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Need to Expose and Regulate the Funding of Political Parties Prabhakar Sinha

The movement for an effective Lok Pal Act and bringing back the black money stashed away in Foreign banks is a very good beginning to fight corruption, but is woefully insufficient. A good Lok Pal Act may control to a considerable extent corruption at the top but would have no effect on the rampant corruption from which the common man suffers in his dealings with the government functionaries at the lower level or even the elected representatives of the local bodies. . This form of corruption subverts the rule of law, destroys the right of the people to anything which is their due and reduces them to the status of a supplicant .It is also an attack on his dignity.

The present efforts to fight corruption, though laudable, attacks only the tip of the iceberg. To eradicate corruption its root cause has to be identified and destroyed. For some inexplicable reason, this was not done in the past and is being overlooked even today. The strength or weakness of a democracy depends on the character and conduct of the political parties. If they are corrupt and undemocratic they breed corruption and destroy democratic values. Despite this well known fact, no effort was ever made to make the funding and spending by the political parties transparent and to regulate them to prevent their dependence on the rich and their tainted money. Our political parties collect funds from undisclosed sources, maintain no account and there is thus no distinction between the party fund and the personal fund of the political leaders. However, it is an open secret that the political parties run on the tainted black money supplied by the very rich and are totally dependent on them for meeting the expenses of election campaigns or their day to day expenses The political parties attacking one another on the issue of corruption while thriving on and wallowing in it is a mere shadow boxing to hoodwink the people. The fact is that they are all of the same hue and colour and their mutual mud slinging is aimed at throwing dust in our eyes.

This dependence of the political parties on the rich has made the governments of almost all parties a subservient agent of the rich and serve the interest of their paymasters It has also made them de facto protectors of corruption and the corrupt and has destroyed the moral fabric of the society. The weak helplessly acquiesce in corruption but the rest also have ceased to feel revulsion against the corrupt.. Corruption has been accepted as a way of life.

It is well known that he who pays the piper prescribes the tune. The governments in India are elected by the poor but serve the rich .It is evident from the fact that in spite of the mandate of the Constitution that the State shall strive to minimize the inequalities of income and eliminate the

inequalities of status and to prevent concentration of wealth and ownership of the resources in a few hands the governments at the centre and the states have been doing the very opposite. The governments have been pursuing policies to enrich the rich at the cost of the poor. The inequalities in income and status have incredibly increased. The means of production and the resources of the nation have become the monopoly of a few. This has been possible because these mandates of the constitution are in the chapter on the Directive Principles of the State Policy which are not justiciable. They were not included in the fundamental rights because it did not seem possible to implement them immediately. So, the State was directed to implement them in due course. However to serve the interest of the rich, the government has exploited their non-justiciability and adopted the opposite course which is against the letter and spirit of the constitution. Adding insult to injury the government claims that poverty is declining and the number of the poor is considerably reduced. The number is reduced not by enhancing the income of the poor but by altering the definition of the poor. The latest is that a person living on Rs 20 .00 per day in the urban area and Rs 15.00 per day in the rural area is below the Poverty Line and the rest are above it .One who lives on Rs. 21.00 per day in the urban area and Rs16 per day in the rural area is

above the Poverty Line as are the Ambanis and the Tatas. The brazen faced policy to serve the rich is both cruel and shameless. India is virtually reduced to an oligarchy masquerading as a democracy.

The rich pose a grave threat to democracy all over the world. The Western democracies strive to ward off the danger from the rich by disclosing and regulating the funding of the political parties and candidates standing for a public office. In the U.K. the political parties accept donations only from permissible sources. The parties receiving 7500 pounds or more must inform the Electoral Commission within one month. The information is made public. The effort to save democracy from the rich began in the U.K. with the enactment of The British Corrupt and Illegal Practice (Prevention) Act of 1883 and has culminated in the passage of The Political Parties Act, 2000. In the U.S.A. an individual cannot donate more than 1000 dollars and an action group more than 5000 dollars to a candidate standing for a Federal office. The U.S.A. enacted The Federal Corrupt Practice Act, of 1867 followed by The Election Campaign Act and finally The Federal Election Commission Act, 1974. Canada with its Canada Election Act, 1974 is considered most successful in getting rid of the scourge of corruption and scandal connected with funding of political parties.

The objective of all these laws are to rid the political parties of the stranglehold of the rich and make them more dependent on small donations so that they serve the common man who makes small donations. The tug of war between the common man and the rich has not come to an end even in the Western democracies but the effort continues.

Inexplicably in India, the funding of the political parties continue to be shrouded in mystery. The source of billions that the parties spend on elections and the political leaders spend on running the organization are treated as their private affair though it has dangerous implications for the future of our democracy. If our elected government really has to be 'for the people', political parties must be freed from their dependence on the rich and made dependent on the common man. There is an urgent need to enact a law to disclose the source of funding of the political parties, to limit donations an individual or group may make and ban corporate funding to make the political parties dependent on the largest number of people. Only when the political parties will be free from dependence on black money that the government will be serious about ending corruption. So long as they survive on the tainted money of the rich, they would continue to evade any serious effort to end corruption or serve the people. □

Letter:

Dear Colleague,

A recent Convention organized by *People's Union of Civil Liberties* (PUCL) and participated in by other Human Rights organizations heard accounts of widespread and systematic misuse of the sedition law across India. All forms of democratic struggles - from farmer's agitations to citizens protesting against state policies - have been

criminalized and prosecuted under sedition laws. Consequently, thousands of ordinary citizens have not only suffered violation of fundamental freedoms and liberties but also forced to undergo major personal, emotional and financial hardships due to imprisonment and in the process of seeking legal remedies. The Convention, therefore, resolved to launch a nation-wide signature campaign to collect at least a million signatures to present it to

Parliament demanding the immediate repeal of Sedition Law, i.e., Sec. 124 (A) IPC.

Following is "An appeal to the Parliament to repeal the Sedition Law", for signature campaign. Colleagues are requested to garner as many signatures as possible and send it to the national office.

Thanking you,

Pushkar Raj, General Secretary, PUCL □

An Appeal to the Parliament to Repeal the Sedition Law

Colonial era sedition law contained in section 124 A of the Indian Penal Code, makes creating hatred or contempt for or disaffection towards the government established by Law in India, an act of sedition punishable with imprisonment for life, whether such disaffection, hatred or contempt is created by words spoken or written or by signs or visible representation. This section is placed bang in the middle of chapter VI of the Indian penal Code that deals with "offences against the State", a passage that deals with serious offences including waging war against the State.

Section 124 A was introduced by the British Government in 1870 when the colonial government felt that such a draconian law was needed to suppress the freedom struggle. Some of the most famous sedition trails of 19th and early 20th centuries where those of Indian nationalist leaders including Tilak, Gandhi and

Maulana Azad. All the repressive laws used by the British against the freedom struggle have been retained in Independent India, despite constitutional provisions mandating scrutiny.

Jawaharlal Nehru's views were totally against this provision when he said in 1951, "Take again Section 124 (A) of the Indian Penal Code. Now so far as I am concerned that particular Section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, in any body of laws that one might pass. The sooner we get rid of it the better."

In fact, it is the constitutional right of every citizen to expose the misdeeds of the government he/she disapproves of and create disaffection and disloyalty among the people and work for throwing it out of power through democratic

means - of course without resorting to violence. Hence, the law is incompatible with democracy in which anybody who is dissatisfied with the government has the right to create disaffection against it and seek its removal at the next election. In fact, it is the legitimate right of every citizen to expose the misdeeds of the government it disapproves of, create disaffection and disloyalty among the people and work for throwing it out of power. Disloyalty to government is different from disloyalty to State. Of late this provision is being used by the State to suppress the peaceful people's movements and Human Rights activists. Using sedition law to silence peaceful criticism is the hallmark of an oppressive government. The Indian parliament should immediately repeal this Colonial Era Sedition Law. □

National Council Meeting

PUCL National Council meeting will be held on 27th and 28th August 2011 in Jaipur, Rajasthan. You are requested to convey this to all the members of the National council from your state. Meanwhile, a separate letter is being sent to all the members through surface mail.

Pushkar Raj, General Secretary, PUCL

To: All the PUCL State Presidents and General Secretaries.

To: All the National Council members and National Executive members. □

Press Statement:

PUCL Statement on the Attack on the Movement against Corruption by Ramdev in Delhi

PUCL condemns in the strongest possible terms the arrest of Baba Ramdev and use of force against the people who had peacefully assembled at Ramlila Ground to demand declaration of black money as National Asset and severe punishment to the guilty. The action is anti-democratic and is an act in defence of corruption and the corrupt. The UPA government has a record of dragging its feet to shield the corrupt till it is compelled by the Apex Court or some other circumstances, and in the future also it is not likely to act to curb corruption till compelled by the people.

The PUCL is also of the firm opinion that attacking the tip of the iceberg of corruption overlooking the its 'Gangotri '(Source of origin), as is being done, will have very little impact on the evil of corruption. PUCL demands that a law should be enacted immediately to disclose and regulate the source of funding and mode of spending by the political parties on the line of such laws in the U.K. U.S.A. Canada and put a limit on donations because the rich have become virtually the master of almost all governments in the country by financing the political parties and politicians with black

money and have been making them do their bidding in running the State. To save our democracy, it is necessary to break the nexus between the rich and the political class and ensure that our political system is fuelled by clean white money instead of the dirty black money as the case at present.

The PUCL further demands that all coercive action against Baba Ramdev and the people fighting against corruption must be stopped forthwith.

Pushkar Raj, General Secretary, PUCL, June 5, 2011 □

Gujarat PUCL:

Memorandum

To,
The Director, General of Police,
Gujarat, Gandhinagar

**Subject - Warning for Self
Immolation by Woman Sarpanch
and others**

Sir,

We would like to inform you as per reporting in the news paper Gujarat Today dated on 8th. June that woman Sarpanch, Vice Sarpanch and the member of the Gohil Ni Khan Panchayat have intimated to self immolate themselves on 15th June at 11AM.

It is learnt from their letters to the Governor that, a water body came into existence in 1997 spending several lakh of rupees. The water body was a great boon to the villagers in many aspects. But the AMBUJA Cement company damaged the water body by constructing the road into the water body force fully to

benefit their factory, with out taking any permission from the Govt. Though the villagers have been and lodging complaints before the Govt and the administration for last three years, no action has been taken against the Ambuja Cement, which has angered the people of Gohilni Khan Panchayat.

Being aggrieved and driven by the callous indifference of the Govt and the administration the women Sarpanch Ms. Hemabenholabhai Gohil, Vice Sarpanch Ranveerbhai Laxmanbhai Gohil, and the member of the Panchayat Shri Bhikubhai Gohil has given an ultimatum to meet their demand otherwise they will go for self immolation on 15th of June at 11AM.

The incident of self immolation are infecting the citizens in the state which is a matter of grave concern. We would like to remind you the

tragic self immolation of Jabardan Gadhvi in Rapar in last February 2011. The PUCL fact finding team has come out with a detail report of the self immolation of Jabardan Gadhvi. Another self immolation incident took place in the district of Kutch last month.

This ultimatum of the self immolation on 15th June must be prevented at all cost and action against the Ambuja cement be taken with out delay.

We hope you will take immediate measures to stop the self immolation.

Thanking You

Prakash N. Shah, Working President, PUCL Gujarat; **Gautam Thaker**, General Secretary, PUCL Gujarat; **Dilip Chandulal**, Coordinator, Lok Andolan Gujarat & Retired Govt. Officer; **D.N. Rath** - coordinator, Lok Andolan Gujarat □

Kashmir: Dance of Grassroots Democracy

George Mathew

The 33 km. drive from Srinagar to Nagam block, Badgam district in the summer goes through beautiful landscapes. The apple groves welcome you, but the village roads are pathetic, no maintenance. My mission was to meet the villagers of Karkpura ward, Shakarpura Halqa Panchayat where Hassina was killed on 15 April during the second phase of the 2011 Panchayat elections in Jammu and Kashmir. Hassina's eldest daughter, son, sisters and neighbours welcomed us with tears in their eyes. The elections were scheduled to be held on 17th April. On 15th night about 10 o'clock, Hassina (45) was preparing to sleep. Her dream was to win the seat. But seven men knocked at her door, pulled her out and shouted at her: how dare you contest the elections? Withdraw from the poll. Hassina

agreed. But they wanted Hassina to make statement to that effect before the Numberdar. She refused, but they forced her to walk in the dark to the village headman's residence with her son. Midway through, the seven men disappeared and she was shot dead by a person who was hiding nearby.

Why did she contest the panchayat elections? Hassina was suffering from extreme poverty; her husband had deserted her. Her friends and neighbours convinced her that if she contested the panchayat election and won, that would be the best way to overcome her miseries. Hassina is no more. Her dream also died with her. She had dared to fight the panchayat elections, a legitimate democratic aspiration.

I was eager to meet her rival candidate Taja. This 65 year old

woman was very disturbed. The same night Hassina was killed, five men went to her house as well and physically abused her, they swore vengeance if she defied their diktat. Taja, a widow, was alone and, was shaken beyond words. She agreed to withdraw from the elections. Why did she decide to contest in the first place? Her adopted son and other family members prevailed upon her to plunge into the panchayat elections. As and when the elections take place in Karkpura, will she contest again? It was an emphatic no.

The villagers are extremely shaken by this tragic development. What happened in their village was most puzzling because there are no militants in that area.

Today, Karkpura ward is an island of grief and sorrow in an ocean of extraordinary enthusiasm and

happiness over the panchayat elections in the state. The average voters turn out has been above 80 per cent. This dance of grass roots democracy in Kashmir has caught everyone's eyes. The state lost five precious years when it slept over panchayat elections and it had to pay a price for it.

Dhara Hariwan village is in Srinagar Block I, not too far from the municipal area. The village has four polling booths in the same school. Twelve police (four women) and nine CRPF manage the polling station. On the day of the poll, within two hours more than 50 per cent people cast their votes. Men, women, youth and children are on the road; everybody is in a festive mood. I asked a candidate, how much money did he spend for the election campaign? He said Rs. 2500, and that was mainly for printing the pamphlets etc.

The local government elections create a bond between the communities. The best example was Wussan Bangal Halqa Panchayat. On the express way to Gulmarg, Tangmarg Tehsil is about 30 km. from Srinagar. Asha Jee the Pandit woman, who won the panch election defeating Suriya, the Muslim candidate, was only underlining the harmony existing in Kashmir between communities. Asha's husband Radakrishnan Bhat runs a small shop from their own house; the two sons are employed. What is Asha's top concern? Look after the physically challenged in the village and work for the development of the area.

There were 12 Pandit families in the village before 1990 but now there are only five. Others have migrated to Jammu. What prompted her to contest the elections? According to her younger son Ashok Kumar, who earns Rs. 3500 per month working for a telecom company, the residents of the mohallah came and persuaded Asha Jee to fight the elections. What about the campaign? It was door to

door. About 100 posters were printed. While reaching Tantraypora Halqa panchayat in Baramulla district which is a Shia majority area when the polling was about to close, we saw a big crowd of men and women arguing with the District Commissioner. The problem came up because the administration wanted to shift the counting from Ahmedpora to Kungamdora - a Sunni majority area. The villagers suspected a foul play in shifting the counting venue at the last minute. Young and old argued with anger and emotion. But the most striking aspect was -- this ward saw 100 per cent voting! Nobody there wanted to resort to violence, but I saw the real argumentative Kashmiris fighting for what they think is right. Finally the order to shift the counting was cancelled and the people were joyous. One of the women panch candidates I met in the village - Perveena Bano - has travelled extensively in the country for pashmina shawl exhibitions.

Today, as far as the people of Kashmir are concerned, everyone wants peace and development. They are convinced that to achieve this goal, democracy and democratic institutions are the only means available. This explains why there is such a high turnout for the panchayat elections of 2011. The Assembly elections of 2008 had already set the trend for high voter turnouts in Jammu and Kashmir.

All the villages I visited have no panchayat office or any infrastructure. Most of the candidates have no educational qualifications worth the name. Many are illiterate. Many candidates with whom this writer discussed the panchayat work, have no idea as to what the panchayat is. So what will happen to this extraordinary enthusiasm of the people of Kashmir in local government? Will the election become a mere episode in the political history of the state?

Not holding panchayat elections on party lines in Jammu and Kashmir is, in this writer's opinion, a big mistake. Now there are many dummy candidates. There will be many claims about victories. Moreover, the poor candidates from the villagers have no back up of a political party and if only they had it, Hassina would have been alive today. Mature democratic practice is to contest elections on a party basis; after victory, transcend the party divisions for the good of the people as a whole. Many states in India do not have official party candidates at the village panchayat elections; but Jammu and Kashmir should have shown the way.

The Government of Jammu and Kashmir has a huge task on hand. Nearly 34,000 sarpanches and panches will be elected by the end of June. Of which more than 10,000 will be women. They are all dressed up but have no where to go.

It is for the State Government to provide them with adequate training and create an environment for vibrant local governance. The government nearer to the people is the best government. But the big question is: will the state government show the political will to invest in democratically elected representatives to the people and thus create the best social capital for the future of Kashmir? Investing in the people is the best way to keep the nation going, not investing in arms and ammunitions. Will the government move out of the blame game and take the empowerment of its local governance institutions forward? People of Kashmir are impatiently waiting to see what happens in the coming few months. Our leaders will do well to remember: democracy may be winding and may be like a river taking many curves, but eventually the river will reach the ocean.

**Dr. George Mathew is Chairman, Institute of Social Sciences and former President Delhi PUCL* □

Dr Binayak Sen's Speech at Gwangju Prize Presentation

(Dr. Binayak Sen, National Vice President of PUCL has been honored with prestigious Gwangju Prize. Following is his speech that he delivered while receiving the award.)

I am greatly honored to be chosen as the 2011 recipient of the prestigious Gwangju Prize for Human Rights. It is indeed an honor not just for me but also the countless other human rights workers struggling to establish justice, peace and equity all over India, including Chhattisgarh where I live and work. Let me begin by thanking all those who have taken the time to advocate about me and on behalf of me, and then take this opportunity to speak for myself and in my own words.

I would like to thank the people of South Korea and in particular the citizens of Gwangju whose historic struggles have made freedom, democracy and justice core values of their society. The martyrs of Gwangju will remain an inspiration to people all over Asia as we struggle to make the world a better place.

First, I shall try to briefly clear up some possible misconceptions about myself. I did not violate any laws and never was disloyal to the people of my country. I condemn, unequivocally, all violence by any and all individuals and agencies. I believe that violence is an invalid and unsustainable approach to achieving goals, whether these are the goals of the state or the goals of individuals operating outside the law. Because the state is sworn to uphold the Constitution, I believe we are entitled hold agents of the state to a higher standard than we hold outlaws. As members and office-bearers of the People's Union for Civil Liberties, it is the responsibility of my colleagues and myself to help hold the state accountable to the promises of the Indian Constitution. But the state does not only consist of the government or its agencies. As a society, we are all part of the state, and there would be no state without us. We often tend to think of violence only in terms of the use of weapons and explosives against others. However, there is another form of violence in society, which is

structural in nature, which I believe is even more pervasive and pernicious than guns and bombs, because it is all around us and we have stopped noticing it. It is this other form of violence that concerns me as a paediatrician and public health physician.

I would like to begin my speech here today by first telling you very briefly about myself and my work but follow this up with my perspectives on what is happening in my home country India, which is home to over one-sixth of all humanity on this planet. I will also try to deal with the global context which is affecting the health and human rights situation in India. It was nearly four decades ago that I, as a pediatrician trained at the Christian Medical College, Vellore in southern India after a brief stint at the Jawaharlal Nehru University in New Delhi decided to go and work in Chhattisgarh. My graduate thesis at CMC had focused on severe malnutrition in children and the theme of nutrition and its interface with health and well being has been a life-long area of concern for me.

Chhattisgarh, a province in central India that till ten years ago used to be part of the larger province of Madhya Pradesh, was created in 2000 as a separate state ostensibly to benefit the large population of indigenous people or '*adivasis*' there. However, Chhattisgarh is also the most mineral rich state in the country and iron-ore, limestone, dolomite, coal, bauxite are found in abundance. The province also produces 20% of the India's steel and cement and is also a major centre of thermal power production. Much of the mineral resource lies below *adivasi* lands. Yet throughout India a as well as in Chhattisgarh, the *adivasis* are a much-neglected group, long deprived of such basics as nutritional security, health care and education, who are now also suffering displacement from their natural habitat and their traditional livelihood

resources as politically favoured commercial interests seek to exploit the state's vast mineral wealth in their lands.

When we first arrived here my wife Dr Ilina Sen (who is a sociologist with a special interest in gender studies) and I, decided to work with the Chhattisgarh Mines Shramik Sangh (CMSS) which was a unique trade union movement among mining and steel plant workers led by the legendary Shankar Guha Niyogi. Under Niyogi's leadership, the mine workers' organization led a militant struggle for the rights of indigenous, contractual mine workers, and combined this with a strong commitment to social initiatives that were anchored in the strength of the people. The idea of basing health outreach programmes on the strength of community based health workers was born here.

In the mid-eighties we moved to the capital city of Raipur and founded Rupantar, a community-based non-governmental organization (NGO) that aimed at an integrated approach to health care and human rights, including women's rights and food security. Using this platform we contributed to the mainstreaming of health worker based community health programmes that has now been adopted nationally in India. However, my health work in Chhattisgarh for the last 30 years has demonstrated to me again and again that there is a clear relationship to peoples' nutrition, social, economic and political well being and the state of their health. Health can never exist in isolation and without a broader concept of entitlements.

My participation in human rights work started with my joining the People's Union for Civil Liberties (PUCL), a long-established and respected Indian human rights organization established by the late Jai Prakash Narayan during the dark days of the Emergency when the

liberty of speech and expression ordinary citizens stood suspended. When the new state of Chhattisgarh was formed, I became the secretary of the PUCL in Chhattisgarh and in the course of time, its National Vice-President. A lot of my human rights work consisted of highlighting the deprivations of the tribal communities and exposing instances of state insensitivity as well as police atrocities against them.

This was a period when the government of Chhattisgarh was engaged in a major project of land acquisition and mega development that deprived the *adivasis* of their access to common property resources in land, water and forest, as well as existing livelihood options. State action in the forested parts of the province, ostensibly against the Maoists, severely compromised normal life, with repressive laws, police brutality, and the sponsorship of a vicious civilian militia or vigilante group called the *Salwa Judum*. On behalf of the PUCL, my colleagues and I organised objective enquiries into the atrocities of this militia. We also led enquiries into so called "encounter killings", by which security agencies sometimes secretly liquidate suspected militants. One such enquiry ultimately led to registration of criminal cases and issuing of arrest warrants against eight erring police officers, much to the discomfort of the state police.

The PUCL has also strongly criticized over the years the forced displacement of the *adivasis* without proper rehabilitation and without sharing with them the fruits of economic development which is mainly based on exploitation of mineral wealth located in their natural habitat.

Almost certainly because of my growing involvement in human rights work and exposure of state atrocities on indigenous populations on 14 May 2007, I was detained for allegedly supporting the outlawed Maoists, thereby violating the provisions of the Chhattisgarh Special Public

Security Act 2005 (CSPSA) and the Unlawful Activities (Prevention) Act 1967, and for indulgence in seditious activity.

On 24 December 2010 a lower court in Raipur sentenced me along with two others to rigorous life imprisonment for 'sedition', under an outdated colonial-era law that was formulated by our Imperial masters in the nineteenth century, and used for long against fighters for India's freedom from British rule.

Today, as I stand before you here in Gwangju I have been freed on bail by the Supreme Court of India which in a hearing on 15 April has said clearly that the law on sedition has been wrongly applied in my case and there is no evidence at all for such a charge. My appeal to overturn the conviction and sentence of life imprisonment continues at the Chhattisgarh High Court and I am determined to fight the case till it is finally established that my actions were always in the interest of justice with equity, and were never seditious in nature.

What I have said so far about Chhattisgarh, applies today to all of India. India, the country I belong to, is an ancient and great nation. It is a land of stupendous diversity of people, cultures, languages and ethnicities. It is a land that gave rise to at least four major religions of the world Hinduism, Buddhism, Jainism and Sikhism and to numerous great philosophers, mathematicians, physicians and social revolutionaries.

Today, India is considered around the world as a rapidly developing country posting economic growth rates of around 8-9 percent consistently over the last several years. Along with China, which is much further ahead, India is seen as a powerhouse of the global economy in the decades to come and already it is home to a very large number of dollar billionaires, perhaps the largest such number in Asia.

In our own times as we look around this vast and populated country though the picture that one sees is not as rosy as it is made out to be.

India is also home to the world's largest number of people living in absolute poverty. In 2007 a study on the unorganized sector in India, based on government data for the period between 1993-94 and 2004-05, found that an overwhelming 836 million people in India live on a per capita consumption of less than Rs 20 or 0.50 US cents a day. [1]

In 2010 a UNDP/Oxford University study, using a new Multi-dimensional Poverty Index (MPI), said that eight Indian provinces alone have more poor than 26 African nations put together. The report said that acute poverty prevails in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal which together account for 421 million people, 11 million more "MPI poor" than in the 26 poorest African countries.

As a physician and a pediatrician in particular what concerns me is that such absolute poverty among such large numbers of people really translates into a major health disaster the proportions of which can only be called genocidal. I have a specific technical reason for using the word genocide and do not wield it in a rhetorical manner.

The Indian National Nutrition Monitoring Bureau (NNMB) tells us that over 33% of the adult population of India has a Body Mass Index of less than 18.5, and can be considered as suffering from chronic under nutrition. If we disaggregate the data, we find that over 50% of the scheduled tribes (Adivasis), and over 60% of the scheduled castes (dalits) have a BMI below 18.5.

The WHO says that any community with more than 40% of its members with a BMI below 18.5 may be regarded as being in a state of famine. By this criterion there are various subsets of the population of India-the scheduled tribes, scheduled castes, - which may be regarded as being permanently in a state of famine.

So it is not any general population that is suffering the consequences of poverty-induced malnutrition but

specific ethnic groups and hence my use of the term 'genocide' as per the United Nations definition. All this is, of course, in addition to the mundane reality, to which we have become inured, of 43% of children under 5 in India being malnourished by weight for age criteria. has the world's largest number of malnourished children and according to the UNICEF over 2 million Indian children die every year due to malnutrition related diseases.

I want to bring to your and indeed the attention of the world that it is precisely this section of the population, that is stricken by famine, that is today the principal target of a widespread policy of expropriation of natural and common property resources, in a concerted and often militarized programme run by the Indian state.

For a long time, despite their cash poverty, the Adivasis of central India, living in extreme poverty, nevertheless survived through their access to common property resources- the forests, the rivers, and land- all of which are now under a renewed threat of sequestration and privatization as global finance capital embarks on its latest phase of expansion. The doctrine of eminent domain vests ultimate ownership of all land and natural resources in the state. Under cover of eminent domain, vast tracts of land, forest and water reserves are being handed over to the Indian affiliates of international finance capital.

Land acquired from ordinary people in Chhattisgarh, as also in other parts of India, has been handed over to the industrial houses for the purpose of mining or building large steel and power plants. With a few honourable exceptions, the personnel articulating the agency of state power have almost uniformly possessed a colonial mindset. It is not as if the people have not resisted. The forced takeover of indigenous land is being met with resistance that

is multi hued, yet the state has chosen to brand it under the single category of Maoist, and has met it with brutality and human rights violations. The social fabric in many of these regions is today polarized beyond immediate rectification, and the deep fissures in our society will take time to heal

Ladies and Gentlemen, on this solemn occasion, I would like to make an appeal to all of you. In the times we live while oppression is most acutely manifested in remote and local places like Bastar district of Chhattisgarh the truth is that the forces behind such oppression are often global in nature. It is well recognized now that the tsunami-like flow of capital around the world is a source of tremendous tragedy for many communities around the world which do not fit into the ideologically straitjacketed confines of the 'market economy'.

Countries like South Korea that have suffered the ravages of colonialism in the past and risen from the ashes of the Second World War to become industrially and economically leading nations of the world have a special responsibility today. It is the responsibility of ensuring that they do not do the kind of violence and exploitation to the people of the Third World what they themselves were subjected to in the past by others.

I want to bring up the specific case of the South Korean steel giant POSCO which has embarked on a USD 12 billion dollar project in the Indian state of Orissa, which at USD 12 billion to mine iron ore, build a port and a mega-steel plant.

Indian activists have pointed out repeatedly that from a national point of view the MoU signed by the Orissa government with POSCO to give it the rights to mine over 600 million tones of high grade iron ore is a scam of immense proportions. According to the original MoU, the royalty that POSCO will pay for the iron ore is around Rs. 24 per tone whereas the selling price in the

international market is around Rs. 5000 today. Besides all this POSCO and its investors from around the world are to be illegally given nearly 5000 acres of land that was originally forest land and cannot be used for any other purpose under Indian law without the consent of forest dwelling people.

For more than five years now the POSCO Pratirodh Sangram Samity (PPSS), a local people's movement in Jagatsingpur district, has been bravely resisting the POSCO project which threatens the livelihood of thousands of agriculturists, workers and small businesses in the area besides devastating the local environment and ecology. Over 30,000 people, mostly farmers and fisher folk are expected to be displaced.

Even as we speak here today large contingents of the Orissa police are moving into the villages settled on the targeted land for the POSCO project to uproot local communities using brute force. I would like to appeal to the South Korean people and the people of Gwangju in particular to strongly oppose the POSCO project in solidarity with the brave farmers and fishermen of Jagatsingpur. POSCO should withdraw its investment in this project immediately and an inquiry launched in both South Korea and India into the circumstances under which such a project was considered and cleared.

The spirit of the Gwangju Prize for Human Rights calls upon all of us to continue to oppose violations of human rights in every form, wherever it occurs and whatsoever the costs of such opposition. We remain committed to Peace, but realize that there cannot be any peace without equity and social justice. I am confident that my appeal to you will be heard and responded to and the solidarity of the South Korean people will forever remain with the oppressed people of India and other parts of Asia and the world.

Thank you ☐

[1] Arjun Sengupta report on the Conditions of Work and Promotion of Livelihood in the Unorganised Sector, 2007, <http://odrf.wordpress.com/2007/09/01/836-million-indians-live-on-less-than-rs-20-a-day-ibnlivecom-videos/>

Ayodhya Verdict: Affirmation of Hindu Majoritarianism

Ravi Kiran Jain

The Ayodhya Judgment, based on the "Faith and belief of the Hindus", has forsaken the established principles of law of evidence and cannot therefore be said to be based on a fair trial.

Two judges out of three have specifically given a finding that the place of birth of Lord Rama was at the disputed site. According to the judgment of Justice Sudhir Agarwal: "it is declared that the area covered by the central dome of the three domed structure i.e., the disputed structure being the deity of Bhagwan Ram Janmasthan and the place of birth of Lord Rama **as per faith and belief of the Hindus** belong to plaintiffs (suit no. 5) and shall not be obstructed and interfered in any manner by the defendants"

According to the judgment of Justice D.V. Sharma, "a disputed site is the birth place of Lord Ram. Place of birth is a juristic person and is a deity. It is personified as the spirit of divine, worshipped as the birth place of Lord Rama as a child. Spirit of divine ever remains present everywhere at all times for anyone to invoke at any shape or form in accordance with his own aspiration and it can not be shapeless and formless also.

For determining whether Ram idols will stay where they are, the court framed an issue whether Ram was born at the disputed site? Whether or not Ram was born at a particular place required evidence. It is impossible to prove the birth place of a particular person born centuries before by any **evidence**. The court has held the disputed site to be birth place of Ram on the basis of "**faith**" "**Faith**" is not an "**evidence**" within the meaning of Evidence Act.

Much has been said criticizing the 6000 page Ayodhya Judgment on various aspects by eminent jurists. Many of them have expressed the view that "**faith**" cannot be the basis to determine a fact. One distinguished (Retd) Judge of Allahabad High Court Justice Kamleshwar Nath has however

written in a column of Hindustan Times (Lucknow edition) dated 1st Nov 2010 that "faith is a fact as defined in the Indian Evidence Act, it is a state of mind recognized by law". He expressed this view while adversely reacting to the speakers of the National Seminar in Lucknow on 30.10.10 in which the speakers expressed the view that 'Ayodhya, Mandir-Masjid' dispute is "**based more on faith than facts**" and is therefore "**extra -legal**". According to Justice Nath "These comments are based on ignorance, 'they do not know that **faith** is a **fact** as defined in Indian Evidence Act 1872'. It is a state of mind recognized by law." It appears that the views expressed by Justice Nath and the finding given by two judgments of two judges of Ayodhya disputes are based upon the misreading of definitions of words '**fact**' and '**proved**' in sec 3 of the Evidence Act. According to sec 3 of the Evidence Act '**fact**' means the following:

"**Fact**" - "**Fact**" means and includes -

1. **Anything, state of things, or relation of things, capable of being perceived by the senses;**
2. **Any mental condition of which any person is conscious.**

And the word "proved" is defined in the Evidence Act as follows:-

"A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought under the circumstances of the particular case, to act upon the supposition that it exists."

It is thus clear that Justice Nath and the two judges deciding Ayodhya dispute have misconstrued the words, "any mental condition which any person is **conscious**" in the definition of "**fact**" in sec 3, by saying that "**faith**" is a "state of mind" and therefore '**faith**' is a '**fact**' as defined u/s 3 of the Evidence Act 1872. They appear to have misinterpreted the meaning of the word

"**consciousness**" by equating it with "**faith**". According to the new International "WEBSTER'S COMPREHENSIVE DICTIONARY" the meaning of the word '**faith**' is given as "**belief without evidence**" and the meaning of the word "**consciousness**" in the dictionary is "the state of being conscious ;sensation; knowledge; any form of intellectual activity or its product in direct and convincing knowledge ,whether of external or internal objects".

'**Faith**' and '**consciousness**' are two different states of mind. Mental condition of which any person is "**conscious**" is a "**fact**" but a mental condition of a person having '**faith**' cannot be '**fact**' within the meaning of Sec 3 of the Evidence Act.

Mental condition is a fact but inference arrived at by a person by a process of ratiocination, being not a mental condition of that person, is not a fact. (see page 22 and 23 of **Law of Evidence** by Ratanlal and Dhirajlal 22nd-23rd Enlarged edition 2007). Since "faith" is "belief without evidence" according to its dictionary meaning,

how can a court give a finding that the people had such "faith" that Ram was born at the disputed site and how they came to acquire such faith, in what manner and since when? It was for the first time in the night intervening 22nd-23rd December 1949 that the statues of the deity Ram were placed surreptitiously in the mosque ,under the central dome .It was then that some Hindus started asserting their so called "faith" that it was the birth place of Ram and began to worship for the first time within the mosque and then obtained court order restraining Muslims to pray in the mosque .Can this fact be sufficient to hold that the disputed site was "birth place of Lord Rama as per faith and belief of Hindus" ?Obviously not.

Whether Masjid was built at the site of a Hindu Temple?

The other finding which has been given by two of the three judges is

that the Masjid was built at the site of a Hindu temple. None of the parties could lead any evidence on this issue and the finding is based solely upon the controversial report of the Archaeological Survey of India.

Paragraph 3672 and 3673 of the judgment of Justice Sudhir Agarwal read as follows: “**What lie underneath?** This question is of extreme complication ranging in a period of more than 500 years’ of history. No clear picture emerges from various history books etc. In fact, the contemporary record did not answer the issues, one or the other way, with certainty. Extraordinary situations demand extraordinary steps and strategy. In the peculiar circumstances, this Court decided to appoint an Expert body for scientific investigation, well recognized in the field of archaeology/history and ordered ASI to go for excavation at the site in question and submit report. The question formulated for ASI, was “whether there was any temple/structure which was demolished and a mosque was constructed on the disputed site.”

It is thus clear that there was no evidence for “**what lie underneath?**” It means there was no evidence to establish the fact of there ever being a temple. If excavation had not been ordered and ASI report had not been obtained the court had no option but to give a finding that there was no evidence of a temple being existing few hundred years ago. The order for excavation was passed on 5.3.2003, more than 10 years after the demolition in 1992. If the mosque had not been demolished there would have arisen no question for excavation.

The idea to pass an order of excavation struck to the Court on 1.8.02 when the Court considered the observations of D Mandal archaeologist in his book “**Ayodhya –Archaeology after demolition**”, . Para 212 of the Judgment reads as follows:

“On 1.8.2002, this Court referring to issues No. 1(b) (Suit-4), 14(Suit-5) and the reference made to the Hon’ble Supreme Court by the

President of India, noticed that one of the basic issue engaging attention of the Court in these suits is “Whether there was a Hindu temple or any Hindu religious structure existed or the alleged Babri masjid was constructed after demolishing temple at the site in dispute”. Considering the observations of Sri D. Dhaneshwar Mandal, Archaeologist in his book “**Ayodhya –Archaeology after demolition**” that sufficient archaeological material is available regarding temple –mosque prompting need for further excavation at Ayodhya, this Court required the parties to give their views/suggestions, why the disputed land be not allowed to be excavated by Archaeological Survey of India. Para 214 of the judgment reads as follows:

“The objections were considered and decided by Court’s order dated 23.10.2002. The relevant extract thereof is as under:

‘Having heard the learned counsel for the parties, we are of the opinion that we should get a report in regard to foundations, if any, of any structure at the site in question. One of the issues in suit is whether there was any Hindu temple or any Hindu religious structure existed and the alleged Babri Masjid was constructed after demolishing such temple /structure at the site in question” .

It is extremely necessary to notice here that the objections were summarily disposed of by this order on 23.10.2002 and excavation was ordered by order dated 5.3.2003 and report obtained. It may also be noticed here that on 23.10.2002 and 5.3.2003 when these orders were passed none of the three Judges’ who have delivered the final judgments on 30.8.2011, was a member of the bench. The bench was presided over by Justice S N Agrawal with Justice S. Rafat Alam and as two other Judges. Thereafter parties argued at length that the court had no power to order excavation. These arguments have been met now in the final judgement by Justice Sudhir Agrawal on which the other two judges including Justice S.U. Khan agreed. In Para 214 the judgement

says:

“The question is whether the court has power to take this course without any of the parties requesting the court for tracing out the foundations on the disputed site.....The second question is why the Court should exercise its power *suo-moto* in the matter. The reasons are twofold-Firstly, to remove any suspicion or doubt as to the facts of the case which is in dispute and secondly to find out the truth regarding contentious truth laid by the party.....The third question is why the Court should exercise its power at this stage when the evidence of all the parties have not closed as yet.....Lastly, it is contended that the report, if obtained, may not be very accurate and the exercise may be futile”. After putting all these questions to itself the Court answered these questions by observing: “As noted above, the plaintiffs of O.S No. 5 of 1999 have themselves relied upon the evidence in regard to excavation, leveling trenches laid near the site of disputed areas. It would be appropriate that the matter may be thoroughly investigated to find out the truth”. The finding given by the two judges out of three that the Masjid was built at the site of Hindu temple relying upon the controversial ASI report which was based upon excavations done during the BJP regime in the Centre was criticized by all concern. The court did not take into account all the evidence contrary to this fact turned up by ASI’s own excavation: “The presence of animal bones throughout, as well as the surkhi, lime mortar (all characteristics of Muslim presence) ruled out the possibility of Hindu temple having been there beneath the mosque by the archaeologists” says a statement jointly given by the following persons which has been published in Economic and Political Weekly of October 9, 2010.

Romila Thapar, KM Shrimali, DN Jha, KN Pannikar, Amiya Kumar, Shireen Moosvi, Jaya Menon, Irfan Habib, Suvira Jaiswal, Kesavan Veluthat, D Mandal, Ramakrishna Chatterjee, Aniruddha Ray, Arun

Bandopadhyay, A Murali, VRamakrishna, Arjun Dev, RC Thakran, HC Satyarthi, Amar Farooqui, BP Sahu, Biswamoy Pati, Lata Singh, Utsa Patnaik, Zoya Hasan, Prabhat Patnaik, C P Chandrashekhar, Jyati Ghosh, Archana Prasad, Shakti Kak, VM Jha, Prabhat Shukla, Indira Arjun Dev, Mahendra Pratap Singh, Ram Rahman, MK Raina, Sohail Hashmi, Parthiv Shah, Madan Gopal Singh, Madhu Prasad, Vivian Sundaram, Geeta Kapur, Rajendra Prasad, Anil Chandra, Rahul Verma, Indira Chandrashekhar, Sukumar Muralidharan, Supriya Verma, NK Sharma, SZH Jafri, Farhat Hasan, Shalini Jain, Santosh Rai, Najaf Haider, R Gopinath, RP Bahuguna, GP Sharma, Sitaram Roy, OP Jaiswal, KK Sharma .

These persons have demanded that the site notebooks, artefacts, and other material evidence relating to the ASI's excavations be made available for scrutiny by scholars, historians and archaeologists.

By giving this finding, the High Court has given a legal shape to the political agenda of the *Sangh Parivar* "*Mandir wahin Banaenge*" and has legitimized the Masjid demolition on 6th December 1992 giving them a way to construct a "Grand Temple" at the site of the demolished temple. The political campaign of *Sangh Parivar* appears to have influenced the judicial proceedings. In the ordinary course, the suit was to be tried by a Munsif. It was only in 1989, after the 5th suit had been filed and the two major political parties had already come in race with each other regarding *Ram Janam Bhoomi*, that the suit was got transferred to High Court, and that too to be tried by a bench of three Judges. Thereafter the composition of the bench went on changing because of retirement, elevation, transfers etc. of the Judges from time to time.

There used to be two Hindu Judges in the bench and one Muslim Judge. The first suit was filed on 16.1.1950 and the fifth and the last suit was filed on 1.7.89. It was thereafter on 10.7.89 that the High Court transferred the suits to itself. It was obviously on account of the reason

that the Mandir–Masjid controversy became a matter of high–profile politics, that the suits were got transferred to the High Court to be tried by a bench of three Judges. From 1950 till 1989, 4 suits remained pending before the Munsif and the Mandir–Masjid dispute remained confined only to be decided in the litigation in the lower court as it did not become part of agenda of political parties by then. It started becoming agenda of political parties after 1984 elections.

Justice SU Khan joined the bench by the order dated 21.12.09 of the then Chief Justice as Justice Rafat Alam (whom Justice SU Khan replaced) took oath as Chief Justice of Madhya Pradesh High Court on 20.12.09. The name of Justice Rafat Alam for being appointed as Chief Justice of Madhya Pradesh High Court was cleared by the collegiums of the Supreme Court, some time in October 2009. The Ayodhya matter had reached a concluding stage of hearing by that time. It was a matter of common knowledge in the corridors of the Bar that Justice Sudhir Agarwal had already dictated a substantial part of the judgment by then. Justice Rafat Alam took a view that as his name had been cleared for Chief Justice ship of another High Court, he would not continue to sit in the bench to hear the matter. There was no justification for him to take such a view. If he had not taken such a stand the suits could have been disposed of by the time he took oath as Chief Justice of Madhya Pradesh High Court on 20.12.09.

Justice SU Khan joined the bench with a handicap, that the other two judges had virtually heard the matter finally and had already made up their minds and also started dictating the judgments. At this stage, hearing started afresh because, it became a different bench, although, the other two judges still remained in the bench. In a situation like this, it is quite obvious that the re-hearing of all the counsel in all the suits, before a bench of three judges, out of whom the two judges had already heard the matter at great length, the third judge would not be able to cope up with

the process of deciding independently and he would be influenced by the opinion already framed by the other two judges. This aspect is reflected in the following observations of the Judgment of Justice SU Khan.

"My judgment is short, very short. Either I may be admired as an artist who knows where to stop, particularly in such sensitive, delicate matter or I may be castigated for being so casual in such a momentous task. Sometimes patience is intense action, silence is speech and pauses are punches.

I have not delved too deep in the history and the archaeology. This I have done for four reasons. First, this exercise was not absolutely essential to decide these suits. Second, I was not sure as to whether at the end of the tortuous voyage I would have found a treasure or faced a monster (treasure of truth or monster of confusion worst confounded). Third, having no pretence of knowledge of history I did not want to be caught in the crossfire of historians. Fourth, the Supreme Court, in *Karnataka Board of Waqf vs. Government of India*, 2004 (10) SCC 779 has held in Para 8 as follows: "As far as a title suit of civil nature is concerned, there is no room for historical facts and claims". It seems that Justice SU Khan was over conscious of his being a Muslim Judge, in this Mandir Masjid dispute. He also appears to have the apprehension that, there may be violent agitations by one party or the other after the Judgment, which is quite evident by the following observations in his Judgment .

"As this judgment is not finally deciding the matter and as the most crucial stage is to come after it I remind both the warring factions of the following. "The one quality which epitomized the character of Ram is tyag [sacrifice]. When Prophet Mohammad entered into a treaty with the rival group.....".

It appears that Justice SU Khan had to take a short cut on account of the aforesaid handicap. His over consciousness of being a Muslim Judge impelled him to make an

appeal to the minority community which virtually amounts to suggesting them to accept that they are Second Class Citizens in a country where the Hindus are in Majority and therefore they should accept the Majority Verdict .This aspect is reflected in the following observations in his Judgment.

“Under the sub-heading of demolition, I have admired our resilience. However we must realize that such things do not happen in quick succession. Another fall and we may not be able to rise again, at least quickly. Today the pace of the world is faster than it was in 1992. We may be crushed. “Only those species survived which collaborated and improvised” Muslims must also ponder that at present the entire world wants to know the exact teaching of Islam in respect of relationship of Muslims with others. Hostility, peace, friendship, tolerance, opportunity to impress others with the Message, opportunity to strike wherever and whenever possible, or what? In this regard Muslims in India enjoy a unique position. They have been rulers here, they have been ruled and now they are sharers in power (of course junior partners).

They are not in majority but they are also not a negligible minority (after Indonesia, India has the highest number of Muslims in the world). In other countries, either the Muslims are in huge majority, which makes them indifferent to the problem in question, or in negligible minority, which makes them redundant. Indian Muslims have also inherited huge legacy of religious learning and knowledge. They are therefore in the best position to tell the world the correct position. Let them start with their role in the resolution of the conflict at hand.”

Over consciousness of Justice SU Khan and his feeling of short coming for joining the bench late is also reflected by the following observation of his Judgment:

“Before parting I thank Hon’ble the Chief Justice CK Prasad (now an Hon’ble Judge of Supreme Court) for giving me the responsibility and

providing opportunity to me to decide this historical case by inducting me in this Bench. We are also thankful to Hon’ble the Chief Justice HL Gokhale (now an Hon’ble Judge of Supreme Court) for inducting Hon’ble Sudhir Agarwal, in this bench who is extremely laborious, very upright and considerably balanced”.

The Race between two Major Political Parties

In 1984 Elections in which Rajiv Gandhi had a clean sweep, BJP could secure only 2 seats in Lok Sabha .The Sangh Parivar started a campaign for the construction of a magnificent Ram Janam Bhoomi Temple at the site and by 1985 built up a sizeable support in the Hindu Community. In January 1986, locks were removed from the mosque and Ram bhakts were permitted to offer prayers to Ram lala. It is said that the Prime Minister Rajiv Gandhi ordered the Chief Minister Veer Bahadur Singh to do so who got the District Administration to ensure this .The two major political parties BJP and the Congress started a race on pandering to communal Hindu sentiments .In 1988, Hindutva Organizations led by the RSS organized a mass campaign for building a grand temple exactly where the Mosque stood .They claimed that the Mosque stood at the precise site where Ram was born .By the time of the fifth and final suit was filed in July 1989 the political climate had changed beyond recognition Union Home Minister Buta Singh signed an agreement with the VHP on 17th August 1989, that bricks for constructing the temple would be allowed to be brought from all over UP without hindrance and collected at the plot No. 586 near the mosque .This agreement was in violation of an order of the Allahabad High Court given on 14th August that no construction activity could be taken at that spot.

Later, the VHP announced that *Kar Sewa* would be performed to lay the foundation stone .This was also a violation of the judgment given two days ago, prohibiting any such activity .This repeated defiance ,of the orders of the court did not weigh

with the Prime Minister who inaugurated the campaign of Congress Party the next day from twin city of Faizabad , and announced that the objective of the party was to establish Ram Rajya .Soon thereafter the BJP President Advani, at Palampur, after the National Executive Meeting ,announced that the inclusion of the construction of the temple in its Election Manifesto “would fetch votes “ for it .It would thus appear that the two major political parties were in a race on this issue.

“A new dimension was added to the campaign for the construction of the temple with the formation of the Government in Uttar Pradesh in June 1991 by the Bhartiya Janta Party (BJP) which declared its commitment to the construction of the temple.....The focus of the temple construction movement from October 1991 was to start construction of the temple by way of *Kar-Sewa* on the land acquired by the Government in Uttar Pradesh while leaving the disputed structure intact, ”has been noticed by(The Supreme Court in M. Ismail Farooqui’s case,(AIR 1995 SC 605) “The judgments delivered by the Lucknow Bench of Allahabad High Court on September 30 on the Babri Masjid cases not only flagrantly violate the law and the evidence but a binding unanimous judgment of the Supreme Court on the Babri Masjid case itself (*M. Ismail Faruqui and Others Vs Union of India and Others (1994)6 Scc 360*). It sanctified the conversion of a historic mosque, which stood for 500 years into a temple.” Says AG Noorani in his article “Muslims Wronged” in October 22, 2010 issue of *Frontline*.

Noorani further says in the same article , “On the Babri Masjid ,for 60 years from 1950 to 2010, Muslims have been woefully wronged by every single court ruling ,including that of the Supreme Court after the demolition of the mosque on December 6, 1992”.

“The absence of any condemnation of the vandalism of the demolition of the Babri Masjid on December 6, 1992 is a conspicuous aspect of the

Ayodhya verdict of the Allahabad High Court.” says TR Andhyarujina, an eminent jurist and Senior Advocate of Supreme Court in his article (*The Hindu*) October 5, 2010. TR Andhyarujina further says in the same article: “The Ayodhya judgments of the Allahabad High Court make no note of the vandalism of December 6, 1992 .On the other hand ,they take the demolition as a *fait accompli*, as if the disputed 2.77 acre site was vacant land. After holding that the area beneath the central dome of the erstwhile Masjid must be allotted to Hindus because of their faith that Lord Ram’s place of birth was there ,and the areas covered by the Ram Chabutara and Sita Rasoi should be allotted to the Nirmohi Akhara, the court has said that the remaining area of the disputed site should be divided , two-thirds to the two Hindu plaintiffs and one third to the Muslim plaintiff by metes and bounds .These judgments, therefore legalize and legitimize the 1992 demolition, as the decree of the court proceeds on the basis that there is no Masjid on the disputed site today .

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

It may be noticed here that the Supreme Court in its judgment of 1994 said of the demolition: “Within a short time, the entire structure was demolished and razed to the ground. Indeed, it was an act of ‘national shame’. What was demolished was not merely an ancient structure, but the faith of the minorities in the sense of justice and fair play of the majority. It shook their faith in the rule of law and constitutional processes”.

The Muslims today are once again feeling dismayed and betrayed by legitimization of the Masjid – demolition by the Ayodhya judgment. The suits were transferred to the High Court to be tried by a Special Bench

of three Judges in the wake of a high –profile campaign ,after the trial started in the High Court ,the profile became all the more high on subsequent developments ,starting from the demolition on 6th December 1992 followed by setting up of Librahan Commission and CBI Investigation and prosecutions of LK Advani and other big-wigs ,who even came into power in the Centre and many States ,while the investigations were still going on. But for this hype ,this Judgment instead of running into 6000 pages would may well have been given only in 6 pages .The two points which required verdict in these suits were:-

1. Was the place under Babri Masjid the birth place of Lord Ram.
 2. Was there or not a temple on the land on which Babri Masjid was built.
- Justice Rajindar Sachar only 4 days before the verdict came i.e. on Sep 26 2010, in an article which was published in *JANATA* rightly said that it was impossible for any Court to give a finding about place of birth of Lord Rama and even if there was a temple on the land 400 years ago on which Babri Masjid was built, the suit would be barred by time. He said in the aforesaid article:

“I say this in view of the precedent of the case of Masjid Shahid Ganj in Lahore decided by the Privy Council in (1940). In that case there was admittedly a Mosque existing since 1722 A.D. But by 1762, the building came under Sikh rule and was being used as a Gurdwara. It was only in 1935 that a suit was filed claiming the building was a Mosque and should be returned to Muslims.

The Privy Council while observing “their Lordship have every sympathy with a religious sentiment which would ascribe sanctity and in violability to a place of worship, they cannot under the Limitation Act accept the contentions that such a building cannot be possessed adversely” and then went on to hold “The Property now in question having been possessed by Sikhs adversely to the waqf and to all interests there under for more than 12 years, the right of the mutawali to possession for the purposes of the waqf came

to an end under Limitation Act. “On the same parity of reasoning even if temple existed prior to the building of Masjid 400 years ago, suit by VHP etc has to fail”.

The controversy was thus concluded by Judgment of Privy Council in Masjid Shahid Ganj case and could have been decided by a Short Judgment.

India became Independent on 15th August 1947 .The idols were surreptitiously placed in December 1949 .The first suit was filed on 16.1.1950 .We became Republic on 26.1.1950 The first Parliamentary Elections took place in 1952. Looking back, we find that the people of this country had an urge to participate in the political process, and this was evident in the elections that took place till 1967 and then in 1977 and 1989, and even a common man could then hope to get elected, because by that time poll politics had not come in the vicious grip of casteisation, communalization and criminalization. It was in 1989, when the 5th suit was filed and all the suits were transferred to the High Court that the Poll politics came in the vicious grip of Casteisation, communalization and criminalization.In1991, when the coffers were found empty ,the Government led by Narasimha Rao with Dr. Manmohan Singh as his Finance Minister threw the country into the debt trap of the World Bank under the guise of liberalization and economic “reforms”. All these gave rise to nexus between criminals, unscrupulous politicians and corrupt bureaucrats.

After 1989 ,issues started becoming non-issues and non-issues became issues .There is a terrible economic in-equality ,disease ,illiteracy and human sufferings .Millions are exploited .We require a United India to restore our economic and political sovereignty and achieve the objectives contained in Part IV of the Constitution .

Ravi Kiran Jain is the national vice President of PUCL and a practicing senior advocate in Allahabad High Court. ▣

M.F. Husain: Victim of Intolerance

Ram Puniyani

On 9th June 2011, M.F. Husain breathed his last in a London Hospital, and was later buried in the cemetery in London as per his wish that he should be buried at a place of his death. The most celebrated painter of India, more Indian than any of his detractors died, away from his home, due to self imposed exile. This self imposed exile was due to the threats of Hindu fundamentalists. The renowned painter called by many as Picasso of India, had the fate similar to that of Picasso, who also went into self exile in the regime of Fascist Franco of Spain.

M.F. Husain's work spanned a long period, evolving with time and deeply rooted in the rich traditions of India, plural, diverse Hinduism. He was confronted as to why he does not pick up Islamic motifs for his work to which he replied that Islam has Calligraphy alone and human figures are not drawn in Islamic tradition. He came more into the news from the decade of 1980s, with the rise of sectarian politics, as the intolerant Hindutva groups started attacking his painting- exhibitions regularly. The allegation was that he is hurting the sensibilities of Hindus, and is doing it deliberately as he is a Muslim. He was abused for painting Hindu Goddesses like Saraswati, Durga, Draupadi and the one titled Bharat Mata in nude. Interestingly some of these paintings were done in 1970s or so. With the rise of the movement for Ram Temple the Hindu Fundamentalist forces became more assertive, the intolerance grew in the society, many a magazines and newspapers stated fanning the fire of 'hurting our sentiments' and that's when the followers of VHP, Bajrang Dal and Shiv Sena started attacking Husain's, exhibition, his Gufa in Ahmadabad, SAHMAT painting exhibition and so.

Later these communal forces went on filing case after case against him to harass him. The Courts ruled in Husain's favor saying that his paintings are not promoting enmity between communities in any way, and that he is well within the limits of his artistic freedom. Husain by this

time was quiet old, he was offered the security by the state but he declined to be imprisoned in the cordon of security and decided to take the citizenship in Qatar to continue his work in his own uninterrupted way, while maintaining that the Passport is a piece of paper and he remains an Indian at heart. He also missed India but it was a strong choice, to do the work in an uninterrupted way or to face the physical and mental wrath of the Hindu fundamentalists. As such he was not spared by Muslim Fundamentalists also, who had objected to his film, Meenaxi: 'A Tale of Three cities' on the charge that it blasphemes Koran.

As such Husain probably represents the best of Indian syncretic traditions and that too his rooting in Hindu mythology and culture may be much deeper than those who kept attacking him. He was born in the Maharashtrian town of Pandharpur; a place of pilgrimage for the Warkari's the followers of great Marathi Saint Tukaram. He belongs to Sulaimani sect of Shias, whose some practices are like Hindus and they also believe in the theory of reincarnation. During his childhood years he was very impressed by the staging of Ramlila and along with his Hindu friend used to enact it. He also went to study the Valmiki and Tulsidas versions of Ramayana. His quest for understanding the society led him to the study and discussion of Gita, Puranas and other spiritual texts. His rooting in liberal Hindu culture, not the Brahmanical variety, was very deep. One example we can glean from the information card which he designed for telling people about his daughter Raeesa's marriage, who did not want any ceremonies. His card showed Parvati sitting on the thigh of Lord Shiv with Shiva's hands on Parvati's breast. Husain regarded this union as the first marriage in the cosmos.

When he was in Hyderabad, Ram Manohar Lohia suggested to him to paint Ramayana. Husain was broke at that time, but he undertook this job seriously and drew 150 canvasses around Ramayana

mythology over a period of eight years. He also used to discuss with the Pundits of Kashi on the themes when drawing this Hindu epic. He regards Ganesha as one of the figures with a delightful form, a brilliant material to draw and generally before beginning on a large painting first used to draw Ganesha. The major criticism against him was and is definitely politically motivated. Being a Muslim and drawing these motifs so boldly was unacceptable to the offshoots of Sangh Parivar. As such the charge that nudity is an insult to Hindu Goddesses does not hold water as Husain pointed out that Nudity is a metaphor for purity in Hindu mythology. The example of Khajuraho cannot be dismissed on the ground that people wanted to increase the population so these were drawn, and were otherwise of no consequence to Hindu culture. As such Khajuraho paintings were expression of the prevalent culture. The painting or any other work of art has to be seen in the context of the artist and the cultural rooting of the work. Nudity can express vulgarity as well as purity, and that's where the fundamentalists of all variety show their intolerance to the extreme.

The rise of fundamentalism for various reasons has exiled the creative people, like Tasleema Nasreen, Salman Rushdi and tormented the likes of Vijay Tendulkar and Deepa Mehta in recent times. The case of Husain is a bit more unique, as here is an artist whose work on Hindu iconography is insurmountable, one who is deeply rooted in the deeper spirit of broad Hindu culture, still he has been hounded by both varieties of fundamentalists. All this has taken place while the other political formations have been so ineffectual in protecting him, creating an atmosphere where the creative people can undertake their work without any fear or intimidation. While the Hindutva party has been the blatant opponent of his work the other parties have done precious little for protecting the maestro. □

News Report:

Firing on Workers in Gorakhpur: Suppression of Labor Rights

The three-member fact-finding team comprising media persons and social activists which enquired into the incident of firing on factory workers on 3rd May in Gorakhpur city of Uttar Pradesh has raised questions on the role of the local administration and police while demanding a high-level enquiry in the incidents.

The fact-finding team which visited Gorakhpur from 19 to 21 May released its report in New Delhi. The team included Delhi-based journalist Nagarjuna Singh, political commentator and activist from Kolkata Sourav Banerjee and documentary filmmaker from Delhi Charu Chandra Pathak. The team met a number of officials, trade union leaders, workers, social activists, politicians, media persons and concerned citizens in Gorakhpur to collect facts and opinions about the incident of firing, police action on workers and the continuing labour unrest in Gorakhpur.

The report says that the immediate cause of the firing was that around 1500 workers of several factories went to New Delhi to participate in

the May Day rally organised by the Workers Charter Movement despite the opposition of factory owners. 18 leading workers of a yarn mill Ankur Udyog Ltd. were suspended. On the morning of 3rd May when some armed persons attacked the workers and were trying to forcefully take workers leader Prashant inside the factory premises, the workers protested and threw stones in their defence. This was followed by firing from within the factory gates which caused injuries to 19 workers and a girl student.

The fact-finding team concluded that the 3rd May incident is not an isolated incident but culmination of the conflict between workers and factory owners in Gorakhpur since two years. The workers are struggling for their basic rights for more than two years which has infuriated the owners. The administration is not responsive to the workers' demands. The enquiry brought into sharp focus the fact that the workers are not being heard and the callousness and repeated use of force by the administration is worsening the

situation.

The team has demanded that the UP government must order a high-level enquiry into the firing in Ankur Udyog Ltd. The report has termed the divisional commissioner's order of magisterial enquiry as preposterous because the role of the local administration in the episode is under a cloud. The other recommendations of the report include arrest of named accused of the firing, solution of problems of workers by negotiations held in cordial atmosphere with workers and their leaders, an enquiry into the compliance of labour laws in factories of Gorakhpur, enquiry into the role of the police and payment of compensation to the injured workers.

Nagarjuna Singh, Senior Sub-Editor, Hindustan, Delhi Ph: 9953623417, Email: nagarjuna.singh@gmail.com
Sourav Banerjee, Ph: 9811841341, Email: souravbanerjee25@yahoo.co.in

Charu Chandra Pathak, Ph: 9818376996, Email: charuchandra1234@gmail.com

Press Release: March 29th, 2011

NHRC Acts on Media Report on a Police Encounter in Faridabad

The National Human Rights Commission, NHRC, has taken suo motu cognizance of a media report alleging that two criminals were killed in an encounter with the police personnel of Crime Branch in Faridabad district of Haryana.

Having received no intimation about the encounter within 48 hours as per NHRC guidelines, the Commission issued notices to the Director General of Police, Haryana, District Magistrate, Faridabad, and Commissioner of Police, Faridabad to take appropriate action with regard to the investigation of the case as per the guidelines laid down by the Commission in the letter dated 12th

May, 2010 written by the Chairperson, NHRC to the Chief Secretaries of all states.

It has sought magisterial enquiry report, inquest report, post-mortem report along with report of independent investigation and explanation for not sending the intimation to the Commission about the encounter.

The report carried on the 28th March, 2011 quoted Superintendent of Police, Mr. Anil Dhawan that Nitin Sharma, a resident of village Baheen along with his two accomplices Jagdeep (Kosi) and Randhir (Kharrot) was going on the motorcycle towards Palwal from Bharatpur, Rajasthan to collect extortion money of rupees

twenty lakhs from a jeweller.

On receiving an information, police officials of crime branch Palwal started checking near Karman Border. While doing so they saw three persons on a bike and tried to stop them, but they reportedly opened fire and tried to run away. Police opened fire in retaliation, resulting in the death of Nitin and Jagdeep on the spot while Randhir managed to escape from the spot. Allegedly, Randhir is the younger brother of notorious criminal Bacchu Singh and he is also involved in the murder of a Sub-Inspector.

Information & Public Relations Officer, National Human Rights Commission, New Delhi

PUCL Punjab:

Liberate Punjab Farmers from Agrarian Debt

PUCL Punjab and Chandigarh in a meeting held on 20-02-2011 had resolved unanimously that the farmers are under debt in Punjab and some of them had resorted to unfortunate suicide due to their debt trap.

PUCL had demanded from the Punjab Govt. to liberate the farmers from Agrarian In-debt; so that the farmers may not commit to such

extreme steps. In case the Punjab Govt. fails to perform its lawful duty then the PUCL will approach the Hon'ble Punjab & Haryana High Court to redress the grievances of the farmers of Punjab.

Meeting was held at the residence of Vice President, Mr. Ravi Kant Sharma - Advocate, which was held under the Chairmanship of Mr. Roshan Lal Batta, Senior. Advocate

and Presided over by Mr. Rajindar Sachar, Retd. Chief Justice and former President PUCL. Executive Members present in the meeting were Mr. M.J.S. Sethi, AS Khaira, Ashok Nirdosh, Rattan Singh Baghi, Ramkrishan Sharma, Bhanupratap Sharma, N.S. Sitta and Mrs. Geeta Sharma.

Rajender Mohan Kashyap, Secretary, Punjab & Chandigarh ☐

News Report:

Sri Lanka's Killing Fields: a Film Documents War Crime

(Sri Lankan security forces have been accused of wide scale human rights violations while fighting Tamil militants in the northern part of Sri Lanka. Human rights activists from all over the world have demanded a through fact finding inquiry under the UN and fix the accountability and punish the guilty. The film, Sri Lanka's Killing Fields, is part of the growing evidence that warrants such an investigation.)

Jon Snow presents a forensic investigation into the final weeks of the quarter-century-long civil war between the government of Sri Lanka and the secessionist rebels, the Tamil Tigers.

With disturbing and distressing descriptions and film of executions, atrocities and the shelling of civilians the programme features devastating new video evidence of war crimes - some of the most horrific footage Channel 4 has ever broadcast.

Captured on mobile phones, both by Tamils under attack and government soldiers as war trophies, the disturbing footage shows: the extra-judicial executions of prisoners; the aftermath of targeted shelling of civilian camps; and dead female Tamil fighters who appear to have been raped or sexually assaulted, abused and murdered.

The film is made and broadcast as

UN Secretary-General Ban Ki-moon faces growing criticism for refusing to launch an investigation into 'credible allegations' that Sri Lankan forces committed war crimes during the closing weeks of the bloody conflict with the Tamil Tigers.

In April 2011, Ban Ki-moon published a report by a UN-appointed panel of experts, which concluded that as many as 40,000 people were killed in the final weeks of the war between the Tamil Tigers and government forces.

It called for the creation of an international mechanism to investigate alleged violations of international humanitarian law and international human rights law committed by government forces and the Tamil Tigers during that time.

This film provides powerful evidence that will lend new urgency to the panel's call for an international

inquiry to be mounted, including harrowing interviews with eye-witnesses, new photographic stills, official Sri Lankan army video footage, and satellite imagery.

Also examined in the film are some of the horrific atrocities carried out by the Tamil Tigers, who used civilians as human shields.

Channel 4 News has consistently reported on the bloody denouement of Sri Lanka's civil war. Sri Lanka's Killing Fields presents a further damning account of the actions of Sri Lankan forces, in a war that the government still insists was conducted with a policy of Zero Civilian Casualties.

The film raises serious questions about the consequences if the UN fails to act, not only with respect to Sri Lanka but also to future violations of international law. ☐

Organisational Queries

We receive from time to time queries/requests from new members regarding the PUCL identity card and also regarding the privileges of the Life members and Patron members as compared to Annual members.

The three types of membership, i.e., Yearly, Life, and Patron, do not represent a hierarchy of membership. All members are equal. Life membership and Patron membership simply afford an opportunity to those who desire to contribute some extra money to the PUCL to strengthen its financial position. No membership carries any privilege. All members shoulder the burden of fulfilling the aims and objects of the PUCL. The PUCL does not issue any identity cards to its members as they are not supposed to take initiative independently.

Pushkar Raj, General Secretary ☐

News Report:

Elections without Political Parties Unconstitutional

ALLAHABAD: Terming it as ultra vires to the Constitution of India, the Allahabad High Court on Thursday struck down the newly inserted provision made by the state government last year in Rule 4(2) of the UP Municipalities (election of members, corporators, chairman and mayor) rules 2010.

By inserting this new provision in the 2010 rules, the state government had made it mandatory that election to the post of members, corporators, chairman and mayor etc in the local bodies elections shall not be contested on the basis of political parties symbol.

Acting on a PIL filed by PUCL and two others, challenging the above provisions made by the state government, a division bench comprising Chief Justice F I Rebello and Justice A P Sahi, said it ultra vires to the Constitution of India and also the provisions of UP Municipality Act 1916 and UP Municipal Corporation Act, 1959.

The PIL alleges that imposing such restriction by making law in the rules by the state government was absolutely unconstitutional, as the state government cannot put such restriction that no body will be allowed to contest local bodies

election on the symbol of any political party.

The High Court had reserved the judgement on December 3, 2010 after hearing the parties at length. Senior advocate R K Jain had argued the case on behalf of the PUCL and additional advocate general Jaydeep Mathur had contested this case on behalf of the state government. The court also turned down the request of the additional advocate general, who sought leave of the court to file SLP in the Supreme Court against this judgement.

courtesy

Times of India, 5 may 11 □

Intern Report:

Protection of Women from Domestic Violence Act 2005

Deepsha Dipan Dhal*

Why was a new law required against domestic violence?

- Domestic violence is widespread and most of the times, not reported
- Remedies available to a victim of domestic violence in the civil courts (divorce) and criminal courts (Section 498A of the Indian Penal Code) were limited.
- There was no emergency relief available to the victim;
- The remedies that were available were linked to matrimonial proceedings; and the court proceedings were always long, during which period the victim was at the mercy of the abuser.
- Relationships outside marriage were not recognized.
- These set of circumstances ensured that a majority of women preferred to suffer in silence. It is essentially to address these anomalies that the Protection of Women From Domestic Violence Act 2005 was passed.

What is domestic violence under the law?

- Any act/conduct/omission/commission that harms or injures or has the potential to harm or injure will be considered 'domestic violence'. (section 3)
- Any physical, sexual, emotional, verbal, psychological, and economic abuse or threats of the same is considered domestic violence.
- Even if a woman is subjected to an act of violence just once, it will be considered as domestic violence.

Who are the primary beneficiaries of this Act?

- Women and children. Any woman who is or has been in a domestic relationship. Section 2(a)
- It empowers women to file a case against a person with whom she is or has shared a household (domestic relationship), and who has subjected her to 'domestic violence'.

- A child can file a case against their parent or parents who inflicts violence on them. Any other person can also file a suit on behalf of the children.

Do you have to be married to take recourse to this law?

- The law recognizes live-in relationships. Thus, if a woman is living with a man who abuses her, she can take recourse to the provisions of this law even though she is not married to him.
- A relationship between two persons who live, or have at any point of time lived together in the shared household, is considered a 'domestic relationship'. (Section 2(g))
- This includes relations of consanguinity, marriage, or through relationships in the nature of marriage, adoption, or joint family – thus, 'domestic relationships' are not restricted to the marital context alone.
- 'Domestic relationships' also cover sisters, widows, mothers, daughters, women in

relationships of cohabitation, single women etc. Any widow or unmarried sister or daughter who is harassed within the home can also resort to the new law.

- The law also protects women in fraudulent or bigamous marriages, or in marriages deemed invalid in law.

Under the law, against whom can you file the case?

- Any adult male member who has been in a domestic relationship with the aggrieved person is the 'respondent'. (Section 2 (q))
- The respondent can also be a relative of the husband or male partner thus, a father-in-law, mother-in-law, or even siblings of the husband and other relatives can be proceeded against.

What can you do if you are experiencing the domestic violence?

- An act of domestic violence

should take the help of a police officer, the Protection Officer or service provider.

- An aggrieved person or a Protection Officer or any other person on behalf of the aggrieved person may present an application to the Magistrate seeking compensation.
- She can get relief from Protection Orders, Residence Orders, Monetary Relief, Custody Order for her children, Compensation Order and Interim/ Ex parte Orders. (Section 18-23)

What are the main rights and remedies of a woman as recognized by this law?

- A victim can continue living in the shared household with her husband/partner even when the dispute is on. (Section 17)
- The law provides that if an abused woman requires, she has to be provided alternate

accommodation and in such situations, the accommodation and her maintenance has to be paid for by her husband or partner.

- The law recognizes the need of the abused woman for emergency relief, which will have to be provided by the husband.
- The accused has to pay monetary relief to meet the expenses incurred and losses suffered by the victim.
- The accused will have to pay a lump sum payment or monthly payments for maintenance.
- The offences are non-bailable and punishment for violation of the rights enumerated above could extend to one year's imprisonment and/or a maximum fine of Rs 20,000.

**Deepsha Dipan Dhal, 1st Year student of Law from KIIT University interned with the PUCL national office during May-June 2011. □*

Cont. from pg. 20

- (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.

8. State and District Branches:

- (a) With the sanction of the General Secretary, who in this matter will act in consultation with the President, members of any State may set up a state branch.
- (b) As far as possible, in consultation with the General

Secretary of the PUCL, the same pattern would be adapted at the State and district level for their functioning and elections.

- (c) A State Council and State Executive Committee of the branch will be elected, as far as possible, according to the procedure laid down in Clause 7 above, in consultation with the General Secretary.
- (d) The provisions analogous to clauses 4, 5, 6, and 7 above shall govern the State Convention, The State Council, the State Executive Committee, and the office-bearers of the State branch.
- (e) Out of the membership fee collected in any State, one-third shall be sent to the National office and two-third shall remain with the State branch and shared equally with the district branch

concerned.

- (f) In case of Life members and Patrons members, 40% of the amount will be sent to the National office. The entire amount of such members enrolled directly with the Central office will be kept there.

9. Supplementary Rules:

Supplementary Rules for the organisation shall be made by the National Executive Committee as and when necessary.

10. Amendments:

The National Council will be entitled by the vote of a majority of its total membership to alter any part of this constitution except the aims and object of the organisation and the criteria of membership as specified in clause 3(a) above. □

PEOPLE'S UNION FOR CIVIL LIBERTIES

MEMBERSHIP FORM

The General Secretary,
People's Union for Civil Liberties

Dear friend,

I subscribe to the aims and objects of the *People's Union for Civil Liberties* and agree to abide by its Constitution. Please enroll me as a member.

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

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

I am not a member of any political party/I am a member of(Party).

Name :

Address :

.....

.....

State : Pin Code :

Signature

Note : Please send money in the name of the '**People's Union for Civil Liberties**', preferably by **DD/ MO**. In case of **outstation cheques, please add Rs. 70/-**. Normally, send the form to the State/local branch. **National Office:** Dr Pushkar Raj, General Secretary, PUCL, 270-A, Patpar Ganj, Opposite Anand Lok Apartments (Gate-2), Mayur Vihar-I, Delhi-110091 (Phone: 011-2275 0014)

Constitution of the PUCL

Contd. from last issue of the PUCL Bulletin, June 2011:

6. The National Executive Committee:

- (a) The National Executive Committee will look after the growth and work of the organisation, in conformity with the policies and programmes adopted by the National Convention and the National Council.
- (b) The National Executive Committee will promote the formation of branches of the organisation in every State in India.
- (c) The National Executive Committee will promote the policies and programmes of the organisation during the interval between two National Conventions and meetings of the National Council.

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.

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Office : 270-A, Patparganj

Opp. Anandlok Apartments

Mayur Vihar-I, Delhi-110091

Tel.: 22750014. Fax:(PP) 42151459

E-mail : puclnat@yahoo.com

puclnat@gmail.com

Website : www.pucl.org

PEOPLE'S UNION FOR CIVIL LIBERTIES