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(Justice) Ram Bhushan Mehrotra Is No More

(Justice) Ram Bhushan Mehrotra, a retired judge of the Allahabad High Court and former state President of the Delhi and the U.P. branches of the PUCL is no more. He breathed his last at about 10 pm at his Allahabad residence 3 Patrika Marg on 10 December 2012 at the age of more than 78 years leaving behind him a vacuum which cannot be easily filled.

Justice Mehrotra was born on 3 July 1934 at Kalpi, district Urai (Jalon) in the Bundelkhand region of Uttar Pradesh. After completing his early education at Urai and Jalon, he graduated from the Christ Church College, Kanpur and obtained his law degree from Kanpur University during which period he also came into contact with the socialist thinker Surendra Mohan. Even during his school days he was greatly influenced by the ideas of Dr. Lohia, Raj Narayan, Ramsevak Yadav, Commander Arjun Singh Bhadauria, Prof. V. D. Sahi and Chandrashekhar which drew him towards the socialist values. After practicing in various courts he was appointed a Judge of the Allahabad High Court in 1990 and after retirement started practicing in the Supreme Court during which period he came into contact with other socialist leaders like Kishan Patnaik, Ravi Rai and Madhu Dandavate. At the time of his death he was an important member of the Socialist Party (India).

Justice Mehrotra was a strong proponent and crusader for an equitable society based on freedom and respect for all individuals irrespective of his or her caste, religion, language, sex or place of birth. He was firm in his beliefs but very soft in his dealings. Although he had a strong faith in the political institutions, he was open for suggestions and discussions and believed in reaching a consensus based on rational thinking and persuasion before launching any programme. His approach was all-inclusive and he would not let anybody be alienated, as a result of which he commanded everybody's respect and love equally.

As the President of the Delhi PUCL he took up the cause of the minority community living in the Seelampur area of Delhi and started many programmes of Human Rights awareness in the area. The people of the area still remember him with respect for the fact-finding inquiry and the relief he could secure for the family of a Muslim young man who was brutally killed by some policemen in that area. He also took upon himself the task of fighting for the rehabilitation of thousands of the poor living at the Yamuna Bank whose shanties were burnt down to ashes in a major fire which had broken out there. He was also a member of the Editorial Board of the PUCL Bulletin.

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PUCL Press Statement on Delhi Gang Rape

PUCL strongly condemns the brutal, bestial and savage sexual assault of a 23 year old girl in a moving Delhi bus on 16th December leaving her battling for life. We also condemn the unprovoked, unacceptable, unlawful and brutal attack launched by the Delhi police on 23rd December, on thousands of citizens, protesting against state inaction in the rape incident in and near India Gate and the continuing attempts by state police to crush the growing agitation by young people.

The response of the Union Home Minister, Chief Minister of Delhi and the Prime Minister, has been both belated as also insensitive, mechanical and sometimes even farcical as when the Union Home Minister used the Maoists as an alibi for not meeting and addressing the agitators. The political executive has failed to understand that the agitation is not in respect of this one incident alone. The agitation is symbolic of the loss of trust and confidence of people of this country in the criminal justice institutions and the people managing them. For decades now, every single institution without exception has been manipulated and subverted with impunity and citizens are no longer willing to trust persons in power - whether ministers, bureaucrats or police officials.

The agitation has also to be seen in the context of increasing incidents of aggravated sexual assaults on young girls, some as young as 5-8 years old across the country. The situation of rape and sexual violence is particularly severe in rural areas where on a daily basis, there are reports of women from Dalit, minority and economically vulnerable sections suffering violence and sexual assault at the hands of men, on the streets, in work places and other social spaces. This apart, the sexual violence on sexual minorities, transvestites and others is also very worrisome. Most such cases never make it to national media and do not become subject of mass action in urban cities. While we welcome the

mass outpouring of support to the Delhi sexual assault survivor we also urge concerned citizens nationwide to become continuously engaged with the larger issue of violence against women in each state, city and locality.

However the issue of sexual assault and violence against women cannot be addressed merely by better policing and more security for women. Very often it is the police and the security guards who become threats to women's safety considering the current experience of sexual assaults on women and men within police stations and by armed forces. The issue is symptomatic of a much larger, complex social phenomenon. Rapes and sexual violence will have to be seen in the backdrop of rising male intolerance to assertion of independence, self reliance and empowerment of women, in the work arena, professional and social spheres. Questioning of patriarchal values of male superiority, domination and gender discriminative practices are amongst many other social and economic factors responsible for increasing sexual assaults.

PUCL strongly opposes the demand to introduce death sentence as a penalty for rape. Demanding death sentence for rapists is not going to solve the problem of increasingly brutal and bestial sexual violence. Worldwide, as also in India itself, there is no scientific evidence that death penalty acts as a deterrent. By the same token, neither are other measures such as castration of rapists useful or relevant as punishment, as put forward by a number of groups.

It is also pertinent here to point out that punishment is only the last link in the criminal justice system. Conviction and sentencing is dependent on the strength of the prosecution which is in turn dependent on proper investigation. So amending law to have harsher

punishment is a non-starter when a large percentage of cases end in acquittal when investigation and prosecution are often compromised deliberately.

The subversion of law begins from the stage of registration of FIR, medical examination of survivors of sexual assault as also the perpetrators, forensic science reports, witness statements, identification of accused through 'identification parades', letting in evidence in court, threat and buying up of witnesses and trial proceedings. We should also not forget the collusion, indifference and inefficiency of 'Public Prosecutors' in the conduct of trials. This subversion is apart from inherent patriarchal attitudes and prejudices of investigators, prosecutors and judges alike. It is only cases which surmount these hurdles which results in conviction and punishment. Thus without addressing these systemic issues, merely demanding new, more stringent laws and harsher punishment is a simplistic approach and no solution.

PUCL firmly believes that apart from punishing perpetrators and providing support to the survivors there is a need for a national level debate on the issue of violence against women across a whole range of issues - starting from language and discourse and spanning social, economic, cultural and psychological factors resulting in the commission of crimes against women. There is an urgent need for men and women from all sections including scheduled castes, religious and sexual minorities to understand, analyse and find solutions to the issue of sexual violence on women. In the end, the ultimate aim should be prevention of crime against women and not just punishment.

Prof. Prabhakar Sinha, President;
Dr. V. Suresh, General Secretary,
National PUCL

24th December 2012

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Justice Mehrotra will always be remembered with respect and love by those who had worked with him for the protection and promotion of

civil liberties and the rights of the people, particularly of the marginalized sections of our society, thanks to his socialist leanings. The whole PUCL family pays its respects

to his memories and sends its condolences to his bereaved family members and friends.

Mahi Pal Singh, Secretary,
PUCL ☐

PUCL Chhattisgarh:

Statement on the Second Death Anniversary of Shri Surendra Mohan

On the occasion of observing the 2nd Death Anniversary of Late Sri Surendra Mohan ji, we, on behalf of the Chhattisgarh unit of People's Union for Civil Liberties (CG-PUCL), would like to remember the creative and critical contributions that he made to the socialist movement in particular, and people's movements in general. His departure from this world in 2010 was a big loss for all those struggling for the creation of a new society based on peace, justice, equality, dignity, freedom and democratic values. In these trying times of general degeneration of parliamentary politics, and decay of pro-people's policies and programmes, Surendra Mohan ji was known for his commitment and courage to stand by the socialist principles, personal and public integrity. He was not only a political leader and ideologue of the socialists but an activist who was concerned about the issues of farmers, workers, dalits, tribals and all those living on the margin of current development

paradigm and stood in solidarity with people's movements all over the country. Even at the age of 84, he was mentally alert, physically active and spiritually creative.

In Chhattisgarh, the toiling masses, progressive intellectuals, social and trade union activists remember Surendra Mohan ji for his continuous engagement with various social movements, especially in taking bold and courageous stand during the Emergency Rule in India. And, thereafter, through many of his solidarity statements and actions with the workers-peasants' struggles under the banner of Chhattisgarh Mukti Morcha, and human rights struggles under the People's Union for Civil Liberties (PUCL) - of which he was also one of the founder members - Surendra Mohan ji is identified with the people's hopes and aspirations for the creation of a New Chhattisgarh and for A New India! Needless to say here, his untiring and dedicated life and work inspired many organisations and activists in

Chhattisgarh. He is definitely missed by all of us, young and old alike in the movements for providing encouragement and ideas at the time when it was needed most, like the assassination of Comrade Shaheed Shanker Guha Niyogi, and the anti-democratic and un-constitutional onslaught by the State on the human rights defenders like Dr. Binayak Sen, Ajay T G, etc.

We remember the great soul Surendra Mohan ji on the occasion of 2nd Death Anniversary, and express our solidarity with all those who are creatively struggling to keep alive his ideas and actions that would continuously strengthen and inspire our collective struggles for a better world! We are encouraged by these efforts under the leadership of Ms. Manju Mohan ji, who is dedicated to carrying forward his ideas and actions!

Lal Johar!

Ms. Sudha Bhardwaj, General Secretary; **Rajendra Sail**, Former President (PUCL Chhattisgarh) ☐

Menace of Corruption in India - The Way Out **Justice Rajindar Sachar**

CAG Vinod Rai's pained expression on the Brazenness of government decision obviously referred to the way decisions have been taken resulting in corrupt deals in the matter of Telecom, coal allocations, miscues of allotments of land on political grounds, has understandably touched the raw nerve amongst the politicians, though it has been welcomed by an average person.

Corruption is not merely a moral

question. It eats into the vitals of the economy and leads to the loss of faith in the principles of equality and honest administration.

In its 2008 study, Transparency International reports about 40% of Indians had first-hand experience of paying bribes or using a contact to get jobs done in public office.

In 2011 India was ranked 95th out of 178 countries in Transparency International's Corruption

Perceptions Index. The World Bank aid programs in India are beset by corruption, bad administration and under-payments. As an example, the report cites that only 40% of grain handed out for the poor reaches its intended target.

Despite its best intentions, MGNREGA is beset with controversy about corrupt officials pocketing money on behalf of fake rural employees.

A November 2010 report from the Washington-based Global Financial Integrity estimates that over a 60 year period, India lost US\$213 billion in illicit financial flows beginning in 1948; adjusted for inflation, this is estimated to be 462 billion in 2010 dollars, or about \$8 billion per year. The report also estimated the size of India's underground economy at approximately US\$640 billion at the end of 2008 or roughly 50% of the nation's GDP.

If corruption levels in India were reduced to levels in the developed economies such as the United States, India's GDP growth rate could increase by an additional 4 to 5 percent, to 12 to 13 per cent each year. C. K. Prahalad the Management Guru estimates the lost opportunity cost caused by Corruption, in terms of Investment, Growth and Jobs for India is over US\$ 50 billion a year.

Though loud proclamations are made by Central Government to fight the menace of Corruption, in fact the disease has increased and corruption index has reached the summit with the involvement of politicians and high government officials - this was to be expected when the Central Governments un-embarrassingly adopted globalization as the first Mantra from the Prime Minister downwards, and equating the prosperity of the country by taking pride in pointing out that Indian Billionaires were included in the Forbes Fortune, while shamefully omitting to mention that even in Delhi which is supposed to have the highest per capita income in the country, but the ugly reality is that 70% of its population are able to spend only Rs. 50 per day, which is now accepted as the poverty level, by the government itself. Such horrible inequality in the country is only possible by the ill-gotten wealth, made possible by corrupt polices by

the political parties in power.

Thus we have the corruption scandals of India Coal Mining to the extent of Rs. 186,000 crore, Rs. 176,000 crore of 2G spectrum scam. Not to be left out the other major party has scam of Rs. 200,000 crore, from Karnataka illegal mining scams.

It is a truism that maximum corruption is done by close friends and relatives like son, son-in-law, of politicians because of their closeness to the powers that be. But then instead of finding honest answers, the Congress leader Digvijaya Singh has unabashedly propounded self serving formula - namely that political parties should not even refer to the acts of corruption purportedly done by relations of opposite political leaders much less to their own on the patently fallacious plea that parents or parents in law can not be held responsible for the corruption done by their relations. How very convenient for political parties. But this unashamed, unacceptable plea by politicians was rejected as far back as 1964 by S.R. Das (Chief Justice of India) Enquire Commission, which held against the conduct of S. Pratap Singh Kairon, the then Chief Minister of Punjab. I appeared as a lawyer for the memorialists before the Commission. The Commission in its report trashed Kairon defense and observed; "The main Charges related to the sons of Kairon in enriching themselves by misusing the State Machinery - the complicity of Kairon being established by his remaining silent and not taking any steps to prevent it". (On Mr. Digvijaya Singh philosophy Kairon would have been blameless).

But Commission exploded this self serving excuse put forth by Kairon that it would be unfair and unjust not to permit a person to do business simply because he happens to be

son or son-in-law of a person in authority; To this Das Commission caustically ruled thus, " Kairon's case was that the alleged misconduct and misdeeds of his sons had not been brought to his notice, else he would have warned them.

This was a patent absurdity. The Commission is free to concede that a father cannot legally or morally prevent his sons from carrying on business, but the exploitation of the influence of the father who happens to be the Chief Minister of the State cannot be permitted to be made a business of. Such exploitation cannot possibly be a legitimate business and the father's influence and powers cannot be permitted to be traded in. Even assuming he personally had not lent a helping hand in relation to them, the least he could do was to give a stern warning, in private and if necessary publicly, to his sons, relatives, colleagues and subordinate officers against their alleged conduct even if such conduct had not been proved to be true. But, as his own affidavit shows, he made no inquiry, gave no warning to anybody and took no step whatever to prevent its recurrence but let things drift in the way they had been going, assuming he had no hand in it. The allegations stared him in the face; he paid no heed to them. He cannot now plead ignorance of facts. In view of his inaction in the fact of the circumstances hereinbefore alluded to, he must be held to have connived at the doings of his sons and relatives, his colleagues and the Government officers". In face of this findings Kairon had to resign.

Do political parties need any other precedent for action if they are genuine in eradicating corruption from public life?

Dated: 22/11/2012 □

Twenty Years of Babri Masjid Demolition

Asghar Ali Engineer

On 6th December 2012 it will be 20 years as it was demolished on 6th December 1992. Demolition of Babri Masjid was preceded and followed by horrible communal violence. In which thousands of people were killed. In Mumbai alone more than 1000 people were killed and many more in riots that occurred in other places. The kar seva, It is important to note, was supposed to be absolutely peaceful that no less a person than Atal Bihar Vajpayee had publicly promised that kar seva in Ayodhya on 6th December 1992 would be just recitation of bhajans (i.e. devotional songs) and so BJP be allowed. Shri Kalyan Singh, the BJP Chief Minister of U.P also gave similar assurance. Mr. Narasimha Rao was the Prime Minister then and he took Vajpayee's promise seriously and allowed kar seva.

But Kalyan Singh, Chief Minister of U.P allowed hundreds of thousands of BJP members and supporters to enter Ayodhya. No attempt was made by Kalyan Singh on one hand, and BJP leaders at Central level, on the other hand, to control the crowd. And when the Supreme Court held him guilty of not preventing crowds from entering Ayodhya and sentenced him to a day's sentence, he said I am proud of going to jail for a cause. In fact the crowd and leaders like L.K. Advani, M.M. Joshi, Uma Bharti and several other senior leaders went to Ayodhya and made provocative speeches. In fact all of them had gone with all preparation to demolish the mosque. Such is the character of communal forces. They can tell lies to serve their so-called cause and have absolutely no compunction in causing death and destruction.

In fact demolition of Babri Masjid was a pre-planned conspiracy on the part of the Sangh Parivar. Some knowledgeable people also point out that even Vajpayee, though not part

of the conspiracy, but certainly knew that the mosque would be demolished and the whole atmosphere was such that he made no attempt to stop it. He was in Lucknow on 5th December when all the preparations were going on for demolishing the mosque.

The Hindi media was whole-heartedly with the Sangh Parivar and was in favour of demolition and was referring to the mosque as 'controversial dhancha' (i.e. structure) and not as mosque. For all practical purposes it was a 'temple', not a mosque. In North India (not so much in South) sentiments in favour of demolition were running very high and when mosque was demolished there was great celebration. According to one secular activist from Kanpur, fireworks were displayed in many parts of U.P. as if it was Deepavali and according to noted journalist Mr. Praful Bidwai who happened to be in Lalbahadur Shastri Academy, Mussoorie, the IAS, IPS, IRS trainees also celebrated the demolition with great enthusiasm.

In fact The Sangh Parivar polarized Hindus and Muslims as it happened at the time of partition and the Parivar, through its powerful propaganda machine had convinced the average Hindus that very existence of Babri Masjid in Ayodhya was shame for India and symbol of their 'slavery' of Hindus to the Mughal rule. For Sangh Parivar demolition of mosque was necessary for its coming to power. No other Party in the world, as far as I know, ever made demolition of any historical structure as part of political agenda as BJP did. It is unfortunate that some Muslim leaders also made emotional speeches and aggravated the whole issue. More emotional statements they gave, more it strengthen Sangh Parivars' hands. No serious attempts were made by these Muslim leaders to defuse the issue through

constructive dialogue for which some moderate Hindus were ready.

Only saner voice came from the left leaders and some secular noted historians from JNU like Prof. Romila Thapar, Professors Satish Chandra, Harbans Mulkhia, Bipin Chandra, Irfan Habib and others. They brought out a pamphlet in which the Sangh Parivar theory that there ever was Ram Mandir in place of Babri Masjid was effectively refuted through concrete historical evidence. One IAS officer Mr. Shersingh who had done his M.A. in history write a book to show Ayodhya never existed there and in those days when Ram was supposed to live there was dense jungle. He showed it existed where modern Afghanistan did. However, in that surcharged political atmosphere there was no one to listen to reason.

Most of the Muslims doubted the integrity of Prime Minister Narsimha Rao who was thought to be inclined towards Sangh Parivar ideology. Even late Arjun Singh expressed his displeasure against Narsimha Rao for not instructing security forces to stop demolition of the mosque and was stationed 11 kms away from Ayodhya. If Rao wanted these forces that had made contingency plan to stop demolition could have done so. Their commander of these security forces himself told me at Mount Abu in CRPF Training Academy and explained with the help of maps in one of the workshops of CRPF after demolition of the mosque. He regretted that we waited for instructions from PMO but nothing was received until the demolition was complete. Some people close to the Prime Minister Rao maintained that Rao wanted mosque to be demolished so that most important propaganda issue of Sangh Parivar will vanish in thin air. Even if it were so it was at a great cost of innocent human lives. In those days India almost came very close to fascism.

Apart from this, what was most shameful was that not a single person was punished for such hooliganism and for demolition of an old and historical monument. When the democratic and secular forces put BJP to shame for its vandalism, Shri Advani tried to wash his hands off by saying it was 'saddest day of his life'. In fact it was Advani who was the chief campaigner of building temple in Ayodhya and took out a Rath Yatra through the country, which, according to Times of India, turned into 'blood yatra' leaving trail of blood on its path in the form of communal riots. The Rao Government, as usual, appointed Liberahan Commission, which took more than 16 years to submit its report, and gave Rao, as expected, a clean chit. Such Commissions are appointed to put off any effective action and take years and tons of money to produce nothing concrete. In fact they are appointed to kill time and to let the real culprits off the hook.

The CBI court also could not fix responsibility and Sarvashri L.K. Advani (who really provoked India wide emotions through his Rath yatra), M.M. Joshi and Katiyar, Kalyan Singh and others are roaming freely though there is lot of evidence available including eyewitnesses to prosecute them. The NDA led by BJP

came to power in 1999 and CBI was under Mr. Advani's charge as Home Minister and so how CBI dare take action against its own boss. After it was defeated in 2004 and UPA led by the Congress was elected there was some move initially as CBI moved Bareilly Court but nothing concrete came out of it.

I think there is some secret understanding between ruling parties not to breath down each other's neck so that they can freely play their political games without any fear. In fact no democratic country would allow such hooliganism as in Ayodhya in 1992. In the first place no such thing would have happened if Rao Government had taken effective steps by stopping hate speeches being delivered by Advani, Joshi, Uma Bharti, Katiyar and others.

And having demolished the mosque the culprit at least should have been punished to redeem our democratic values. What is equally regrettable was Allahabad High Court's judgment in September 2010, which divided the land on which Babri Masjid stood rather than deciding the legal title of the land for which case was filed. Now the appeal has been pending in the Supreme Court. Let us hope the highest court of the land will do justice. The Supreme Court judgment should be accepted by all the parties

in all sobriety. That is the only sane approach left now.

It is also important to note that demolition of Babri Masjid proved to be a blessing in disguise, as it always happens, and Muslims realized they must concentrate on their real problems like education and economic development. Both the Sangh Parivar and their own leaders had entangled them into emotional problems detracting them from their real problems. This realization had done immense good and many educational institutions came into existence since then.

However, unfortunately education is not an independent factor. It is dependent on economic factor. The poverty among Muslims is so overwhelming (according to Sachar Committee report Muslims have slipped below Dalits in matters of employment and economic development) and hence without addressing this problem of poverty it would be difficult to address the problem of higher education especially in these days of privatization and liberalization. Only Government intervention could help and that is not easy as political leadership among Muslims is not competent at all and non-Muslim secular political leadership is not keen at all. Well let us see how things develop. □

Human Rights Education- Why Necessary?

D.L. Tripathi*

Right to education has now acquired the status of Fundamental Rights as enshrined in our Constitution. Now the time has come that Human Rights Education should become the necessary part of teaching in Schools and at higher educational levels. The necessity is to introduce it right at the Primary Stage. It is basically a stage where from a child is grown to boyhood and youth. Here he comes across all cultural, customary, traditional practices and learns them owns them and

practices them. These get fixed in his mind and he behaves accordingly. You can try to remove the adverse features prevailing in Casteism but this is a big task. The Result is that when one grows elder he follows that behavior and temperament in the matter of untouchability, caste traditions attendant with all ills, Communalism etc. He no more remains basically by nature attuned to the goal of secularism, brotherhood and equality - to contribute to our body politic. Equality

and Fraternity the Pious goals set in our Constitution look imaginary when faced with the reality otherwise. It is therefore, necessary to produce secular and more responsible citizens wedded to human rights.

Dr. Ambedkar considered caste as the sole and primary reason for social inequality and asserted for its annihilation. Even Gandhi ji endeavoured to eliminate caste based discrimination in India through basic Education, which he proposed to Wardha Conference of Congress

in 1937. Kothari Commission on Education too felt the necessity of a common school system for everybody but his recommendations remained only on papers. Today Education has become a commodity- higher you pay better you purchase even at the grassroots level. Whereas we find the world over that in most of the countries UK, USA, OECD etc. nowhere the Primary School Education is left to private sector because it is here that the foundation for patriotism, brotherhood, harmony and fraternity is laid down. In India it has become a business even to the remotest village that private primary schools are operating without any code of the values they imbibe in the tender minds. Human Rights Education is on their Agenda and finds space in their curricula.

The International Congress on Teaching of Human Rights (Vienna-Austria-1979) underlined that Human Rights Education and Teaching must aim at: "Fostering attitudes of Tolerance, respect and Solidarity-providing knowledge about human rights and developing the individual's awareness of the ways and means by which human rights can be translated into social and political reality."

Second Congress of 1987 (Malta) defined guidelines for human rights education at international, National and Regional levels and stressed the necessity to create a complete system of human rights teaching and education with the broad participation of public organisations and the media. The third Conference held in Montreal-Canada in March 1993 stressed the intrinsic link between human rights and Democracy. It declared that human rights are universal, indivisible, interdependent and interrelated that the international community must treat these equally.

On the call of Vienna Conference UN decade for Human Rights Education (1995-2004) was proclaimed. Under

Plan of action UNESCO was assigned the role for design, implementation and for evaluation of projects. In 1995 a close cooperation was envisaged between the UN & UNESCO for human rights education. UNESCO's long-term objective is the creation of a comprehensive system of education for Human Rights, Democracy and Peace embracing all levels of education. This goal can only be achieved with the combined efforts of all concerned in the society.

The NHRC made efforts to ensure that education at all levels does incorporate human rights issues thereby imbibing human rights values and setting up a culture of respect towards human rights in society. It is at the direction of the NHRC that efforts have been made since 1999 to bring about human rights education module at various levels of higher education for introduction in Universities and in colleges, but at formal education level the success appears to be quite distant. The UGC introduced the model in the year 2001 in various colleges and universities. It is due to the glaring judgments of the SC that Human Rights education has become an important area. Today The Armed Forces, Police Training Institutions and other Agencies have introduced human rights education in their curriculum. Also there is need to encourage and promote human rights education awareness among professional groups such as Medical, Engineering, Management and basic Sciences etc.

The National Policy on education (1986- revised in 1992) has laid down considerable emphasis on value-based education. With the rights education duties education has to be the part of the syllabus. Article 51-A contained in Part IV of the Constitution deals with the fundamental duties. Today our society has reached a stage where a very few percentage of people have access to the major resources while

the billions of people - the Women, the Children, the deprived classes have a remote possibility of access. How long this can continue? This situation is encouraging the source of crime and violence witnessed in daily happenings. Here lies the dire need to know the rights and duties. This can be possible only through human rights education being imparted at all levels. This would lead us to achieve our cherished ideal of a democratic free society with a welfare State wherein all people irrespective of any caste or creed would be able to live together in harmony and with equal opportunities without discrimination. At the close of UN decade it has come up with World Programme for Human Rights Education with special focus on Primary and Secondary Schools (2005-2007 till extended). The basic concept behind the World Programme for Human Rights Education is to create and achieve stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. The Institute of Human Rights Education, Madurai is doing tremendous work in this direction. In many of the districts in 11 States of India the Institute has endeavoured to start and conduct human rights education in hundreds of schools for 6th, 7th and 8th standards. The NCERT has constituted a Committee to formulate a Syllabus for human rights course as a subject (optional) at the Senior Secondary level. Institute of human rights Education - Madurai is the significant contributor in this task. Lot of efforts are being made at every State level by the units of IHRE. Ajmer being the head office to further the cause in Rajasthan- Sister Geeta Carol as director headed by Justice SN Bhargava and assisted by many dignitaries the Programme has progressed at many centres in the State. But this is only limited to Private Schools so far.

The State government though

approached on umpteen occasions needs to take steps to introduce the subject of human rights at least up to Secondary level. Lot of dividend could be reaped in maintaining peace, harmony and also in the matter of imparting Social Justice. The recent decision of the centre to

introduce lessons on various facets of RTI Act in School curriculum through NCERT to create awareness and transparency is welcome. With this it is imperative today to include Human Rights Education chapters with necessary role modules with RTI. This would meet India's

commitment to all Covenants and declarations etc. at international level.

**D.L. Tripathi, Vice-President, PUCL Rajasthan, Member- Institute of Human Rights Education, State Advisory Committee. □*

XI PUCL National Convention, 1st-2nd December 2012, Jaipur

1. Message of the then General Secretary, read out at the Convention

Dear colleagues

I regret not being in this PUCL XI national convention. However in thought and spirit I find myself one amongst you and feel equally for the preservation of our cherished freedoms and constitutional guarantees and the role that PUCL as an organization can play towards achieving that goal.

Like all of you, I take pride in being part of the organization and believe that for conferring the due recognition to the human worth, dignity and rights by the society and the government we have a long way to go. The way forward is through the perseverance and constant struggle. In this movement, PUCL as a membership-based organization, which is spread across the country, is a very significant medium to create positive conditions for the change that we envisage.

As a society and country we are going through a transition. Forces that have thrived on oppression and suppression of weak and vulnerable

are under challenge and they are striking back aggressively with resources under their command to maintain an order that benefits them. We all are aware that caste violence, religious fundamentalism, resistance to political, electoral and governance reforms, intimidation and incarceration of RTI activists and human rights defenders is manifestation of a class aspiration to maintain the status quo and continue to treat a vast majority less than humans.

In such an environment role of organizations like PUCL becomes significant as well as challenging. It gives us opportunity to reflect on our existing strengths and weaknesses, more on weaknesses so that fixing the loose ends we emerge stronger and have greater impact. For this we must strengthen ourselves organizationally becoming more expansive, inclusive and active. We must strictly adhere to organization's internal processes like regular meetings, followed by action and periodic evaluation, the first and last

being critical. This constant questioning at all the levels will lend us internal cohesion assisting us make strategic social and political impact. Presently, I believe that there is adequate understanding on this within the organization and a dialogue is on internally. However we need to deliberate how it may be given a functional shape leading to the required objectives and impact.

In the end, I must add that I am conscious of the fact that it is easy to talk about human rights (in India) sitting in a country where they are an activity that occupies people on weekdays from 9 to 5. It is much more daunting out there in the field and my respect for every member of PUCL who works for them and cherishes a dream of a better world remains intact.

I wish the new team of national office bearers and the national convention all the best.

Pushkar Raj, National General Secretary, PUCL

Melbourne (Australia), 30 November 2012. □

2. The President's Inaugural Speech at the Convention:

PUCL and the Challenges before the Human Rights Movement

Prabhakar Sinha

I would like to urge the convention to pay special attention to the worsening human rights situation in the country, the state of our organisation and the strategy to meet the formidable challenge before the human rights movement. It is a paradox that instead of being more respectful to the right to life, personal liberty and other democratic rights of its citizens than the colonial

government was to its subjects, the governments in democratic India treat them with utter contempt. In fact, independent India has far more draconian laws than their predecessor both in number and their ferocity. The Rowlett Act (which led to the massacre at Jallianwalabagh in 1919) is liberal compared to MISA (The Maintenance of Internal Security Act, 1971), TADA (The

Terrorist and Disruptive Activities Act, 1984), POTA (The Prevention of Terrorism Act, 2001), UAPA (The Unlawful Activities Prevention Act, 1967) and a plethora of equally or more draconian laws enacted by the states. Under the Rowlett Act, thousands could not be detained in one swoop as had been done under MISA or TADA nor could one be detained on the orders of thousands

of designated officers. A case under it could be initiated only by the local government, and the cases of persons under this Act had to be heard by a bench of three High Court judges and not by ordinary courts. This was done to ensure that the accused received justice because he was denied the assistance of a lawyer or the right to appeal. In contrast, thirty five thousand persons were preventively detained under MISA and seventy six thousand under TADA. Nineteen thousand were detained in Gujarat, where there was no trace of terrorism in 1980s. There was no outrage against the well-known detention of such a large number of innocent persons. In fact, it has been the practice of the governments in independent India to acquire unbridled power capable of arbitrary use by enacting draconian laws under the pretext of a need to solve some difficult problem, and then to misuse them for repressing popular movements or other purposes for which the law was not enacted. These laws are deliberately designed to be applicable to even the most innocent person and to ensure that its victims have no chance of early bail and very little chance of an acquittal. For example, when Vaiko (a Tamil Nadu M.P., who was part of the NDA and had voted for POTA) was detained under POTA by Jayalalithaa, neither the Prime Minister nor the judiciary could help him though the whole world knew he was not a terrorist. Even the provisions of the I.P.C. are openly misused and cruelly applied. A shameful example of the vindictiveness and cruelty of the governments in democratic India are the cases of Dr Binayak Sen and Seema Azad. They were prosecuted for sedition, which carries a maximum punishment of imprisonment for life. Both were awarded the maximum period of imprisonment. Dr Sen was (falsely) charged with carrying letters from a jailed Maoist leader (whom he had been meeting by the due permission

of the authorities) and Seema Azad was convicted only for being in possession of Maoist literature. Mahatma Gandhi and Tilak were also prosecuted for sedition by the British government under the same law (S 124A of I.P.C.) and were awarded only six years of imprisonment. Are Dr Sen and Seema Azad a greater threat to the present government than Mahatma Gandhi and Tilak to the British government? The difference in their punishment reflects the difference in the approach of the governments - one imperial and the other democratic. The imperial British government appears liberal and free from malice by comparison.

The large scale killings in encounters (real and fake), in police custody. Police firings on unarmed demonstrators and large-scale disappearances of people reflect the contempt of the rulers for life. Only in Punjab and J.K. more than twenty thousand people were killed in encounters since 1980. A large number just disappeared many ending in the mass graves later discovered. The figure of those killed in encounters and police firings since independence may be four or five times more. The police and members of security forces enjoy impunity from prosecution without the sanction of the government and thus have been given a license to kill. If the figure of those killed in encounters and police firings between January, 1901 to 14 August, 1947 is compared with the figure of those killed in identical circumstances since 15 August, 1947, the governments in independent India would appear blood thirsty.

It is the anti-people policies of the governments in independent India. Which have made it so repressive. If a democratically elected government genuinely works for the common man; there is very little conflict between the people and their government. The situation of serious conflict arises only when the

government elected by the masses chooses to serve a microscopic minority of the rich at the cost of the common man. The governments in India have chosen to serve a handful at the cost of the rest against the mandate of the constitution, The constitution mandates that the State 'shall strive to minimize the inequalities in income' and 'endeavour to eliminate inequalities in status, facilities and opportunities' and ensure that 'the economic system does not result in the concentration of wealth and means of production to the common detriment'. It also mandates that the State should ensure that the ownership and control of the material resources of the community are not distributed in a way, which is detrimental to common good. The policy of the government has been to take the nation into the opposite direction. The inequalities in income are being maximized which is leading to maximization of inequalities in status, facilities and opportunities. The economic system is being operated to facilitate the concentration of wealth in a few hands and to facilitate monopoly of the material resources. All these have led to frustration and anger among the people, which are manifesting themselves in various ways at different places and are being ruthlessly repressed by the ruling elite. Globalisation has further accelerated the exploitation of the natural resources for the profit of the rich and pauperization of the people. This policy is going to continue followed by wider and fiercer popular (violent or nonviolent) resistance and further ruthless repression.

The ruthless violation of human rights has been going on unabated because the public opinion is divided and the political parties do not have to pay a price. The ruling elite and the middle class see no injustice in them, and the unaffected masses do not identify with the victims of the violations. The repression of any section of the people is perceived

as their problem and arouses no reaction and anger at their ruthless victimisation. The people react only if they are themselves victimized while others remain unconcerned. The biggest challenge before the human rights movement is to demolish this wall between 'We' and 'They'. So long this wall remains intact, effective resistance against the violation of human rights would remain elusive.

. Organisations and institutions, like individuals, have a personality, a character and a culture, which may improve or deteriorate. The best example of deterioration can be seen in the visible change in the character of the Indian National Congress prior to independence and the C.P.I. and the Socialist Party since their inception. They were all a party with integrity and deep commitment to their ideologies and goals. They commanded respect of even those who did not subscribe to their respective ideology. They no more inspire respect and are perceived as more or less the same in terms of their character. They have all deviated from their laudable goals except in their empty professions. It is educative for us to understand the causes of their deterioration. All the three were parties with committed leaders and members. The Congressmen suffered and made sacrifices for independence, but turned into an organisation of self-seekers after the independence. What happened to the people who were once genuinely committed to the cause of independence and were ready to make sacrifices for the laudable cause? The change came because once freedom was won, they had no lofty goal before them to inspire them to rise above themselves and were overwhelmed by the temptations to which power and position exposed them. It is always commitment to lofty goals, which inspires a person to rise above himself and overcome temptations. . Devoid of it, one tends to yield to demands of self-interest. The once

selfless freedom fighters yielded to this demand and went astray. The Communist Party and the Socialist Party changed due to a different reason. They were compelled to make indiscriminate enrollment of members to increase their number to meet the requirement of contesting elections. The influx of a large number of members without commitment to the ideology of the party led to their eventual deterioration. They succeeded in winning seats at elections but at the cost of their principles and integrity. Any organisation with lofty aims and objects cannot achieve its goal unless its members are inspired by its ideology and are deeply committed to its aims and objects and are capable of resisting temptations

PUCL has to be mindful of this phenomenon if it has to retain its character and meaningful existence. It was envisaged as an organisation of people informed enough to understand and subscribe to its aims and object and be willing to abide by its constitution. Its membership form makes such a pledge a pre-requisite for joining it. An organisation comprising members with diverse to antagonistic views cannot be viable and is bound to disintegrate unless its members honoured their pledge ("I subscribe to the aims and object of the People's Union for Civil Liberties and agree to abide by its constitution"). PUCL which is committed to promoting democratic way of life using peaceful means and securing the rule of law among other things makes ineligible the people resorting to fascist methods (of using threat, intimidation, disruption of meetings and violence etc.) or believing in communalism, casteism, repression of women, Dalits and others or wanting to join it with an ulterior motive inimical to its aim and objects or who are incapable of understanding its constitution and the pledge they are required to sign. Induction of such persons would destroy PUCL from within.

The spirit of the constitution is to be inclusive of "all those who are committed to the defence and promotion of civil liberties in India, irrespective of any differences they may have in regard to political and economic institutions suitable for the country" but not of others, specially, those who may prove destructive of its lofty goals. This places a great responsibility on us to be very cautious in enrollment of members. Another caution in enrollment of members is to guard against the temptation of enrolling members who are alike in their views or on the basis of personal loyalty. This goes against the letter and spirit of the constitution, weakens the organisation and is bound to lead to cronyism. Enrollment of eligible persons having diverse background prevents deviation, enhances PUCL's credibility and dilutes the effect of any allegation of its being partial to any political party or organisation.

The members of the PUCL are bound to occasionally experience a conflict between their personal belief and the stand of the PUCL and have to rise to the occasion and act as a responsible member of the organisation. Just as a judge decides a case according to a law even though he may not personally believe in it, similarly, for members of PUCL only that stand is correct which is in conformity with our (PUCL) constitution. When we sit together as PUCL functionary/member, we all have to shed our respective views and act according to the constitution of the organisation. Bihar PUC, which has members holding most divergent and antagonistic views (from Naxals to Gandhians) from its inception, has shown that if the members discharge their duty with honesty there is no problem. However, if the functionaries enroll only those toeing their own line and impose their own views passing them as those of the organisation, PUCL will lose its credibility and efficacy.

The strength of PUCL lies in its credibility. The establishment is fully conscious of the fact that even small human rights organizations can hurt it if they have credibility in the eyes of the peoples. So, it has been targeting our credibility by alleging that it (PUCL) is an organisation secretly supporting the Maoists. If we go beyond the small circle of those who know us (PUCL) well, we will be surprised at the success of their propaganda. The bitter truth is that the number of those who have been influenced by the government propaganda is alarmingly large. We need to introspect to find out whether we have also unwittingly contributed to the tarnishing of our image and how to undo the damage already done. Being narcissistic may prove suicidal.

The strategy of an organisation has to be based on its nature and character. There is a need for clarity about the character of the organisation, specially, because different kinds of organizations are working in the public domain. The first thing to be understood is that we are not a funded NGO and do not have to function like them. A funded NGO carries out the mandate of its paymaster either to give effect to some project or to advocate a cause. Secondly, its activities are carried out by paid full time employees whom it can hire and fire at will. It has more dictatorial power over its employees than either the government has on theirs or private companies have over their factory workers. PUCL is an independent organisation, which carries out its activities decided by itself in conformity with its constitution. Its members do voluntary work and take orders from nobody. The office bearers of the organisation are creatures of the members and not their masters. Thus, the pace and manner of its activities depend on the kind of members it has at different places. It has no whole time members. Its membership consists of concerned citizens who have to make a living and have to shoulder

several responsibilities of life and cannot be expected to be at the beck and call of the organisation.

There is some similarity between PUCL and political parties in that both have members on a voluntary basis, but the similarity ends there. A large number of people are attracted to political parties by the prospect of power, position, influence and benefits it may offer. They (the parties) attract the masses by the promises they make to the people if they are elected to form the government. Their promises include incentives for almost all the areas of life, especially, the problems the people face in daily life. No area of life is beyond their scope. PUCL does not offer any benefit as an incentive to join it. Only those who wish to serve the society through it are welcome. Unlike political parties, it cannot make promises, which can be fulfilled by using the power of the State, as it is not in the race for political power. It cannot promise to fight their battles as it does not have the resources and man power to do it in this vast country of 120 crores people. Its strategy has to be realistic not utopian or quixotic.

Reposing its faith in the wisdom of the common man inspired by their rejection of Indira Gandhi's dictatorship, PUCL has been envisaged as an organisation which would inculcate in the people the values which would promote a democratic way of life - the values which would act as a bulwark against authoritarianism and violations of human rights. People have been fighting for their own rights from time immemorial, now they have to be inspired to fight for the same rights of all. Achieving this is the most formidable challenge before the human rights movement and Puling whatever it does, it must keep it in the mind.

Our democracy was saved in 1977 by the masses and not the urban elite, which had begun to see merit in the authoritarian rule during the emergency. The media, which was

gagged, had no role in it.

The human rights organizations including PUCL have ignored the common man who alone can save democratic way of life and protect human rights. There appears to be an assumption that the ordinary laws of the land are not undemocratic and the millions of common man are receiving just treatment by the State and their functionaries. The assumption is absolutely wrong and unacceptable. This has alienated the movement from the masses and created an impression that its concern is only the people targetted by draconian laws or killed in encounters or custody.

PUCL must work to bridge this gulf and ensure that the masses relate to us and realize our value and relevance for them. Secondly and most importantly, its task should be to create awareness in the masses to fight for human rights of all and not only for their own. They should be able to relate to anyone whose human rights have been violated and react against it. That awareness and commitment alone can be a guarantee against violation of human rights. The organizational a first step, must examine the anti-democratic, repressive and unjust provisions of the ordinary laws and make serious endeavour for their removal. It should also produce literature for creating mass awareness, hold meetings, seminars and use other means for spreading the message of human rights. All other activities of the organisation like Dharna, protest march, filing of cases, issuing of statements are the means to achieve the ultimate aim of changing the mindset of the people and establishing human rights as a cherished value. There should be no illusion that any human rights organisation can become the guardian or protector of the human rights of the people. It is only the people who can be protectors of their human rights. The human rights organizations can only be its promoters, which is a formidable and laudable task. □

3. Inaugural Speech at the Convention by Dr. V. Suresh, General Secretary, PUCL:

Reimagining PUCL! - The Challenges

Preface

“We have to be very vigilant from the very beginning; if you concede the first step, every next step will lead to the further erosion of the rule of law and disregard of human dignity”.

... Arthur Chaskalson, Chief Justice, South African Constitutional Court.

“There is growing and widespread recognition that armed conflicts cannot be understood without reference to such root causes as poverty, political repression and uneven distribution of resources”.

... Amartya Sen and Sadako Ogata, Human Security Now (2003), Independent Commission on Human Security.

“The idea of rights is nothing but the concept of virtue applied to the world of politics. By means of the idea of rights men have defined the nature of licence and tyranny no man can be great without virtue, nor any nation great without respect to rights”.

Alexis de Tocqueville, 1835

Greetings to all the delegates to the 11th PUCL National Convention!

The 11th PUCL National Convention being held in Jaipur, Rajasthan on 1st and 2nd December, 2012 is happening in a year, which has seen an unprecedented number of human rights violations by the Indian state. The governments, both in the states as also in the Centre, have repeatedly demonstrated that they will not hesitate to crush the human rights of citizens if they dare to challenge the Indian state, be it about the nature of development policies, or allocation of 'common resources' to private interests or corruption or open and brazen support of the rich, propertied, industrial elite sections of society or agitate against police excess or acts of state terrorism. Human rights violations are not just stray or accidental incidents of police brutality or state excess; rather human rights violations have become widespread, systemic and institutionalised. The Indian State, and its agents in the form of the police, the executive, military and para-military forces continue to operate with impunity crushing dissent, silencing opposition and indulging in torture, encounter killings and worse, all across India. Sedition cases have been filed against thousands of villagers who have been peacefully protesting against the Koodankulam Atomic Power Plant in south Tamil Nadu. The Koodankulam agitation is one of the most inspiring acts of peaceful civil protest launched in recent years, similar to the valiant anti-POSCO struggle in Odisha against a South

Korean steel plant. Non-violent protests by children against the power project have been termed 'waging war against India', 'seditious and traitorous' and 'promoting enmity amongst different communities'. With impunity the Tamil Nadu police has arrested children and hundreds of elders in the name of preserving 'law and order'. The situation is no different in numerous other agitations by citizens against such mega projects in Odisha, Maharashtra, Chhattisgarh, Rajasthan, MP, AP, West Bengal, Karnataka, UP, Haryana and other states. In these states too citizens have been prosecuted for sedition, waging war against India and other similar serious offences.

It is a matter of deep irony that citizens who agitate as an expression of their fundamental right to life and live with dignity and without fear, freedom of speech and expression and as part of their fundamental duties to strive to reduce inequalities and disparities between rich and poor are termed 'traitors' by the State and beaten, shot at, killed, arrested and silenced; in sharp contrast, those in power, who literally sell the valuable natural resources and mineral wealth of the country to foreign capital, MNCs and Indian industries, are feted by the state as 'patriots'! The Governments, both Central and State, have always been obliging and willing to bend every rule in the law book to facilitate private appropriation of the nation's resources and wealth; not content with this, they have also been eager in bestowing generous financial and

economic concessions to industry. The Indian state doesn't think twice of crushing dissent with a heavy hand implicating citizens and human rights defenders in false cases under draconian laws like the UAPA, sedition laws, Criminal Laws Amendment Act, AFSPA and many other similar legislations. It does not matter which political party is in power; all the governments, both in the states as also the Centre, uniformly violate with impunity constitutional protections to free speech, to freedom of association and protest, to oppose state policy relating to development, social welfare and other issues of public policy. The latest example of arrest of 2 young girls, Shaheen Dhada and Rinu Srinivasan by Palghar police in Maharashtra for posting Facebook remarks against the bandh forced on the people following the death of Shiv Sena supremo Balasahab Thackeray (November, 2012), the imprisonment of a young journalist Aseem Trivedi for posting a cartoon lampooning political corruption (July, 2012), the arrest of a youth in Puducherry (October, 2012) for writing in the social media alleging the corrupt deeds of Karthi Chidambaram, son of Union Finance Minister, P. Chidambaram are a few notable examples of this trend. Mamta Banerjee, Chief Minister of West Bengal got Ambikesh Mahapatra, an academic, arrested for circulating a cartoon lampooning her government's policies and shouted down a young girl who questioned her in a TV show as being a 'Maoist' and walking out of

the public show. Entrenched habit of state intolerance has been elevated to a new high in 2012, all across India.

The extent of police animosity is highlighted in an example from Gujarat. The local police on 22nd-23rd September, 2012 had opened fire on agitating Dalits in Thangadh town in Surendranagar District of Gujarat causing the death of 3 dalit youths. RS Bhargava, the Superintendent of Police, filed an affidavit before a court, admitting that these policemen used modern weapons including AK-47 rifles on account of "hatred and prejudice against the dalits". Such a rare admissions is symptomatic of the extent of the degree of brutality and violence that the police unleash on common citizens, most often to satisfy their political bosses, patrons and vested interests as also arising from social prejudice, hatred, animosity and bias. Errant police and state officials escape with impunity; citizens pay the ultimate price with their lives.

Traditional caste hostilities between dominant Caste Hindu groups and Dalits are erupting frequently in organised violence against Dalits. A very disturbing phenomenon has surfaced in Tamil Nadu recently with assertive caste Hindu groups rallying together to form an alliance against local Dalit groups on the ground of a 'Dalit conspiracy to entice caste hindu girls into marriage alliances with Dalit boys'. All of a sudden, aggressive caste groups like Thevars in southern districts; Vanniars in north TN and Gounders in western districts of TN are trying to band together fanning violent attacks against Dalit habitations. In October-November 2012, Tamil Nadu has witnessed major pogroms against the Dalits resulting in massive violence aimed not just to injure and physically debilitate but also to destroy the basis of living and livelihood in Dharmapuri and Cuddalore districts. The eerie silence and indifference of the TN State police only lends support to the complicity of state agencies with upper caste interests in stifling the social mobility of dalits and marginalised social sections.

Honour killings in intercaste

marriages, caste conflagrations, and mass attacks on Dalits are commonplace in Haryana, UP, Rajasthan, AP, Karnataka, Gujarat, Maharashtra. It highlight both the precarious situation of Dalits in India as also the subversion of 'rule of law' by the state executive and police who ensure impunity to perpetrators of violence.

The Indian state, which reacts with alacrity to challenges to its dominance, reacts with indifference, and indeed in some instances, in collusion with political vested interests, in cases of mass violence as in the case of Kokrajhar in Assam. For the last 6 months since June-July 2012 Kokrajhar and other districts in Assam has witnessed deliberately stoked armed attacks in which both Muslims and Bodo tribals lost their lives and lakhs of people had to flee their homes and villages seeking safety. The allegations of complicit support by the ruling Congress Government to armed groups of one ethnic group in spearheading the attacks on vulnerable Muslim populations is made worse by the ugly slanging match between the Congress led Assam government and the Congress headed Union Home ministry in terms of who is responsible for the terrible carnage that occurred in Assam. This only underscores the reality of irresponsibility by state functionaries in cases of mass massacres and complicit response of government officials in instances where serious human rights threats occur on account of identity issues, communal politics or other diversity related conflict.

The anti-Muslim pogrom in Gujarat launched by the Hindutva groups in the wake of the Godhra train burning incidents of 2002 is a watershed in the communal history of India. The mass killings of over 2,000 Muslims by armed gangs with overt and complicit support by the BJP run Gujarat government is illustrative of the harmful potential when state agencies, particularly the police forces, conspire with communal forces to launch systematic, planned and orchestrated violence against social groups considered the

'enemy'. Apart from the violence inflicted during riots, attacks and pogroms is the communalisation of state agencies.

Spreading communalisation or saffronisation of the police and state agencies is a matter of grave concern across many parts of the country, such as Gujarat, Karnataka, Maharashtra, MP, Chhattisgarh and so on. This is particularly so as these agencies have by law, been delegated the power and authority for enforcing the law, including through the use of force by weapons given to them, against citizens. When officials tasked with ensuring 'rule of law' themselves become law breakers three types of systemic violence is generated: Innocent victims of violence don't get justice - many times victims themselves get falsely implicated and arrested; perpetrators of violence get protection and escape prosecution; and state agencies who subvert and abuse the law not only get away with impunity but are enabled to actually erect 'state machines of terror and violence' against socially marginalised and communally vulnerable minority groups.

Love jihad, moral policing, hate crimes have all become part of the daily media discourse indicating the extensive infiltration of communal feelings amongst those charged with the responsibility of implementing the laws and safeguarding the lives of all, particularly vulnerable minorities and socially marginalised sections.

While these cases of systemic human rights violations occur generally all through the country, there are other types of state violence in specific areas such as in the Maoist affected states of Central India and in the North East and Kashmir. In the name of 'Operation Greenhunt' the central government para-military forces like the CISF and police forces in the states of Odisha, Jharkand, Chhattisgarh, Bihar, MP, AP, Maharashtra have created a state of terror virtually enclosing the tribal belt within an armed forces cordon. Even though the Supreme Court has struck down as unconstitutional the establishment of the 'Salwa Judum' or vigilante forces armed by the

police and given the mandate to kill anyone using the excuse of crushing Maoists, many states continue to arm and financially support local groups to crush local support to the Maoists. Encounter killings, widespread pillaging of adivasi villagers, false implication of thousands of innocent adivasi villagers and widespread use of violent, repressive measures have created a vast hinterland of seething anger where the 'rule of law' is more a rhetoric than reality. The cold blooded killing of 18 tribals, including 4 school going children, in Bijapur district in June, 2012 and the lack of investigation into the murder by the police forces is one of the latest illustrations of the reign of impunity enjoyed by armed forces. That the pockets of Maoist violence also are areas of mining interests which have been handed over in a platter to big corporate interests, both national and MNC, only lends credibility that the so-called 'war on terror' is actually an attempt to crush dissent in an area where people are opposed to destructive development projects.

Similarly the widespread use of Armed Forces Special Powers Act (AFSPA) and other similar laws by the armed forces and para-military forces leading to disappearances, deaths due to encounter killings, custodial torture, burning down of habitations in the name of capturing hideouts of militants and many more horrors are widely documented in the North East as also in Jammu and Kashmir. The total silence on the part of the Manmohan Singh-led UPA government to the 12 year long fast of Irom Sharmila of Manipur is symbolic of the disdain with which Delhi, and the key political parties, view the issue of human rights violations in these parts of India which has been festering with large scale human rights violations for decades. They also underscore the difficulties before the human rights movement in India.

The nation was shocked in June-July, 2012 to see the panicked exodus of thousands of North East people from Karnataka, Kerala, TN, AP and Maharashtra who fled their places of employment based on unsubstantiated rumours of

impending attacks on outsiders and migrants from the North East who were taking away the jobs of locals. The poison of 'local vs outsider' conflict had clearly spilled over from Maharashtra to other states too. The exodus highlights the very thin state of communal harmony and security that citizens feel outside their own states.

The reality of high underdevelopment in some states coincides with the fact that the so-called developed states have managed to grow only due to the migration of cheap labour into their states. In other words, those states which had embraced globalisation-induced growth and opened their doors for industries has led to massive migration of young people from across Indian states in search of jobs. A double irony pervades: states like Gujarat and Tamil Nadu have shown their readiness to attract global capital and industry by assuring that there will be no problems on account of trade unionism or labour unrest through a combination of police repression as also dilution or subversion of labour laws. However finding jobs is not a very liberative experience, for oftentimes the migrant labourers are at the receiving end of very depressed or low wages and poor working conditions. Any attempt, even feeble requests to enhance wages is met with a cruel response. There are no protective labour laws or labour law enforcing officials to help these migrant labourers.

Consequently the lives of such migrant workers is pathetic; apart from ensuring non-application of existing labour laws, especially the law of minimum wages, all safety measures in industries, protecting labourers from hazards, are ignored. Stories abound from across industrial centres all across India, of industrial accidents in which labourers lose their lives or suffer serious injuries being abandoned by their employers to fend for themselves. Such unfortunate labourers find no assistance from state agencies that show no interest in their plight. The disinterest of political parties, barring those from the left, ensures that these vital

issues are rarely taken up for larger political discussion and resolution.

Across India, lakhs of ordinary citizens are threatened by eviction from their places due to development projects, especially major industrial projects like establishment of SEZs, power plants, dams, mining sites and so on. The impact of increased industrialisation is turning cities and towns into urban 'hell holes'; people who lived with a sense of dignity and self-reliance in their rural areas are forced to live lives in terrible slums, robbing them of a sense of dignity, meaning and control over their lives.

While the negative impact of globalisation processes on India's teeming poor, both rural and urban, is now well established, the Government, especially the UPA led Congress government is driving the last nails in the coffin of democracy in India by rushing in an unholy hurry, to pass policies and laws which will change the economic character of India irretrievably. Permitting FDI in retail shopping, increasing FDI limits in insurance, banking, power and other core sectors, dismantling the structures of regulatory authorities, watering down the already weak environment regulatory mechanisms by setting up the 'National Investment Bureau' (now christened as Cabinet Committee on Investments) are all meant to allow the unregulated entry and exit at will of international capital without the threat of being held accountable to Indian laws; or being held responsible for environmental or ecological disasters caused by their projects; or for directly or indirectly violating the essential core constitutional values of 'equity, social justice and inclusion'.

The present economic policies of the Indian state in effect are structured in such a way that the rich get richer and the poor poorer. Despite the controversy over what constitutes poverty and the poverty level in India, the reality is that there are as many, if not more, hungry people in independent India in 2012 than was the entire population of India at the time of independence!! All this belies the definition of human development, which the UNDP Global Human

development Report, 2011 describes as, "the expansion of people's freedoms and capabilities to lead lives that they value and have reason to value. It is about expanding choices".

The reality before Indians cannot be more cruel, degrading and robbing of the sense of dignity, self-respect and self-esteem. The coming years are only going to become worse.

The judiciary, especially the subordinate judiciary, have shown that far from being 'sentinels' of the rule of law and enforcers of constitutional protections, their response is not very different from the way the political executive or the state officials function. Thousands of poor tribals, dalits and people belonging to weaker sections languish in prisons as under trials across Chhattisgarh, Jharkhand, Bihar, Odisha, MP, UP, AP, Maharashtra and many other states.

Ordinary citizens who have run afoul of the state, police and vested interests continue to be tortured with impunity. Even in cases when the signs of torture and violence by the police is visible in the person of those arrested and produced for remand do Judicial Magistrates exercise their constitutionally mandated duty by sending such prisoners for medical examination or conduct enquiries and seek accountability from police and state officials. These powers have been provided to them by law precisely to check police abuse. Incidents where Judicial Magistrates or District Judges using such powers is so rare as to be non-existent. The failure of the judiciary to check police abuse of law is a very important factor in the reign of impunity enjoyed by the police and armed forces.

The shocking torture of Soni Suri by senior officials of the Chhattisgarh police is an example of where even the courts, the last resort of citizens seeking protection and accountability from a brutal state, fail citizens and rule of law. The terrible sexual torture by which a stick was violently inserted in the private parts of Soni Suri by a senior police officer like a Superintendent of Police, while in custody and in hospital highlights

the precarious condition of 'rule of law' as it applies to ordinary citizens anywhere in the country. It should be noted that Soni Suri's case had been taken note of by the Supreme Court and yet the brazenly committed torture took place. The message to ordinary Indians is clear, don't even dare to question state terrorism or abuse.

PUCL members, Binayak Sen and Seema Azad, were convicted by trial courts in Chhattisgarh and UP, which did not fulfill their judicial duty to scrutinise the evidence put forward by the state independently and without bias. Despite the very flimsy, fictitious evidence brought to court by the police to prove that they conspired to commit seditious, anti-national activities including waging war against India, the trial courts sentenced both of them (and others too), to life imprisonment. In Binayak's case, the Chhattisgarh state went one step ahead by filing a petition before the High Court demanding enhancement of life sentence to death penalty! So intolerant is the Indian state against human rights defenders who courageously challenge the corrupt deeds of the government of the day.

It is in this complex and violence ridden context, when 'rule of law' is seriously threatened, when state terrorism and terror is the rule of the day, when systemic and institutionalized violence threatens the underpinnings of democracy itself, that we in the PUCL are meeting for the 11th National Convention. How should we, as one of India's largest human rights movements, respond to the dire threat to human rights and democracy in India today?

The challenge before us is real, direct and forceful. At the core of the challenge is a simple question: can we continue to function the way we have till now or do we need to drastically recast or reorganize ourselves?

For some time now, inside the PUCL there has been a growing demand to initiate a process of critical examination of PUCL's functioning, both in the States as also nationally, in terms of our contribution to the

national human rights discourse. There is a growing opinion that we need to find newer definitions of our role and relevance by reformulating our perspectives and creating new conceptual frameworks of understanding the multi-dimensional challenges before us. Many feel that we can strengthen PUCL only by bringing in new and fresh voices from a variety of communities, which are the receiving end of the relentless globalization - privatization - urbanisation - commons appropriating process currently underway in India. Many urge the urgent need to honestly audit ourselves in terms of our practice, perspective and politics so that we are better equipped ideologically, organisationally and politically to safeguard human rights, rule of law and constitutional values.

We, in the PUCL have to ask hard questions about ourselves: To what extent has PUCL contributed to the growth of human rights discourse in India or to the development of human rights jurisprudence? Putting the query differently, have we contributed to the progress of human rights ideology in India to the extent that we could have? If we are satisfied with what we have achieved, then how do we go forward? If we conclude that there was a lot of potential, which could not be realized, then how do we reorganize ourselves to play a more influencing role?

Asking these questions is not meant to diminish, demean or disrespect the work done by numerous members of the PUCL family. The large body of PILs filed by PUCL, in the Supreme Court as also in various High Courts, is testimony to our contribution to the fundamental rights of citizens to life and liberty expressed in cases relating to right to privacy, elections, against bonded labour and more recently in the challenge to Koodankulam Nuclear Power plant.

The PUCL case in the SC on 'Right to Food' (also called as the starvation deaths case) is unparalleled anywhere in the world, and is responsible for ensuring that crores of young children across India get at least one freshly cooked, hot meal

in a day. The expansion of Right to Food as including 'food security, nutrition security and livelihoods security' in the PUCL case (still pending since 2001) is an outstanding jurisprudential leap which occurred because PUCL Rajasthan took up the case.

We remain the largest human rights organisation in the country. And yet, despite these impressive achievements, we still need to ask ourselves: can we rest with these achievements.

The truthful answer is no, we cannot. We need to reorganize ourselves better to build on our strengths and utilize the wealth of knowledge, talent and skilled people we have and the larger good will we enjoy. By and large, we have been responding to human rights violations, in a 'reactive and firefighting mode'. As and when a human rights violation occurs, we send 'Fact Finding Teams'. Reports are followed up with interventions like initiating campaigns, engaging with state authorities, and in some situations filing court interventions. We have also worked to raise human rights awareness through meetings, conferences and workshops. We have invited others to campaign with us and on a case-by-case basis joined campaigns launched by others. In general, both the media as also other political organisations treat us with respect and regard. These are our strengths, even if they are not to be equally found in all the states.

We cannot however rest with these activities. We need to think differently.

A reality confronting us is the near total failure of politics or bankruptcy of most political parties in India (barring to some extent the left parties), to address the serious threat to people, common resources, constitution and to democracy itself due to the collusion of the Indian state with global capital to colonise India. The need is to protect the people from the structural and systemic violence being unleashed against them making them illegal aliens, encroachers and beggars in their own land. There is equally the

urgent task of expanding the politics, ideology and jurisprudence of human rights in such a way that it empowers the struggle to create a larger human rights based alternative conceptual and ideological framework to globalization. This will help channelize people's struggles and protests against current developmental processes and to create a newer, vibrant, coherent, equity focused, justice centred and sustainability aimed socio-economic and political framework.

Intrinsic to this task are internal issues of bringing about more coherence, discipline and uniformity within the PUCL in terms of our approach to issues, response to crises and requests for interventions. We need to address the issue of knowledge expansion within the PUCL on 'human rights approach' to development, on current international norms and standards on various issues and information on International Instruments like ICCPR, IESCR, Torture Convention, Geneva Protocols, ICC and so on as not all of our members are equally well versed in the variety of dimensions of the human rights challenge. Considering that our strength is our national presence we should strengthen documentation so that we have meticulously compiled information from across the country. Our publications, our web site and our Bulletin all need improvements to enhance readability, interest and reach.

We need to build on India's greatest strength - the demographic youth bulge!! Across India, the human rights movement is yet to find the right method to attract young people to work on human rights issues. This remains our greatest challenge.

More important than all of this, is for us to initiate a more sustained, serious and involved process of understanding the complex character of socio-economic, political, cultural change underway in India. We need to unbundle many of these complex processes as old perspectives do not help us much to appreciate the manner of growth of global capital and impact of domestic laws and policies. Let us not forget that India is not just being colonized by global

foreign capital through MNCs. Indian capital and industrialists themselves have become global and become Indian - MNCs, extending their financial tentacles across many countries in Africa, South and South-East Asia.

One such area which has missed attention by the larger human rights movement in India relates to the change in the financial architecture of the global market system.

To illustrate, in June 2012 the Rio+20 Global Heads of State Conference was held in Brazil to create an architecture of environmental protection by placing an economic value on nature and natural processes. Nature would be treated as "products" to be traded in "commodities and futures" markets, open for speculation in the "derivatives" markets. Similar to "carbon credit trading," those who damage nature in one region could continue environmentally damaging processes by growing forests in some other part of the world to earn "natural resource" or "bio-diversity" credit. The heart of the new UNEP "green economy" paradigm is a corporate-led, evolved and inclusive vision of the future of the planet. This definitional paradigm is, however, destructive, dangerous and damaging.

The Green Economy proposes that a financial value be placed on "nature" and, what the paper calls "Nature's Services" like clean air, water, trees, fruits and so on. In simple words, what the Green Economy proponents propose is that organisms like "bees, butterflies and birds" act as nature's service providers providing "services" like pollination, fertilization, seed germination which today, they say, is done free. If these services are "priced" they can be made available for sale in the "biodiversity" market! "Ecosystem services", "biodiversity banking" are new economic buzzwords. Forests and rivers thus become "natural capital" and natural processes such as pollination by bees become "ecosystem services" provided by the corporate entity, "Earth."

This new economic paradigm is not

merely problematic; once implemented it is going to change fundamentally the character of economic institutions, nature of industries and control over environment and 'commons' on the part of citizens. Several worrying issues arise as for example the nature of laws and environmental protection, the role of the state and liabilities of corporate. Thus in all these issues, the human rights concerns remain paramount. Yet these major changes have hardly received the attention of human rights activists in general. Thus the manner in which the human rights community is going to respond to such a direct assault on nature and environment is going to determine how we are able to safeguard the fundamental rights of people to the commons, to livelihoods and to life itself.

These challenges cannot be met by PUCL alone. Wherever there is common cause and concerns, PUCL has a role in helping to strengthen the wider human rights movement. We need to be able to work with other fraternal human rights movements, organisations, specific issue campaigns, mass movements of citizens, trade unions, experts and specialists and concerned citizens to pool resources and knowledge and synergise our activities to safeguard the human

PUCL Gujarat:

Total number of crimes against women have been increasing year after year. Anyone who thinks that Gujarat is a safe State for women will have to reconsider that opinion. From 14885 in 2010 to 15528 total crimes registered in 2011 there is an increase of 650 while the half yearly count of 2012 suggests that increase of more than 1000 crimes against women will be registered.

Rapes are also increasing. In 2001, 235 rapes were registered. In 2005 the no rose to 336. In 2010, 408 rapes were registered, in 2011, the no is 439. Up to June 2012, it is 216. There is a myth that Gujarat is safe for women, but these rape incidents represent the actual scenario.

Whatever the hype created about

rights of citizens, nature and of all life itself.

The challenges before the Indian human rights community is not just national, but is actually common with other people of South Asia. For millennia, people across the regions comprising India, Pakistan, Bangla Desh, Sri Lanka, Nepal, Maldives and Afghanistan have shared a common history and intertwined culture as people moved about freely, sharing, contributing, absorbing, learning from one another's culture, religion, arts, commerce and trade. The geographical boundaries are relatively new and the hostilities politically stoked. But we cannot wish away the stark reality that our futures are interconnected. It is from this viewpoint that we, as citizens of South Asia, need to respond to human rights crises in each other's countries as issues of common concern too.

The decades long anti-Tamil pogrom against Tamils in north Sri Lanka witnessed one of the worst war crimes and genocidal attacks by the Sri Lankan army in 2009 and resulted in the cold blooded killing of thousands of Tamils. The complicity of the Indian state has been well exposed in the massacres, which occurred in 2008-09, and yet the Indian government support to the

highly intolerant and dictatorial Sri Lankan regime of Mahinda Rajapakse goes without challenge. Neither does the Indian Government comment on the brutal suppression of democratic voices in south Sri Lanka leading to a sinister threat to democracy itself in that country. The question that arises for us in the PUCL is can we afford to be unbothered about suppression of democracy and human rights violations occurring in our neighbouring countries?

We cannot trust the leaders of the governments in South Asia to be great defenders of human rights. It is up to us, the citizens of South Asia, who need to find common ground to unite, work together and protect democracies in the states in South Asia. It is only through the collective strength of the people of South Asia that we can exert moral and political influence on all the countries to follow a developmental path which does not bring internal development in one nation at the cost of endangering neighbouring countries. There is enough wisdom amongst the people of South Asia to find the strength to come together to reclaim democracy and ensure development with dignity!

History beckons us.

Dr. V. Suresh, National General Secretary, PUCL □

Increasing Number of Rapes in Gujarat

governance in Gujarat, fact remains that crimes against women are increasing and among them rapes are also increasing. Worse is that Gujarat reports a very large no of cases of molestation. In 2011, 723 cases of molestation were registered while up to June 2012, 395 are already registered. Molestation is registered when the rapist does not finally succeed in overpowering his victim. It is only a little less heinous crime committed against women and that is very high in Gujarat.

Some of the incidents:

1. A tribal girl from Jhagadia in Bharuch district was gang raped by 12 people on February 2, 2008, when she along with her friend was on her way to attend a cultural program in

her school. The tribal girl was allegedly raped by 12 persons for about two hours in the bus near the mission ground.

In another incident a poor girl student studying in Patan PTC College became victim of gang rape by her 6 teachers of the same college. The lecturers of PTC college of Patan were empowered with internal marking, took the advantage of her poverty, and raped her 14 times over a period of four months from 11 September 2007 to 25 January 2008 inside the college and in the village during internship. Ironically, Ms. Anandiben Patel, the present Revenue Minister in the cabinet hailed from this constituency, was the Education Minister of Gujarat for

last 10 years, which are the years of sexual exploitation of the girls' students.

2. Again a rape case took place at Datar hill near Junagadh on May 13, 2007. The rapist killed the minor girl after the rape and her friend escaped after the rape in the jungle.

A 17-year old of class 12th schoolgirl was raped by 3 persons in Surat on July 12, 2009 while she was on her way to the tuition. She was picked up by the accused in their car posing as police officials, who then raped her in the vehicle.

Recently, it is noticed that very young girls of 4/5/6 years of age are raped

and murdered. Gang rapes are becoming common. Gujarat does not have the high incidence of Haryana or Delhi, simply because the sex-ratio in Delhi and Haryana is more skewed than in Gujarat.

Some years earlier Sri. L. K. Advani was asking for Capital Punishment for rapists as Ms Sushma Swaraj is clamouring for the same now. We think that if capital punishment is to be given the rapists would rather kill the victim than keep her alive to prove his crime. We would like to ask the police to register the crime under all offences committed along with that of rape, like wrongful confinement, grievous assault etc.

We would also suggest that the judiciary should not stop at pronouncing order for seven years in jail but also add the years for other crimes registered by the police. In this the judiciary needs to follow the example of Gujarat's Judge Ms Jyotsna Yagnik who ordered the punishments to be meted out consecutively and not concurrently. That would make the quantum of punishment heavier than what it is now. And also hope that High Courts do not reduce the years of punishment when appeals come to them.

Gautam Thaker, General Secretary, PUCL (Gujarat) □

URGENT APPEAL: 11 December 2012

Free Aparna Marandi: Rights Violation by Jharkhand Police

Aparna Marandi, her four-year-old son Alok Chandra, Satish (16 years old) her distant relative and her two friends Baby Turi and Susheela Ekka were picked up the police on 8th December. The manner in which they were picked up, interrogated and detained, are in clear violation of all established procedures and rules. Aparna was forced to sign a confessional statement on the basis of which she has been taken away to Dumka prison. All of them were mistreated and mentally tortured during this unlawful interrogation.

Earlier in the day I and my colleagues at Video Volunteers, Anand Hembrom and Tania Deviah, spoke at length with Baby Turi and her husband Damodar Turi. Their detailed narration of the last 3 days (below) gives us enough evidence of grievous human rights violation by the Jharkhand police: illegal detention, violation of arrest guidelines, forceful confession, intimidatory and abusive interrogation, threatening to seriously hurt and kill.

Given that this is not an isolated incident, and marks a pattern of silencing rights activists who challenge repression and exploitative 'development' projects, we must take strong and urgent

action on this matter. I urge you all to take this matter up in your respective individual or collective capacities to ensure justice to all affected.

Back-story:

Aparna Marandi is the wife of cultural activist Jeetan Marandi. Jeetan was a composer and singer and sang about poverty, starvation, corruption, and oppression - realities of life in some of the most marginalized regions in the country. The state reacted to his activism with draconian force and incarcerated him. Despite being acquitted by the Jharkhand High Court, Jeetan continues to languish in prison. It has been four long years since he was arrested.

Since Jeetan's arrest, Aparna has been indefatigable. With her son in her arms, she would go from courts to police stations to government officers to conferences to rallies in the streets in an effort to secure justice for Jeetan. She is one of the most outspoken voices for human rights and justice in grassroots Jharkhand.

Baby Turi is the Mukhiya (village council head) of Jitpur panchayat in Tundi block, Dhanbad district of Jharkhand. Damodar Turi, a well-known human rights activist

specifically working against displacement and forced eviction, is Baby's husband. Damodar is also accused of being a 'Maoist sympathizer' and has baseless cases slapped on him since the last four years.

Baby Turi's Statement

On 8th December 2012, I along with Aparna Marandi, her four year old son Alok, Sushila Ekka and Satish Kumar were to take a train from Hatia railway station to go to Hyderabad to attend the Rajnitik Bandi Rihayi Samiti (Committee for the Release of Political Prisoners) meeting. At 4pm, while we were still sitting in the train and waiting for it to move, we were approached by plain clothed police officers. They told us that they were Railway Ticket Examiners and that we needed to be interrogated for traveling on unconfirmed tickets. We were all were made to remove our luggage and get out of the train. They asked us why we are going to Hyderabad. Aparna said she is attending the meeting, as her husband is a political prisoner. 'I will try everything I can to get my husband out of jail because he is innocent', she said.

From the railway station we were moved to the CBI office in Ranchi

where we were interrogated about our links to Maoist groups. They kept throwing names at us but we did not know any of those people. We said that we have no links or connections with any Maoists group or person. Through out that questioning they used foul language and kept cursing. Their whole approach was to scare us, intimidate and to make us to accept their charges and allegations. At 10.30 pm on the same night (8th December 2012) they moved us to the Women's station in Ranchi. They kept us in the lockup room. We were given very little food and after demanding it several times. They did not even give some biscuits to Alok. They used abusive language and wouldn't allow us to use the toilet. They said we were faking the urge to use the toilet because we wanted to walk around. That night we slept in the lockup room with one male guard outside. The guards took turns to keep an eye on us.

Next morning, on 9th December, Aparna was called out individually. They started asking her about her connection to Maoists. They cursed her and threatened her a lot. The poor thing was very scared. Aparna was asked to sign a document stating that she was part of group who set a company's dumper (truck) on fire in Dumka and in the shoot out in Khatikhund. Aparna was forced to sign it. She told us later that she had no choice but to sign it because she felt her life was in danger. The camera that you (Video Volunteers) had given her was confiscated. They asked us to us to sweep the lock up and do things like this. They weren't giving us food. We told them that we'd give them money, just buy us some food! Aparna had picked up the broom but we told her to drop it. Are we sweepers?

I overheard the police officer talking to her superiors on the phone. She said 'we have captured four Naxals and we are taking good care of them Sir.' Although it was a women's police station, there were many CRPF men

guarding both the inside and outside the station. Through that day we were photographed many times by the police.

When the media persons came, there was more tension. They told us we had informed the media and that we were lying that we hadn't contacted anyone. We know that many activists in Ranchi and elsewhere were calling the SP to know about our whereabouts and that the SP said that he doesn't know about any such arrests. All that time we were in the lock up.

Sushila too was interrogated. 'How come people from different districts are here together', they asked. We explained that we knew each other since Jeetan and Damodar were arrested under false charges in 2008.

They asked me if I knew about a CRPF camp near my village. I said yes. They asked if I knew about the murder of a landlord there. I said no. They said, 'how come you don't know about it when you are the Mukhiya of the village'. I said that I was not the Mukhiya (village council head) at the time of that killing. The policewoman accused me of wining the election with the support of the Maoists. They were trying very hard to make us accept that we are Maoists.

Only women police officers were interrogating us. But CRPF men were all over the station. They even accompanied us even when we went to use the toilet.

On the evening of the 9th I and Susheela and Satish were asked to write and sign a document stating that we were taken in for interrogation with Aparna Marandi and were released without harm and that the police had not misbehaved with us. We were asked to write that we had gathered in Hatiya railway station to meet Jeetan Marandi. But we refused to write that part because this was not true. Jeetan Marandi has been in jail for 4 years so how can we have gone to meet him at the

railway station? We protested vehemently. We insisted that we will only write the facts and they relented. However, they made us write that we were picked up for questioning on the evening of the 9th. We told them that we want to put the actual date, which was the 8th. But they started cursing us again and even threatened to kill us and so we relented to this and allowed them to put the date as 9th. We wrote and signed that statement because the three of us were totally scared for our lives.

That night we were again made to sleep in the lock up. We were not allowed to contact any our relatives nor did they inform any of our relatives of our whereabouts or charges on us.

The following day, on 10th of December, at about 11am Aparna was taken away to be produced before the magistrate in Ranchi. We came to know later that she was taken to Dumka jail from there.

One police officer wanted the three of us to also a sign the confession document of Aparna Marandi wherein she was made to write that she was involved in the two incidents of Maoist attack. We started worrying badly. Just then another police officer told her that the 3 of us need not be added to Aparna's. 'We'll slap some other case on them', she said.

At 4pm on 10th December, Sushila, Satish and I were released. We don't know what will happen next. We just know that they have taken our photos and our signatures on this document. We don't know how Aparna is doing,

Damodar Turi statement:

I am the State Convener of the Visthapan Virodhi Janvikas Andolan (People's Campaign against Displacement). I have charges under UAPA and under section 17 and 18 CRPC Act filed against me since 24th June 2008. No FIR was made. No information was given to me or anyone about this. That night at 9pm, police surrounded my office in

Ranchi and arrested me. Police officers from 5 stations were present, about 100 policemen. They started beating me in the office itself. They beat me in the vehicle on the way. In the station they beat me in various ways, kicks, slaps, with sticks. Then they took me to Lalpur Police Station and began third degree torture. They kept throwing names of Maoist leaders at me and asked me how I knew them. I said I don't know any of them and that my work is against displacement and for the development of Adivasis and Dalits. 'So you are against all the companies that want to come to Jharkhand is it", they asked me. I said that my work is to secure the rights of the marginalized people. They then asked me how I met various activists and leaders and where we get funding from. I showed them receipts of how people donated small funds to the movement. They did not listen. They confiscated the cash in my office and claimed that it was "levy ka paisa" (money collected as levy*). I felt upset and protested that this is not levy money. They tortured me more and made me sign a statement. The same night they moved me to the Muffosil police station. They threatened me that they will kill me in an encounter. I told them who I was and what my work was and that this fact will not change no matter how much they tortured me. I told them to go ahead and kill me in an encounter if they want.

The next morning they took me to a press conference. At first the hall was empty. Then they took me out of the room and when they brought me back in, on each of the tables they had laid out Lal Chingari pamphlets, alongside brochures of my organization. Lal Chingari is the pamphlet brought out by the Maoists. I tried to protest and told the press who I am and that the Lal Chingari

pamphlets were not mine. SP (Superintendent of Police) MS Bhatia told the media persons gathered there that the Lal Chingari were recovered from my office. The fact is that they did not find any such thing on me or in my office. This was the only evidence they produced to prove that I am a Maoist. The press then wrote both sides of the story.

This is the context under which my wife's recent arrest plays out. In the biggest democracy in the country, there is a lot of suspicion against the Adivasi and Dalits. A lot of us are targeted as Maoists and Naxals. We have no forum to voice our sorrow. There is a report stating how 100s of Adivasis have been jailed with such charges. All the armed operations against Maoists have targeted defenseless Adivasis and Dalits in this state. That is the systematic attempt of the Government. My wife and her companions are being treated this way because they are Dalits. If they were women from upper class or upper caste families, I don't feel they would have been looked at with such suspicion.

My wife and others were detained illegally. They were picked up policemen in plain clothes, they had no nametags, and there were no women police at that time. This is a blatant violation of law and laid down procedures. They were not told the reason of their arrest. They weren't allowed to use the toilet and were mentally tortured. They were not given adequate food and had to fight for it. They police used abusive language. They were detained for more than 24 hrs and were not produced before a Magistrate. The police kept talking about their connection to Maoist leaders. There were threats to beat kill them.

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