present there is a comfortable government majority.

If it is to surrender its 1/3<sup>rd</sup> of membership along with others, what is the guarantee of retuning its majority. Is it wise or politically sensible or in the interest of country to play with the stability of the government in these delicate times.

At present parliamentary constituency average between 1.5 million to 2.5 million populations, and state assemblies constituency average 2 to 3 Lakhs in most of the states. If there is a fifty percent increase in membership of parliament and legislatures seats and provision made for double member seats in the top half of constituencies, election for electing one woman in each of these extra seats can take place immediately (the other seat being already full) so that woman representation can be provided in all the legislatures including 15<sup>th</sup> Lok Sabha. The law of double member constituencies prevailed up to 1957 for general and reserved constituencies. Similar provision for double member constituencies for women is only following a precedent. We know that this attempt failed because the constituents of some parties insisted upon sub-quota for backward in the women quota, even though this is not permissible under the constitution. The argument of sub-quota amongst the women is a red herring projected by male members who are in fact against women occupying positions of power. Fortunately, this anti-woman block of legislators has been rejected by electorate.

The Parliamentary Standing Committee under Dr. Nalchinpan had almost finalized its recommendation for double member constituencies which would ensure 1/3 members of legislatures to the woman ‘reserved quota’ and even more if a woman gets the highest vote.

Another unfounded fear expressed is that woman

reservation would mean change of reserved constituencies every election cycle. There is misapprehension in this. Realist supporters of women reservation do not envisage any such thing happening without correspondence increase of parliament strength to 750 (proportionately in the legislatures). This shifting of seats is not uncommon – it is done frequently in the case of Scheduled Caste seats. And it can be, provided that change of double constituencies will only be after two general elections.

There is more urgent and strong reason for double member constituency. We have just had Parliamentary elections and also some time back State Assembly elections. If insistence is not to increase the seats by double member constituencies is it seriously suggested that the 1/3<sup>rd</sup> of present male members Parliament and State Assemblies will be so considerate as to resign their seats to accommodate fresh election for women legislators? If this course to me is impossible then opposition to double member seats will mean that women will have to wait for at least 5 years to get reservation till that next general elections take place – that even would be doubtful. A wait for such a long period will pulverize the whole struggle which women activists have been fighting for all these years.

If there is agreement on double member seat formula the identification of seats can be done immediately. All that needs be done is to identify 1/3<sup>rd</sup> most populated constituencies being declared as such (this will also mean no haggling and a rule of thumb quick measure) - one woman could be elected from that constituency (the other being already filled up). I feel the women activists should seriously opt for double member constituencies if they want representation or face another decade of useless bravado, false promises, and mutual mad slinging. Frankly I see no logic in why the women organizations should object to such a course – the more they delay there is a danger of Sharad Yadavism kind of perverse logic spreading. □

## Challenges Before The New Government

Mahi Pal Singh

The nation heaved a sigh of relief when, after a week of the initial swearing in of Dr. Man Mohan Singh as the Prime Minister and his 19 cabinet colleagues, at last the complete Council of Ministers took oath of office on 28<sup>th</sup> May, 2009. When the pre-poll alliance partners of the United Progressive Alliance (UPA) got 262 seats in the newly elected Lok Sabha in the May 2009 elections it became clear that the Bharatiya Janata Party (BJP) led alliance, the National Democratic Alliance (NDA), had been rejected by the voters and the Congress led alliance would form the new government at the center. It was clear that mustering the support of ten more MPs, to reach the simple majority mark of 272 in a house of 543 members, would not be difficult. But, given the history of our politicians to become ministers by whatever means they can, what must not have surprised everybody was that there was a scramble for getting ministerial births not only from within the ruling alliance partners but also from amongst those who had parted ways with the UPA during the elections in the hope of getting more seats to be able to bargain for more and plum ministries, meaning thereby ministries where the chances of making more money through corrupt means are the maximum, at the time of the formation of the new government whichever group (the Congress or the Third grouping led by the Leftists) got the chance of forming the government.

This time the inclusion of Ram Vilas Paswan was ruled out because he himself was defeated in the election and his party, the Lok Jan Shakti Party (LJP), was also wiped out. The inclusion of Lalu Prasad Yadav of Rashtriya Janata Dal (RJD) and Mulayam Singh Yadav of Samajwadi Party (SP) also seemed doubtful

because both of them, along with Paswan, had formed a separate front before the elections and deserted the UPA, and the Congress seemed in no mood to burden itself with them in spite of the fact that both of them declared their support to the UPA immediately after the election results pointed out that the UPA was going to form the ministry. After the drubbing that Lalu Prasad got in the elections at the hands of Nitish Kumar, the Chief Minister of Bihar, whose party the Janata Dal United (JDU) and alliance got an overwhelming support of the voters in Bihar and almost wiped out the RJD led by Lalu Prasad, the latter also became irrelevant in the national politics. Mulayam Singh's SP also was reduced from 35 seats to 22 and his bargaining power was reduced considerably, particularly because his support was not needed by the Congress. Being marginalized in the national politics, after losing power in their respective states earlier, must have come as a great shock to them because both of them have become accustomed to being in power, except of course during the six years' rule of the NDA. Therefore, one could understand their unilateral and overenthusiastic support to the UPA, which was nothing more than a desperate attempt to get into the Council of Ministers and continue to enjoy the fruits of power. However, the Congress leadership was in no mood to oblige them, particularly given the facts that it had been able to attain the simple majority mark with the support of some independent and single/double member parties in parliament and did not need the support of these two leaders for attaining power, and secondly because it was already being pestered for ministerial births of their choice by the Nationalist Congress Party (NCP) led by

Sharad Pawar and M. Karunanidhi of Dravid Munnetra Kazhgham (DMK) who wanted more seats to adjust all his family members/relatives in the ministry. The frustration of Mulayam Singh Yadav and Lalu Yadav was also evident when the Congress did not invite them to join the Cabinet, so much so that the former adopted an adversarial attitude while speaking on the motion of thanks to the President after her address to both the Houses of Parliament, and seemed on the side of the opposition and not on the side of the government even though he had submitted the letter of his party's support for the government to the President earlier.

In a party based Parliamentary democracy, all parties try to win elections and to come to power but, at least theoretically, to implement their party programmes based on some ideology, which are reflected in their election manifestoes, for the welfare of the people of the country who elect them. But not so in India as the experience of the parliamentary rule during the last sixty odd years shows. Here elections are fought for gaining power and to make huge unaccounted money by indulging in unchecked corruption and stacking the black money thus made, 'earned' cannot be the correct term to describe such money, at the cost of the suffering and starving, hapless and houseless billions, in the Swiss banks or investing in business and immovable property. Otherwise how does one explain the fact that all politicians who have been in the ruling circles own crores and crores of Rupees and huge properties, though all of them begin their political careers from very humble positions? (Based on the affidavits filed at the time of nominations for the elections, two thirds of those who were included in the Council of Ministers this time

are multi-millionaires or billionaires). If the amounts talked of during the elections, belonging to these politicians which are said to be stacked in the Swiss banks are anywhere near the actual figures, one can easily understand why the hard-toiling masses of the country are still forced to live below the poverty line in the state of hunger, poverty, illness and illiteracy. If such is the quantum of corruption at the highest level of power echelons in the country, there should be no surprise that the Central Bureau of Investigation (CBI) raids on the houses of high government officials on 11<sup>th</sup> and 12<sup>th</sup> June, 2009, as reported in the media, unearthed huge amounts of cash and properties. At the same time the allegations of a Sub-Inspector of Delhi Police, made against the Station House Officer of the Police Station where he is posted, in a communication to the Commissioner of Delhi Police on 12.6.2009, that Rs. Fifteen lakhs are charged for the posting of a beat officer, seems to be quite in line with what happens at the top. And, as he has alleged, this is not what happens in one Police Station only. It is true of all police officers in Delhi, as per his statement. There is no accountability so far as Ministers and politicians are concerned, and even the CBI, as the past experience shows, and as many Directors of the CBI have admitted the fact openly on the television, cannot be expected to investigate and unearth the unaccounted wealth of the Ministers and politicians because it functions merely as a government department following the diktats of the political bosses, opening and closing cases against the political opponents and supporters respectively, as per their desire.

Corruption has eaten into the very vitals of this country and is certainly the biggest hindrance in the socio-economic development of the country. The money that

should be spent on facilities like hospitals, schools, electricity, roads etc. for the people of the country goes into the pockets of politicians and bureaucrats and then into foreign bank accounts. That is the reason why and how politicians are able to use money and muscle power to gain political power. Politics has become the most lucrative business in this country, the second best being *babadom*, the cult of godmanship, where you make huge tax-free money. That is also the reason why every politician wants to promote every member of his family in this business of politics. As a result, the present parliament is full of mothers, sons, daughters, brothers, wives and relatives of present and past politicians. And that forces senior journalists like Ms. Neeraja Chaudhary to observe publicly that, the way things are developing, a time will come when this country will become the family property of and be ruled by 543 political families in the same manner as it was ruled by 500 odd princes not long ago, or the power will be shared by hardcore criminals who are increasingly taking to politics as their profession because it does not involve any risks which are involved in criminal activities like abduction, extortion, dacoity and murder. Nothing else can explain the presence of 150 criminals in the Lok Sabha after the 2009 elections whereas their number was 128 in the 14<sup>th</sup> Lok Sabha.

The new government has to realize that corruption in this country, and that too corruption at the top level, is the single biggest factor which leads to abrogation of the human rights of the people as it results in the denial of the minimum conditions necessary for living a dignified life as a human being to millions and millions of people in this country. Hence, that is the biggest challenge before the new government. Dr. Man Mohan Singh, who, fortunately, has a

clean image, has to live up to the expectations and hopes the people have reposed in him while electing the new rulers. It is also a challenge because L.K. Advani, the leader of the opposition in the Lok Sabha, had raised the issue of money deposited in foreign banks during the election campaign. Corruption has never been an agenda before the governments in the past, which is why the menace has acquired gigantic proportions. If the new government can do something to control it, it will be the single largest service to the people of the country. Every single person living in this country wishes Dr. Man Mohan Singh success on this front. Whether he will do anything, and whether he will succeed or fail, or whether it will remain a mere rhetoric to be adopted at the time of elections only as has been done by various parties in the past, only time will tell.

Another matter that has long been pending before the Parliament is the passage of women's reservation bill. The policy statement of the new government as reflected in the President's address to the Parliament showed that the government is going to give top priority to the bill. That is a positive sign. But again some leaders have started talking of reservation for minorities, Other Backward Communities (OBC) etc. within the reservation for women, it seems that a consensus will not be possible on the bill this time also. Our parliamentarians should understand that the country looks forward to the passage of the bill at the earliest. If the country has to move forward in the direction of inclusive politics and empowerment of women, the passage of the bill at the earliest is a must. Women have proved their abilities in all spheres of life and denial of political power to them is a discrimination, which cannot be tolerated for long now. In fact, that is one way of ensuring that politics

becomes clean and corruption free, though nobody can deny the presence of some corrupt elements even amongst them. But these are exceptional cases. On the basis of that argument the 'better half', as women are called in all civilized societies, of the population cannot be kept out of the governance of the country. What seems surprising to me is that even the exponents of women's reservation, including the most vocal of women politicians like Brinda Karat and Sushma Swaraj, to name only a few of them, have never demanded 50% reservation for women who constitute a little less than 50% of the total population, thanks to the practice of feticide of the girl child even among the educated and affluent sections of our society. The principle of equality of sexes should be applied honestly and provision should be made for 50%, (or a little less on the basis of their percentage in the total population of the country) and not a discriminatory 33%, reservation of seats for women in the legislatures all over the country. All political parties are guilty of not giving them their due at the time of distribution of tickets for elections and organizational posts in the parties. The best thing will be that all political parties sit and reach a consensus on such an important issue, and if that is not possible, then to pass the bill first, and consider amending it later for better provisions.

The concept of a welfare state seems to have been forgotten, particularly after the Congress government led by P.V. Narsimha Rao started moving towards the policy of globalisation, privatization and liberalization in 1991. As a result the focus shifted from the welfare of the people to the welfare of the industrialists and businessmen. The government started shedding its responsibilities towards the people and handing over the fate of the people into

private hands, for whom profit, and not welfare, is the main driving force. In the wake of these policies even government owned hospitals started charging money for tests and operations. The position today is that for a heart, kidney and cancer related disease the cost of treatment even in a government hospital comes to lakhs of Rupees, which is beyond the reach of even middle class people, not to say of the poor people of this country. With the entry of private players in the supply of water, electricity etc. the cost to a poor man has gone well beyond his means. Living conditions in the villages have not registered a significant improvement even after sixty years of independence. Even in the cities vast sections of our people are obliged to live in inhuman conditions. In fact, Part IV of our Constitution dealing with the Directive Principles of State Policy, which forms the major portion of the Economic, Social and Cultural rights of the people and requires affirmative action by the government, has become redundant. This results into denial of these human rights, which are indivisible and inseparable from the political and civil rights contained in Part III of the Constitution under the heading of Fundamental Rights, to the people who most need them because they are essential for living a life of dignity free from exploitation, hunger and poverty. The government needs to focus on these issues if its claims for the concerns of *aam adami*, the ordinary person, have any reality in them. Unless and until medical services, water and education up to the age of 14 become absolutely free and food and houses come within the reach of everybody, these claims will remain mere claims, an election time slogan only. This can only be achieved by empowering the institutions of local governance, like the Panchayati Raj institutions, and providing them

funds directly because the people manning them know better than anybody else what they need and how to meet those needs.

Another important challenge before the new government, in fact before the whole world, is the fight against terrorism, and communalism. They have to be fought with a determination. The fight against terrorism is the concern of every individual living in the country, whatever religion, region or language he or she belongs to. But our experience shows that whether it is fight against terrorism exported from across the border, or fight against naxalism or Maoism within the country, it is used as an argument for enacting draconian laws in the form of Prevention of Terrorism Act (POTA), Armed Forces Special Powers Act (AFSPA), Control of Organized Crimes Act, Special Security Act etc., which are almost always used for suppressing the voice of dissent by political parties in power, or against poor and helpless people even for petty crimes. They are also used by the police for preventing human rights activists from defending the rights of detainees before the filing of the charge sheets in the court of law because it is at this stage that most human rights violations take place in the police stations. Bad economic, social and political conditions lead to marginalization of some sections of society and they become a breeding ground for the sympathizers of terrorist activities. Without improving those conditions terrorism cannot be fought against effectively. It is also important for the government to understand that human rights activists believe in the rule of law and do the work, which, in fact, should be done by the government itself – making sure that the human rights of the people are not trodden under feet. Therefore they should not be viewed as adversaries of the law of the land. The government should ensure their

safety and protection, for which it should initiate steps to develop a full-fledged jurisprudence as has also been demanded from the government and the National Human Rights Commission (NHRC) by the People's Union for Civil Liberties (PUCL) in a petition pending before it.

Unity and integrity of the country cannot be ensured without controlling the menace of communalism. In fact, the perpetrators of communal hatred, which results into communal violence, are the people who should be booked under the strictest laws, tried on day-to-day basis and brought to justice. They are the real enemies of the country, the people and the society, and pose a real danger to the unity and integrity of our society and country. The government should set up special task force, special courts and enact necessary laws to deal with them.

The winning of 262 seats in the Lok Sabha by the UPA as a whole was described by the media as 'majority' and 'simple majority' to

'overwhelming majority' and 'clear mandate', whereas we all know that in an election in which barely 50% of the electorate voted (we are not taking into account crores of those voters whose names did not figure in the voters' lists), the total percentage of votes polled by the Congress and the BJP was nearly 50%, out of which the share of the Congress party was about 7% more than that of the BJP. Thus, those who gave the Congress this so-called 'clear mandate' to rule does not work out to more than 13 or 14% of the total electorate of the country, and not a majority of the electorate. Out of those 50% who did not come out to vote, there are many who are fed up with the promises made by politicians of all hues at the time of elections, which remain unfulfilled thereafter. This apathy of the people towards elections, and their antipathy and hatred for politicians can only be removed by a government that works and not by a government that only talks, a government that works for the welfare of the people and under whose rule even the poorest of the

poor can hope to live a life of dignity. It may be a difficult goal but it cannot be put off for long now. The patience of the people has exhausted. They cannot wait for long now. The country has the resources to achieve these goals – natural resources, human power and the technical know-how. What lacks is the political will to do so, by rising above the narrow personal, family, regional, linguistic, religious, caste and political considerations. Without being pessimistic at the very beginning of the term of the new government, let us see whether our new government, the politicians and the various political parties rise to the occasion and redeem the pledge taken at the time of the adoption of our Constitution "to secure to all its citizens: JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation," or not. □

## Letter:

### To All PUCL State Branches

Dear President/General Secretary,

You may be aware that as per Article 7 of our Constitution each State branch should elect representatives to the National Council. The number of members to be elected as representatives for the National Council is as per

the provision in the Constitution and indicated in the enclosed sheet. Kindly note that the number indicated against each state is as per the membership record with the national office at the time of writing this letter to you.

I request you to kindly elect the representatives for the PUCL

National Council and send to the national office the names of the representatives so elected, before the end of two months from the date of this letter.

I am giving below clause 7 of the Constitution of the PUCL, for your ready reference.

### Clause 7 of the Constitution of the PUCL

#### 7. Elections and formation of National bodies, calling of National Convention:

(1) At least six months before the next National Convention, the General Secretary would write to all the State branches that they should elect, preferably by consensus, representatives of their respective States for the National

Council. The number of members to be elected by the States will be conveyed to them by the General Secretary in proportion to the total membership of the PUCL in the state according to the records with the National office at the time of the above-mentioned letter from the General Secretary to the State branches. Besides these names,

the General Secretary of the State branch will be an *ex-officio* member of the National Council. The names of the representatives of the State will be communicated to the General Secretary of the PUCL within two months of the receipt of his letter. *(The national President and the General Secretary may nominate, if*

necessary, some members to the National Council/National Executive Committee).

(2) At least three months before the expiry of the term of the current President and other office bearers of the PUCL, a meeting of the National Council, constituting of the representatives of the States, including the State General Secretary, and the nominees of the national President and the General Secretary, if any, will be held at a place fixed by the General Secretary of the PUCL in consultation with the President. This meeting of the National Council will decide, on the basis of consensus, and if necessary, by

votes, the office bearers as mentioned in Clause 5(c) for the next term commencing from the date on which the next National Convention will be held.

(3) The aforesaid meeting of the National Council will also elect the National Executive Committee of the PUCL which will comprise of the President, the General Secretary, other office bearers, all the former presidents, and such other members as may be decided by consensus by the National Council or nominated by the national President and General Secretary.

(4) The outgoing President will be an *ex-officio* member of both

the National Council and the National Executive Committee.

(5) The aforesaid meeting of the National Council will also decide the venue and the date of the National Convention. The National Executive Committee will act as the Subjects Committee and would meet on the date preceding the National Convention to decide upon the resolutions, etc., to be discussed by the Convention. Members of the PUCL who want to propose some resolution would send them to the General Secretary one month before the proposed date of the Convention.

**Encl.:** Sheet of Allotment of seats for National Council. With regards. Sincerely yours. – **Pushkar Raj**, General Secretary, June 20, 2009.

### Allotment of Seats for the National Council @ One Seat for Every Fifty Members

S.No	State's Name	No. of Members	No. of Allotted seats
1.	Andhra Pradesh	58	1
2.	Arunachal Pradesh	1	0
3.	Assam	6	1
4.	Bihar	637	13
5.	Chhattisgarh	07	1
6.	Delhi	268	6
7.	Goa	1	0
8.	Gujarat	60	1
9.	Haryana	20	1
10.	Himachal Pradesh	02	1
11.	Jammu & Kashmir	02	1
12.	Jharkhand	248	5
13.	Karnataka	133	3
14.	Kerala	51	1
15.	Madhya Pradesh	14	1
16.	Maharashtra	130	3
17.	Manipur	5	1
18.	Meghalaya	1	0
19.	Mizoram	13	1
20.	Mumbai	97	2
21.	Orissa	08	1
22.	Puducherry	02	1
23.	Punjab & Chandigarh	54	1
24.	Rajasthan	38	1
25.	Sikkim	1	0
26.	Tamil Nadu	181	4
27.	Tripura	5	1
28.	Uttar Pradesh	83	2
29.	Uttarakhand	07	1
30.	West Bengal	13	1
	<b>Total:</b>	<b>2146</b>	<b>56</b>

## Crossed and Crucified Parivar's War against Minorities in Orissa

*This report by PUCL Bhubneshwar & Kashipur Solidarity Group, Delhi, April 2009 is being serialized in the PUCL Bulletin from this issue onwards. Here is the first part of the Report.*

*We shall witness; Witness, for sure, we will; The day that has been promised; The fate that has been preordained; The day when the enormous mountains of tyranny; Will blow away like wisps of cotton; When the earth will tremble thunderously; Beneath the feet of the oppressed; And on the heads of the tyrants; Streaks of lightning will strike; We shall witness.* (Faiz Ahmad Faiz)

### Introduction

Poverty, dispossession, land alienation, conflict between two socially and economically underprivileged groups—Christians and Kandho Adivasis—aggressive Hindutva assertion, electoral politics, detrimental state policies, along with the perceived threat of growing Maoist presence by the state have made Kandhamal a seething cauldron. After the killing of Laxmanananda Saraswati on 23 August 2008, a Hindutva-led pogrom against Dalit Christians started in the Kandhamal district of Orissa. Till now, according to official reports, 39 people have been killed. Nearly, 50,000 people have been hounded out of their villages, their houses have been gutted and their belongings have been looted. When all this was happening, the Orissa Government and the district administration, to put it mildly, looked the other way and allowed the pogrom to continue for almost two months.

### The Social Underbelly

In Kandhamal, more than 30 percent people are landless and 75 percent live below the poverty line. Kandhamal is ranked 29 among the 30 districts of Orissa in terms of the Human Development Index and has the highest Infant Mortality Rate at 169 per thousand (State Human Development Report prepared by the UNDP). Female literacy rate among the Scheduled Castes is 40.3 percent and among the Scheduled Tribes is 23.4 percent. According to government reports, the highest number of deaths due to malaria has taken place in Kandhamal

during the last year. The Orissa Government is only busy “modernizing” Orissa through huge, capital-intensive industrial projects that displace millions of poor people from their livelihoods. In this carnage, the government’s tacit support and partisan role of the local administrative machinery oversaw one of the worst communal carnages of the country, where the affected have been historically the most disenfranchised from the basic needs that today’s urban society takes for granted. This report attempts to contextualize this exploitation in history and document how dominant interests have used this situation of chronic poverty in Kandhamal to suit their agenda. Our understanding of the Kandhamal context is also deeply linked to the mounting people’s resistance against a series of coercive “development” measures led by the Orissa Government and capital, foreign and national. Large-scale alienation of lands and livelihood is the reality of a large number of displaced and dispossessed Women, Adivasis, Dalits, OBCs and other poor sections in Kashipur, Niyamagiri, Jagatsinghpur, Keonjhar and Kalinganagar. The BJP–BJD alliance gave a free hand to the Hindutva forces to dispossess yet another 50,000 people in Kandhamal and in the process consolidate majoritarian politics and terrorize the disenfranchised.

Kandhamal is associated with *meriah* (human sacrifice) in our school book knowledge. Till the mid-19th century, the Kandhos, one of the oldest Adivasi

communities in India, had sacrificed human beings in a turmeric field with the belief that the *Dharni Penu* (Mother Earth) would give a good yield. Now, the Dalit and Adivasi Christians have been made the *meriah*. Which crop will yield better with this sacrifice? And, who is going to harvest the crop?

Issues in Kandhamal are complicated and multi-layered. We do not claim to handle them in all their ramifications. We have only tried to capture the broad pattern of related events and issues, underlining in the process our own concerns and questions. To do this, between September and November 2008, we talked to the victims in some relief camps (G. Udaygiri, Bhubaneswar and Cuttack), survivors who sought refuge in Berhampur, victims in the hospital at the MKCG Medical College, Berhampur, leaders of the Kandho and Pano communities and journalists. We also tried to draw upon some secondary sources, accounts of scholars on Kandhamal and media reports.

We are presenting this report with a view to:

Document the systematic targeting and hounding of the Adivasi and Dalit Christians and the sharpening of conflict between Panos and Kandhos. The Dalits of this region are referred to as Panos.

Provide a glimpse of this century long conflict, which has been used by the dominant forces such as the state, its policies and institutions, institutionalized religion and Oriyas (who are the

caste Oriyas), along with other players.

Generate an informed debate on the Kandhamal context.

## **I. Kandhamal Violence: Role of the Government and Others**

### **1.1 The Sinister Prelude:**

The Violence of December 2007

Before dealing with the current violence in Kandhamal, we need to mention the events of December 2007. In hindsight, these events seem to be a prelude. The Kui-Coordination Committee (KCC), an umbrella organization of the Kandhos of Phulbani, has been agitating on a set of demands: snatching of reservation benefits by Pano Christians through forged caste certificates; demand for ST status by Kui-speaking Dalits and grabbing of tribal land by Dalits. In this connection, the KCC had called for a two-days' *bandh* (24 and 25 December 2007) in Kandhamal. On 24 December 2007, Laxmanananda was alleged to have entered into an altercation with Christians at Darsingbadi, which resulted in a fisticuff. After this incident, Christians and their institutions were attacked in some parts of Kandhamal. Although Lambodar Kanhar, the Secretary of KCC, issued a statement that KCC had nothing to do with the communal violence and that "opportunists" had taken advantage of the *bandh* call, it is not difficult to see that both sections (KCC and Hindutva groups) joined hands against Dalits, particularly, the Dalit Christians.

Four people were killed in the violence of December 2007. Several churches and houses were either burnt or damaged. In one village, houses of the Hindu community were also set on fire. The Orissa Government had instituted a Judicial Commission of Inquiry, headed by Justice Basudev Panigrahi, a retired judge of the Orissa High Court. The Judicial Commission was still

working when the August 2008 violence began. The National Commission for Minorities had visited Kandhamal in January and April 2008. Among others, the commission had recommended the following:

*The State Government must look into the speeches of Laxmanananda Saraswati to determine whether they amount to incitement of violence and take appropriate action.*

*The State Government must issue a White Paper on the conversion issue to dispel fears and suspicions that have been assiduously raised about the Christian community and the role of its institutions.*

*The State Government must take the necessary steps to set up a statutory Minorities Commission for safeguarding the rights of the minorities.*

*The confusion created by the High Court Order needs to be swiftly cleared to prevent further outbreak of tensions between STs and SCs. The confidence of the people in the impartiality of the law-enforcing administration and the sanctity of the rule of law must be re-established through speedy and concrete measures to bring to book the guilty in the riots. The guilty must be identified and named as early as possible.*

The Orissa Government had not cared to implement any of these recommendations when the second phase of violence, of a far greater magnitude, began in August 2008 in the district.

### **1.2 How the Pogrom Started in August 2008**

On the night of 23 August 2008, Laxmanananda Saraswati was killed in his Jaleshpeta ashram along with his four disciples. A few days ago, he had informed the local police station about the threat to his life. A letter, reportedly signed by the Maoists, had reached Laxmanananda. The letter had warned that unless Laxmanananda stopped his

communal activities, he would be killed. The police was informed of this letter. But, the police failed in providing security, and Laxmanananda was killed. Reportedly, a crowd of 40-50 armed men came to the ashram and shot dead Laxmanananda and his disciples. The police sources immediately suspected the hand of the Maoists in these killings. Next day, all local newspapers reported about the Maoist involvement, quoting police sources. The Sangh Parivar, however, invented and publicized the theory that "extremist Christian groups" were responsible for the killings. And, neither the government nor any enlightened individual, group, body of educated middle-class, or any political party with claims to secularism came forward to contest this theory. Rather, senior BJP ministers issued statements saying that Maoists were not the real culprits (Biswabhusan Harichandan, Minister of Law, quoted in *The Samaj* on 26 August 2008), which in a way, was the government's position on the issue of these killings.

In Kandhamal, the Sangh Parivar used the killing as an excuse to carry out its politics of hate. It took out a funeral procession, carrying the dead bodies from Jaleshpeta ashram, where Laxmanananda and his disciples were killed, to Chakapada, his main ashram. The procession covered a distance of nearly 150 km, passing through many sensitive areas, such as Baliguda, Raikia, G. Udaygiri, Tikabali, Phulbani and Phiringia. The administration had invoked Section 144 in the district, but didn't stop the procession. Instead, the procession was allowed to pass through some areas, which did not fall in the route between Jaleshpeta and Chakapada. The communally charged crowd in the procession attacked the Christian settlements and religious places on the way and thus, the Sangh

Parivar fanned the anti-Christian frenzy. In Kandhamal, attacks on Christians had begun since the morning of 24th August 2008 and continued till the end of September. It is difficult to provide a complete picture of such large-scale violence. However, to understand its nature, we are presenting some of the incidents narrated by the victims themselves.

### 1.3 The Saga of Violence and Barbarity

Families of Christians in Rupagaon, located at a distance of 2 to 3 kms from the Chakapada *ashram*, were warned by the local police to be alert of attacks by Hindus. But, the police didn't take any steps to protect the Christians. "We contacted the SP over the mobile phone for police protection. But, he wasn't there. As we heard that 20,000–30,000 people had gathered at the *ashram* and were coming to attack us, we fled to the forests. The sheer number was scary; we could not resist them as we had done in December 2007. Hiding on tree-tops, we saw nearly 300–400 people marching towards our village with swords, clubs and *mashals* in their hands; some had tied a red head-band. Even 20–30 women were in the crowd; some with swords in their hands. All of them were shouting, *Bajrangbali ki jai*. Rasananda Pradhan, a paralytic patient couldn't come with us. From our hiding place in the forest, we could see that our houses were being burnt. They didn't spare Rasananda. They burnt him alive." In fact, these people were among the first groups of people to reach Bhubaneswar and sheltered in the YMCA building. "We walked through the forests for days, without food and water, carrying little children," they told us.

A woman from Sipaiju village in Katingia Gram Panchayat (GP), who had taken shelter in YMCA, Bhubaneswar, narrated how the riots started in her village. "Prior to

the attacks, there was a meeting on Sunday in which RSS people from the GP as well as outsiders participated. We got to know about the meetings from some people. We all fled to the forests, hiding from the attackers. Walking through the forests, we reached G. Udaygiri, and from there, we came to Bhubaneswar. There are about 45 Christian families and about 50 Adivasi families in our village. All the houses were burnt. Ranjit Pradhan is an Adivasi Christian. His cousin, Anatha Pradhan, who lives in the same village, is not a Christian. He was told by the Hindu groups to attack his own relatives." A woman from Tiangia, sheltered in the same camp, said, "For the first time, there was conflict between the two communities in the village after the December riots, which took place in other parts of the district. But, the sarpanch, who was a Hindu, was supportive of the Christians. So, there was no attack on the Christians last time. This time, we were told how the *sarpanch* could not do anything. Trinath Nayak of Prisubali village (of Tiangia GP) was hacked to death. Parikhit Nayak of Tiangia-Gudaripada was hacked to death in the forest. Bikram Nayak, a Hindu, of Tiangia was killed because he was mixing with the Christians."

"Mahadev, (a Sundhi, caste Hindu) the shopkeeper, was the main organizer of the attacks against the Christians in our GP. He supplied kerosene to burn the houses. When the attackers came to attack us, they shouted slogans, *Bharatmata ki jai* and *Bajrangbali ki jai*. They threatened us saying, 'We will do to your young women what you have done to our *mataji*'; 'wherever you see Christians, kill them'; 'even if you return after 20 years, we will kill you'; 'we will kill all children of Christians so that they will not be there to take revenge'." An elderly man of about 70 years, who lives in a hamlet near Baliguda, said, "On 24 August

2008, around 8 p.m., nearly, 50-60 people (Paika, Brahmin, Patra and Majhi of nearby places who are not personally known to him) came with axes, crow-bars, *barchha* and lathis shouting the slogan, 'Kill the Christians, chase them out.' There were also women with them. Except me, rest of our family members (his wife, son, daughter-in-law and grand daughter) fled to the jungle. They did not give me time even to ask what my fault was or why they had come. They fixed the axe on my neck and slapped and asked, 'Will you renounce Christianity?' I said, 'No'. Again, they slapped and asked, 'Will you renounce Christianity?' I again said, 'No'. Then, they dragged me to the nearby mango tree and tied me to it. The beating continued and the same question was asked repeatedly, and I was giving the same answer. Finally, they dragged me to a muddy area (it was a rainy day) and thrust my face into it and tonsured my head (*a violent symbolic assertion of conversion to Hinduism*). They were not only rioters, but also looters. They took away two of my goats."

In the MKCG Medical College, Berhampur, we met several people grievously injured and brought there by the police. They had no one to look after them and they had no idea where they would return and with what means. Some had a couple of local relatives who were in fear of visiting them. Local church people would get these patients some food once a day.

A 35-year-old daily wage worker from a village in Raikia block was pushed to the ground and a huge stone thrown on his chest on 27 August 2008 as a mob attacked his village. His rib cage was fractured and he had difficulty walking or talking. He was most worried about when he would begin working because his family was penniless. His wife said they only wanted some fare to go back to the relief camp. She had

received the news that her two children were in the Bhubaneswar relief camp and three children were in yet another relief camp that she did not know. She was anxious to locate them. The local newspaper had reported how the 75-year-old Lallaji Naik from G. Udaygiri succumbed to his injuries in Berhampur. His 65-year-old wife, whose head and neck bore deep cuts, was still in a precarious condition. She had just been told about her husband's death and she silently showed her scars and cuts. They were from Goddoguda in G. Udaygiri and attacked on 1st October 2008. Such assaults were continuing even more than a month after the violence had begun.

Children were also brutally assaulted. A 42-year-old woman was nursing her 8-year-old son who had received deep cuts in his head from an axe. He had miraculously survived. The woman shut her eyes and said, 'I pray to God to forgive them.' She said how they would have known that we were still grieving my husband's death that happened only a month ago. She said she was lucky that her daughter was safe. Yet another 15-year-old girl was in the next ward whose left side was completely burnt and in bandages. Her mother only wept silently and said, 'There is nothing to say,' they pulled her hair, put kerosene on her and struck a match.

Similar stories of torture, violence, burning, killing, damage to houses and Christian institutions and loot of property pour out from village after village. Ultimately, all this human loss and suffering become cold government statistics: **39 deaths, 3 missing, 415 villages affected, 3,776 houses and 195 churches and prayer houses damaged and 25,177 people in relief camps.** Based on the accounts of the victims and the local people, who have not suffered so much of

violence, we will attempt to map the broad patterns of the pogrom:

1. Before the attack, the local RSS units conducted meetings in the panchayat offices, schools, anganwadi centres and distributed notices, informing the time at which the Hindutva groups would come and attack the village.

2. The Christian families were served this ultimatum: consider entering the Hindu fold or be prepared to be killed.

3. Almost all families sought refuge in the nearby jungles.

4. The Sangh Parivar masterminded, provoked, organized and planned the pogrom.

5. Neighbours and nearby villagers actively participated in the violence.

6. Women, with weapons, got directly involved in the pogrom. The traders provided kerosene and transportation to the rioters. And, the rioters were rewarded with food and, in some places, with alcohol each evening.

7. A rumour heard in several areas was, "Christians from our villages had participated in the killing; they had brought swamiji's flesh and blood and celebrated in the churches." 8. The district-level government machinery, at least for a month, did not take any effective steps to protect the life and property of the people.

9. Everywhere, Christians irrespective of their caste or tribe, were selectively targeted. All those who made phone calls to the *thanas*, approached the *thanas* and, in rare cases, tried to register FIRs, got no response from the police.

10. Loot and damage of property was methodically carried out, with the motive being economic ruination of the Christian community.

While the victims, in large numbers, were in search of refuge in relief camps, hospitals and relatives in other towns, the perpetrators had begun registering

their victory marks. Saffron flags were flown atop the destroyed churches. *Jai Sriram* and *Om Ram Rajya* were written on the walls. In one case, the cross was removed from the church building, and it was converted into a Hindu *mutt*. Saffron flags were flown on shops not only in trade centers of G. Udaygiri, Raikia, Tikabali, but also in the interior villages atop the undamaged Hindu houses. As someone in G. Udaygiri shared in fear, "Every one did not want to put the flags on rooftops; out of the fear of the VHP/RSS people we had to." The violence was not confined only to Kandhamal; it spread to other parts of Orissa as well. Christian communities and their institutions were attacked in Gajapati, Koraput, Bargarh, Sambalpur, Kalahandi, Rayagada, Sundargarh, Khurdha and Balasore districts. In Gajapati, near Kandhamal, a number of churches and Christian houses were burnt. One man was burnt alive. School buses, jeeps and motorbikes were set on fire. In the Golamunda block of Kalahandi, a day-care centre and a prayer hall were burnt. In Bargarh, the Missionary Training Centre at Khuntapalli, near Padampur, was attacked. Here, Rajni Majhi was burnt alive and a Christian priest was brutally beaten up. Institutions were also attacked in Sohela and Gaisilat in this district. Christian orphanages and schools were torched in Muniguda of the Rayagada district.

#### **1.4 Response of the Government of Orissa**

"From the very start of these horrible and shameful incidents of communal violence, my government has taken whatever steps it possibly could to bring normalcy and peace back to that disturbed district," said Naveen Pattnaik in an interview on a TV channel with Karan Thapar in early October. Let us examine how the BJD-BJP coalition government responded to the situation in Kandhamal.

When the *Sangh Parivar* gave the call for a *bandh* across Orissa on 25 August 2008, the BJP, a coalition partner in the state government, announced to join the *bandh*. All that the Chief Minister did was to appeal for a “peaceful” *bandh*. During the *bandh*, Christians across the state suffered brutal violence at the hands of the *Sangh Parivar*. The Chief Secretary to the Orissa Government, said the *bandh* was “complete, under control and peaceful.” When one half of the government (the BJP) participated in the *bandh*, thereby in the anti-Christian violence, could one expect the government to protect the Christians? No wonder, it simply chose to allow the attackers to have a free hand. And, the police remained mere onlookers, or worse still, friendly with the perpetrators. “The police failed to stop the crimes and did not protect me from the attackers; they were friendly with the attackers. They tried their best that I did not register an FIR or make any complaints against the police. The police did not take down my statement as I narrated in detail. I was raped and now, I don’t want to be victimized by the Orissa police. I want a CBI enquiry.” Sister Meena, who was raped on the 25th August 2008 in K. Nuagaon said in a written statement to the press. Both this rape and the killing and burning of Rajni Majhi happened on the same day. The government, as a routine, suspended the Superintendent of Police, Kandhamal and the Officer-in-Charge of the Tumudibandha police station for failing to provide security to Laxmanananda. Some high-ranking officers were sent to Kandhamal to take charge of the situation. The government also announced the instituting of a Judicial Commission of Inquiry to look into the killing of Laxmanananda and the violence that followed. It has become a habit of the BJP–BJD government

to institute a judicial commission and forget about it. The commission set up to inquire the 2007 December communal violence in Kandhamal is yet to submit its report. The judicial commission set up for the Kalinganagar police firing is yet to submit its report, though more than 3 years have gone by.

Unprecedented as it is, the government didn’t allow political leaders, human rights organizations or relief agencies to enter the district till 2nd September 2008. Only media agencies were allowed. Sriprakash Jaiswal, Minister of State, Home Affairs, Government of India returned to Delhi without being allowed to visit Kandhamal. Reportedly, the Orissa Government advised him not to visit the district as it was risky. On the contrary, VHP leaders like Praveen Togadia and BJP leaders were allowed to travel through the district and attend the funeral rites of their leader at Chakapada. On 3rd September 2008, Shivraj Patil, the Home Minister, Government of India, visited the district. Despite these visits of central and state government leaders, the violence in Kandhamal did not stop, rather a blame game started between the leaders on the need for the number of paramilitary forces. In any case, Christian families, to save their lives, were running to relief camps or leaving the district for other towns and cities. A look at the wretched conditions of the relief camp would testify to the government’s indifference to the plight of the inmates.

*(To be continued in the next issue...)*

### Corrigendum

In the article entitled “**What is Happening in Pakistan? ...**” by Sh. Ravi Kiran Jain published in the June, 2009 issue of the *Bulletin*, please read ‘Zulfikar Ali Bhutto’ in place of ‘Benazir Bhutto’ in line No. 6, column 3, page 9. The mistake is regretted. – **Ed.**

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