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AFSPA and the Sedition Law Must be Repealed

Justice Jeevan Reddy and Justice J.S. Verma Committees' Recommendations must be honoured and implemented
Mahi Pal Singh

While delivering the K. Subrahmanyam Memorial Lecture on 'India's National Security - Challenges and Priorities' at the Institute for Defence Studies and Analyses on 6th February 2013, the senior-most Cabinet Minister, P. Chidambaram, made a bizarre statement regarding making the Armed Forces (Special Powers) Act a more "humanitarian" law, that the Union government could not move forward as there was "no consensus" between it and the Army on the issue. He further stated, "The Army has taken a strong stand against any dilution of the AFSPA... We can't move forward because there is no consensus. The present and former Army Chiefs have taken a strong position that the Act should not be amended. They also do not want the government notification [of bringing areas under the AFSPA] to be taken back. How does the government move forward... to make the AFSPA a more humanitarian law?"

His words, coming as they do from the mouth of the most powerful minister of the Union government, do not augur well, in more than one way, for the future of the world's biggest democracy we claim to be. First, it is a stark admission of the fact that the policies of the government are determined by the 'strong stand' of the armed forces and not guided by the democratic and sacred Constitution of the country, nor are they bound by the opinion of 'We, the People' who gave the country that Constitution. Even Pakistan, which by no means claims to be a truly democratic state, has never admitted that its policies are influenced by the military generals or the ISI (Inter Services Intelligence), a fact accepted even by the close allies of Pakistan. Perhaps he forgot that the country is governed by a civilian government representing the will of the people who exercise their control over it through their elected representatives sitting in the Lok Sabha and its functioning is based on the principle of the superiority of the civilian government over all other departments of the government including the defence establishment. His remark also seems to throw into the dustbin the recommendations of the two important committees established by the government itself - one under Justice Jeevan Reddy and the other under Justice J.S. Verma - both of whom have made recommendations against continuance of the AFSPA in its present form.

Justice J.S. Verma Committee has recommended the Review of Security Laws in Conflict Zones. Giving the reasons for it the Committee has, in a

nutshell, made the following recommendations:

"Due to the number of reports of sexual offences committed by the armed forces in India's conflict areas such as Kashmir and the North East, the Armed Forces Special Powers Act (AFSPA), a controversial law that gives sweeping powers to and often confers immunity on security forces, must be reviewed. Security forces must be brought under the purview of ordinary criminal law rather than under army law. Special commissioners for women's security must be deployed in all areas of conflict. Such commissioners will have powers to monitor and take action in all cases of sexual violence against women by armed personnel. Introduce 'Breach of command responsibility', making a senior officer of security forces or police liable to a jail term of at least seven years if his/her subordinate commits rape."

Justice Jeevan Reddy Committee has rightly observed, "While providing protection against civil - or criminal proceedings in respect of the acts and deeds done by such forces while carrying out the duties entrusted to them, it is equally necessary to ensure that where they knowingly abuse or misuse their powers, they must be held accountable therefor and must be dealt with according to law applicable to them. It is not unusual that there will be some indisciplined individuals in these forces as well, but their wrong actions should not be allowed to sully the fair name of the armed forces and the para military forces. While our armed forces are one of the most disciplined in the world, situations may arise when they are deployed outside their regular duties, i.e., when they are deployed for maintaining public order or for quelling internal disturbance in a part of the territory of India, when certain members thereof may seek to take advantage of their power and position to harass or otherwise trample upon

the rights of the citizens of this country. The legal mechanism should ensure that such incidents do not take place and should also ensure that adequate remedial measures do exist where such incidents do take place."

"Keeping in view the material placed before us and the impressions gathered by the Committee during the course of its visits and hearings held within and outside the North-Eastern States, the Committee is of the firm view that:

(a) The Armed Forces (Special Powers) Act, 1958 should be repealed. Therefore, recommending the continuation of the present Act, with or without amendments, does not arise. The Act is too sketchy, too bald and quite inadequate in several particulars." Commenting on the constitutionality of the Act, the Committee says, "It is true that the Hon'ble Supreme Court has upheld its constitutional validity but that circumstance is not an endorsement of the desirability or advisability of the Act. When the constitutional validity of an enactment is challenged in a Court, the Court examines (i) whether the Act is within the legislative competence of the Legislature which enacted it and (ii) whether the enactment violates any of the provisions of the Constitution. The Court does not - it is not supposed to - pronounce upon the wisdom or the necessity of such an enactment."

Was the minister's remark of throwing the responsibility of not letting the AFSPA be 'humanised' squarely on the armed forces meant as an excuse for the government's inability to amend or repeal the Act or is the government itself complicit in the whole affair? It is true that the army generals would not like the impunity clauses removed from the Act because they give their men the freedom to act as they will, without any accountability being fixed on them or their higher ups. If in the line

of their duty they have to act tough one can understand it but, as the Supreme Court observed in a case related to the killing of five villagers in Kashmir by personnel of the armed forces in Pathribal incident, "You go to a place in exercise of AFSPA, you commit rape, you commit murder, then where is the question of sanction (for prosecuting such officers)? It is a normal crime which needs to be prosecuted and that is our stand," the judgement by Justice Swatanter Kumar and B.S. Chauhan declared a year ago. This is exactly what the Justice Verma Committee has observed and it is this impunity from prosecution which Justice Jeevan Reddy Committee wanted to do away with when it recommended repeal of the Act. No wonder that because of this impunity provision in the last 54 years since the Act came into force in 1958 not a single personnel of the armed forces has been prosecuted for murder, rape and burning and destruction of houses and villages in Manipur or Kashmir where there are reports of disappearances of people running into tens of thousands and mass graves of unidentified people were recently discovered in the Kashmir valley. That the Union government has not published the Justice Reddy Committee report or tabled it in Parliament till date, though it was submitted in 2005, speaks volumes about the seriousness of the government to make the law more 'humanitarian'.

The minister's remark shows not only utter insensitivity to the sufferings of the people, particularly women who ultimately suffer the brunt of the atrocities perpetrated on innocent people including tribals, apart from the pain of rape and murder they are made victims of, but also contempt of the public opinion and saner voices raised against draconian laws like the AFSPA, the sedition law and the UAPA which have been, and still are, used against the suffering masses who raise their voices in protest

against forced usurpation of their land and means of livelihood, their health and safety rights and their right to dissent - be it in Jammu and Kashmir, Odisha, Jharkhand, Chhattisgarh, Tamil Nadu or elsewhere in the country. In a democratic set up such laws have

no place and go they must. These laws have only resulted in untold suffering to the people, alienating them and brewing more and more discontent among them. The government must also understand that it is not 'impunity' but 'accountability' which is the governing

principle in a democratic country and that the ultimate 'sovereign', "We, the People", have every right to demand it and the government is morally bound to honour that demand, particularly in the light of the report of the two Committees. □

Join Mobile Campaign of PUCL Demanding Repeal of Sedition Laws Call 09266802178

All the PUCL members and other rights conscious individuals and organizations are requested to join the mobile telephone campaign launched by the PUCL demanding the Repeal of the Sedition law in India by calling the number **09266802178**.

This is part of the larger campaign launched by PUCL and other human rights organisations in India demanding repeal of Section 124A of IPC (Indian Penal Code). We are hoping to get 10 lakh signatures to be presented to the Indian parliament by the Budget session in March, 2013 representing the growing voices of ordinary citizens against the anti-democratic law which was first passed by the British Government to suppress India's national movement; and which is being used by independent India to crush voices of dissent and protest.

Please also see the following site for more details: www.repealseditionlaw.in.

We shall shortly be uploading banners with this same message on Facebook and other social media sites.

Also see: <http://www.downtoearth.org.in/content/waging-war-state>

With thanks,

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

PUCL Appeal to the Indian Parliament to Repeal the Sedition Law

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

Section 124 A was introduced by the British Government in 1870 when the colonial government felt that such a draconian law was needed to suppress the freedom struggle. Some of the most famous sedition trials of 19th and early 20th centuries were those of Indian nationalist leaders including Tilak, Gandhi and Maulana Azad. All the repressive laws used by the British against the freedom struggle have been retained in Independent India, despite constitutional provisions mandating scrutiny.

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

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

Letter:

PUCL National Executive Committee Meeting to be held on 11th and 12th May 2013

To

1. All PUCL National Office Bearers,
2. All Presidents and General Secretaries of State Units.

Dear Friends,

It has been decided to have a meeting of the PUCL National Executive Committee consisting of all the National Office Bearers and the Presidents and General Secretaries of all State Units (and Conveners of States where no State Convention and Elections have been held) on 11th and 12th May, 2013 (Saturday and Sunday) at the Gandhi Peace Foundation, 223, Deendayal Upadhyaya Marg, Near ITO, New Delhi.

We request you to make travel arrangements to reach Delhi in time for the start of the meeting on 11th May 2013. Lodging arrangements

are being made in Gandhi Peace Foundation where 3-seater rooms are available, for those who need lodging. However we need to book these rooms in advance, as GPF is a favoured venue for many meetings.

We are tentatively booking 3 rooms on 10th May itself, for those of you who may want to come the previous day itself. **ALL THOSE WHO PLAN TO COME ON 10th MAY ITSELF AND NEED ROOM ARRANGEMENTS ARE REQUESTED TO CONFIRM TO THE NATIONAL OFFICE (puclnat@gmail.com) and NATIONAL GENERAL SECRETARY (rightstn@gmail.com) by 15th March 2013.** We will not be able to accommodate requests for rooms made at the last moment.

Please also note that this meeting

is only for select invitees - viz., the Presidents and Gen. Secretaries of state units, apart from National Office Bearers. So kindly do not send substitutes for the meeting.

Please note the following time lines:
Last Date for informing whether room is required for 10th May, Friday - 15th March 2013

Last Date for Confirmation of Participation in 11/12th May meeting - 1st April 2013

We request all state units to intimate the set of agenda issues they would suggest for discussion. On our part we shall send a detailed agenda proposal in the next few weeks.

Thanks,

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

Legislate on Justice Verma Report Justice Rajindar Sachar

The demand is that all major recommendations along with that of electoral law should be given effect to simultaneously.

Justice Verma and his panelist have shown commendable sensitivity to the public concern by submitting their report in 30 days instead of the allotted 60 days, thus leaving no excuse to Parliament to avoid passing the necessary law because of paucity of time during the forthcoming parliamentary session. The panel has rightly ruled out death penalty (which is no longer accepted in over 160 nations of the world); life imprisonment meets both the requirement of human right and adequacy of punishment. The recommendation to clarify that life imprisonment would mean for life

should meet the requirement of justifiable revulsion and anger at the rapist's conduct.

Rightly there is condemnation of Khap Panchayats self serving approach to women's rights, the self-glorification of their arbitrarily fixed rules of conduct for women on the use of mobiles, co-education, the kind of dress, music and singing and their right to marry of their own choice. Law is needed against these outmoded feudal practices to put immediate stop to these.

Though the recommendation of breach of command responsibility placed on officers in the army for the

acts of their inferiors may be somewhat debatable, there is no reason why the provision for prior sanction for prosecuting the army personnel should not be deleted and further these cases should be tried before ordinary criminal courts so as to give confidence to the victims that the guilty will not escape punishment.

Though the speed at which Verma panel was constituted was rightly welcomed, public will have to keep close check to see that panel's recommendations get legal cover in the forthcoming session of Parliament. This is because the

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- **General Secretary, PUCL**

record of the government (and I have regretfully to accept even that of courts) in this regard has not been helpful in the past. Thus Parliament, though it amended the Criminal Procedure Code to provide that in offences of rape, the trial should be completed within two months from the date of commencement of the examination of the witnesses but yet trials continue much beyond that period. Even more regrettably the amendment in 2009 requires that offences of rape are to be tried as far as possible before a court presided over by women. And yet unacceptably (and in fairness has to be conceded here the responsibility in that of the judiciary also), 4 out of 6 fast track courts formed in Delhi to try sexual offences are being presided over by male judges.

Most important recommendation and which I am afraid is not to the liking of politicians is the one relating to electoral reforms. I say this because for over a decade various chief election commissioners have been writing to both the Congress and BJP Central governments to effectuate the existing the electoral rules so that electors can cast their votes as 'None of the above' candidates, by amending the ballot box rules (which already gave such right to the electors) by now providing a slot in the electronic voting machine. But both parties are unwilling to do this, obviously because they are apprehensive that this will give opportunity to the voters to express

their no confidence publically in their candidates.

Important recommendation

In that context I have strong misgiving whether Parliament would give effect to the most important recommendation of the panel, namely that a "legislator should be disqualified if court takes cognizance of an offence punishable with minimum of five years jail."

I myself have been emphasising for long that the most serious menace to our electoral system is not the criminalisation of politics but the more menacing one is politicalisation of criminals. Previously the politicians used the criminals in their electoral battle, but the politicalisation of the criminals, which is now prevailing means that the criminals are sitting as the legislators.

Parties still continue to ignore the warning regarding criminal elements in our legislatures given by the Vice-President of India years back where in he said; "Most important issue of concern today is the decreasing credibility of our legislatures as effective institutions capable of delivering public good and contributing to effective formulation of laws." Around 23 per cent of our MPs elected in 2004 ha criminal cases registered against them - over half of these cases could lead to the imprisonment for five years or more. The situation is worse in the case of MLAs, failing to discharge its two fold brief, legislate and deliberate, and

that the country's top lawmaking body had fallen short of people's expectations.

Unless the Verma panel report really sings the conscience of the of the legislators into making a change in election law where a candidate if charge-sheeted with cognizable offence six months before the date is debarred from contesting the elections, I am afraid criminality in politics would continue and this would make a mockery of Verma panel's recommendation of changes in a electoral law, a very strong component of the recommendations. The demand is therefore that all the recommendations along with that of electoral law should be carried out simultaneously.

As tempers stand at present BJP has threatened to disrupt Parliament work unless home minister Sushil Kumar Shinde resigns over his 'terror' comment. This will mean no legislative business. I am not suggesting Shinde's resignation.

However I do feel that the government could corner BJP into letting the Parliament function if in the beginning it takes up both Verma panel report and the passing of Women Reservation Bill - in this situation BJP possibly could not dare to stall the working of Parliament and incur the wrath of all women and overwhelmingly number of people. This consensus on these two major issues will be a fitting tribute to the memory of the braveheart and to the many previous victims. □

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I, Pushkar Raj, hereby declare that the particulars given above are true to the best of my knowledge and belief.
March 1, 2013

Pushkar Raj, Publisher

Is India on the Path to become a Land of Serial Executions?

The PUCL strongly condemns the rejection by the President of India of the commutation petitions of Simon, Meesakara Mathayan, Bilavendran and Gnanaprakasam. Equally condemnable is the action of the Prison Authorities of Belgaum Central Prison, Karnataka who in the morning of 13.2.2013 merely intimated orally to the convicts of the rejection of their mercy petitions without giving them the written orders of rejection. In sharp contrast, signed acknowledgements of receipt have been obtained from all 4 convicts!

PUCL is extremely concerned at the repeat pattern of the deliberate and surreptitious manner in which rejection of commutation petitions has been communicated in all the 4 cases, which the present President has rejected - viz., Kasab, Afzal Guru, Saibanna and the current 4 convicts. In Afzal Guru's case the Union Home Minister is on record to state that they did not intimate immediately to the wife of Afzal so as to prevent them from approaching the High or Supreme Court. Even in Saibanna's case the rejection was only orally intimated but acknowledgement obtained from the prisoner. It is very clear that the Union Government and the State Governments all seem to be acting in a manner totally against the spirit of the Indian Constitution and rule of law by consciously and deliberately sabotaging and subverting established procedures and has to be strongly condemned as unbecoming of constitutional authorities.

The rejection by the President of India of the commutation petitions in the case of these 4 convicts seems to be based on a wholly unacceptable, erroneous and unwarranted appreciation of the powers of commutation provided by Article 72 of the Indian Constitution. The commutation or 'pardoning' power of President of India is better described as 'unfettered power' not subject to any constitutional or judicial restraints.

The power of the President under Art. 72 in the nature of a 'constitutional and executive' power as contrasted to the Courts Statutory and judicial powers, and is actually in the nature of 'Residual Sovereign Power' untrammelled by the decision of the courts, including the Supreme Court; the President is thus empowered to go beyond the evidence on record and come to a different conclusion than that recorded by the Court.

It is most unfortunate that the President, advised by the cabinet, seem to be under the false impression that what the Supreme Court has said is the final word beyond which the executive cannot go. There is no other way to understand the string of Presidential rejections of commutation petitions coming in rapid fashion.

At the current rate of rejections India can look forward to a continuous string of serial hangings in this year itself.

The rejection by the President of the commutation petitions of these 4 convicts is wholly unconstitutional, unfair and arbitrary. The President, advised by the Council of Ministers, seem to have missed the point that the Designated TADA Court did not feel compelled to impose death penalty because "it is not the case of the prosecution that the accused had started their careers as criminals and attained notoriety". They were inhabitants of the local area who were compelled to fall in line. In other words while they were gang members of Veerappan's gang, they were not the main leaders. The trial court therefore convicted them but imposed only life sentence.

The Supreme Court, which enhanced the punishment to death sentence, seemed to have given greater importance to the issue of violence in the area as a result of the clash between Veerappan's gang and the STF and police forces. The SC opined that that theirs was an onerous duty of "self preservation" which impelled the SC to impose

death penalty.

Whatever the rationale of the SC's ruling, the power of the Council of Ministers of the Central Government is much wider and in exercising their pardoning powers the Government is duty bound to look at the conduct of the prisoners post-conviction, as also other personal factors. It is also relevant to point out Veerappan himself was eliminated in an encounter by the Tamil Nadu Police in 2004 and his entire gang liquidated.

All the 4 convicts are senior citizens aged above 60 years, which Meesakara Mathayan aged nearly 72 years, Beelavendan and Gnanaprakash aged about 65-67 years and Simon being over 60 years. They have all been in jail for the last 18 years.

None of them have any other criminal cases against them. In fact the same SC bench has acquitted them in other TADA cases, which were part of the same set of cases in which they got death sentence.

The conduct of the convicts has been exemplary and they have not got involved in any prison offences in the last 18 years.

The basis of criminal jurisprudence system in India is the possibility of reform of prisoners, not retributive justice.

Is the Government of India so scared of 60 and 70 year old men? Do they constitute after 18 years in prison, such a major threat to society that the only solution is by hanging them?

It is indeed a sad day for democracy that the UPA Government in Delhi seems bent on laying the record for serial hangings, in a manner never before witnessed in Independent India. Political brownie points cannot be scored by the union government over the lives of death row convicts; it is the worst form of democratic degeneration of any country.

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

PUCL Statement on the Hanging of Afzal Guru

The PUCL condemns the hanging of Afzal Guru in Tihar Jail early in the morning (9.2.2013) today.

The tearing hurry, with which Afzal Guru was hanged, accompanied by the flouting of all established norms by not giving his family their legal right to meet him before taking him to the gallows, clearly indicates that there were political considerations behind taking this step. More shameful is the explanation of the Home department that the wife and family of Afzal Guru were intimidated of the hanging by a mail sent by Speed Post and Registered Post. Decency and humanity demanded that the Union Government give prior intimation to the family and an

opportunity to meet him. Such a surreptitious action of the government also deprives the family of Afzal Guru to right to seek legal remedy.

PUCL also condemns the repressive stand of the Delhi police in not allowing a group of people who were protesting against the hanging and detaining them in police stations. We are equally concerned by reports that right-wing goons were permitted by the police to use violence against the protestors. PUCL asserts the right of citizens to dissent and express their opposition to capital punishment in a peaceful manner.

PUCL reiterates its demand for the abolition of the death penalty. PUCL is of the view that India must not

retain in its statute book something so abhorrent to human rights as the death penalty. More especially, when more than one hundred and fifty countries have banned or put a moratorium on it. PUCL feels that as the land of Buddha and Gandhi, death penalty has no place.

PUCL feels that starting with Kasab, now with Afzal Guru, the country is going to witness a spate of executions. We give a call to the nation to break this spiral of executions.

Prabhakar Sinha, President;
V Suresh, General Secretary, PUCL National

New Delhi, 09.02.2013 □

Joint Statement: Issued on behalf of the People's Union for Civil Liberties (PUCL) and Citizens for Democracy (CFD): 30.01.2013

Police Action against Ashis Nandy Condemned

We deprecate strongly the police action being taken against Ashis Nandy. The accusation that Nandy has made derogatory casteist remarks against dalits and OBCs are utterly baseless. Ashis Nandy has been longstanding friend and guide of the OBC and dalit cause and his record for such deprived sections

of society extending over three decades would show how false and motivated such allegations are.

We condemn the action of the Rajasthan Government for having initiated proceedings against him. We demand that proceedings be immediately withdrawn. The government and the people who have leveled allegations against him

should take them back and express unqualified apology to him.

We also call upon the National Commission For SCs to discontinue the inquiry, which is totally uncalled for.

Signed and issued by: **Justice Rajindar Sachar** (Retd), **Kuldip Nayar**, **N.D. Pancholi**, **Mahi Pal Singh**, National Secretary, PUCL □

Civil Society Groups' statement Against Conferment of Honours on Perpetrators of Sexual Violence against Women: 25th January 2013

We, the undersigned, are appalled at the conferment of the President's Police Medal for Meritorious Service to SRP Kalluri, IGP of Chhattisgarh. Mr. Kalluri raped a tribal woman, Ledha Bai, when he was the SP of Sarguja District, ordered her gangrape by his juniors, and then terrorized her and her lawyer when she decided to file a complaint against him. Coming on the heels of the award of the President's Gallantry medal to Ankit Garg, who had sexually assaulted another tribal woman in his custody, Soni Sori, it appears that sexual violence against women by the police is well

tolerated, and even decorated, by the government. Is it any wonder then, that we are witnessing a spiraling increase in crimes against women? Ledha Bai is a tribal woman who was married to Ramesh Nagesia, a member of the CPI (Maoists). Under advice from the police, she convinced her husband to surrender himself to the police. But, the police team, lead by the then-SP of Sarguja, Mr. SRP Kalluri, went to the pre-assigned meeting place and shot the unarmed Ramesh Nagesia dead, in front of his wife Ledha. Ledha was allowed to live, but with the caveat that she would not tell anyone about

this episode. However, a few days later, Ledha, her 2-year-old child and her parents were rounded up and taken to the police station. There, Ledha was stripped and raped by Mr. Kalluri, and green chillies were inserted into her vagina in front of her parents and daughter. Under orders from Mr. Kalluri, SPO Dhiraj Jaiswal and others gangraped her in police custody for about 10 days. All this has been documented by several fact-finding teams and was also corroborated by Ledha's statement in front of a magistrate. When Ledha tried to lodge a complaint against Mr. Kalluri, she

and her father were intimidated to the extent that they had to withdraw the complaint, and instead, false charges were filed against the lawyer who had helped her file the complaint.

Mr. Kalluri is well-known for the reign of terror he let loose in Sarguja district as its SP, under the pretext of fighting Maoists. Extra-judicial killings were frequent, such as the one of Narayan Khairwar, and anyone who raised a voice against this was victimized. Even a Rozgar Yatra led by the eminent economist Jean Dreze was subjected to a lathi-charge, on account of being constituted of suspected Maoists. Later on, Mr. Kalluri was transferred to Dantewada as Senior Superintendent of Police. His authoritarian rule continued there, and activists and ordinary tribals were subjected to endless harassment under his orders. Himanshu Kumar, a well-known Gandhian activist opposing Salwa Judum, had his ashram demolished and was forced to flee from Dantewada. Mr. Kalluri held a press conference announcing the well-respected international organizations such as the International Committee of the Red Cross and Doctors without Borders, were helping Maoists. In another press conference, he announced that Lingaram Kodopi, a 20 year old journalism student in NOIDA who had addressed public meetings in Delhi talking about the reign of terror in Dantewada under Salwa Judum and Operation Green Hunt, was in fact a spokesperson for the CPI(Maoist) and had masterminded

a Naxalite attack in Dantewada while sitting in Delhi. Linga's aunt, Soni Sodi, another outspoken tribal woman, was harassed by having multiple false cases lodged against her, and her husband arrested in another false case. Any tribal activist, other than those working for the ruling party, were arrested and thrown into jail. Consequently, CPI was forced to write a letter of protest to the Prime Minister, complaining of the witch-hunt of their party workers under Mr. Kalluri's reign, more than a dozen of whom were arrested and many of whom still continue to languish in jail. Kartam Joga, an elected Janpad member of the CPI, who had filed a writ petition in the Supreme Court against Salwa Judum, was similarly picked up on spurious charges and has just been released after 29 months in prison. In March 2011, SPOs torched three villages in Dantewada district. As Swami Agnivesh was attempting to deliver relief to these villages, police sealed off these areas and attacked the convoy along with Swami ji and accompanying journalists. The uproar created in the wake of this incident forced the Chhattisgarh government to transfer Mr. Kalluri out of this area.

In view of these crimes committed by Mr. Kalluri, we are unable to understand what constitutes meritorious service in the eyes of our government. We demand that the medal be immediately withdrawn.

Signed by: **Shabnam Hashmi**, Social Activist, **Sudha Bharadwaj** – General Secretary, PUCL Chhattisgarh, **Shalini Gera** – Activist, **Nandini Sundar** – Academic, **Himanshu Kumar**,

Gandhian activist, **Indira Chakravarti**, **Bela Bhatia** – Academic, **Kalpna Mehta**, **Kamayani Bali Mahabal**, Feminist and human rights activist, Mumbai, **Vrinda Grover** – Advocate, **Ram Punyani**, Scientist and Activist, **Mansi Sharma** – Activist, **Naish Hasan**, Activist, Lucknow, **Sheba George**, Activist, Gujarat, **Mahtab Alam**, Activist and Journalist, **Manisha Sethi**, Activist-Academician, **Sanghamitra Misra**, Activist-Academician, **Syed Zafar Mehdi** – Journalist, **Dr. John Dayal**, All India Christian Council & Member, National Integration Council, GoI, **Ahmed Sohaib**, Activist-Academician, **Aslam Khan**, Activist, Delhi, **Kavita Srivastava** – National Secretary, PUCL, **Navaid Hamid**, Member, National Integration Council, GoI, **S R Darapuri**, former DGP Police, **Annie Raja**, National Federation of Indian Women, **Zakia Soman**, Bhartiya Muslim Mahila Andolan, **Zulaikha Zabeen**, Journalist, Raipur, **Sucheta De**, AISA, **Asad Zaidi**, Three Essays Collective, **Vinay Bhatt** – Activist, **Shaheen Nazar**, Senior Journalist, **Harsh Dobhal**, Human Rights Law Network (HRLN), **Kavita Krishnan**, All India Progressive Women Association (AIPWA), **Reena Philipm**, Activist, Kerala, **Reny Ayline** – NCHRO, **Purva Bhardwaj**, Activist and Researcher, **Prof. Apoorvanand**, Delhi University, **Kumar Sundaram** – CNDP, **Lateef Mohd Khan**, CLMC, Hyderabad, **Jay N Jayram**, Researcher and Journalist, **Seema Mustafa**, Senior Journalist, **Dilip Simeon**, Academician, **Aijaz Zaka Syed**, Writer and Columnist, **Prakash K Ray**, Researcher, **Irshadul Haque**, Editor, Naukarshahi.in, **Iftikhar Gilani**, Senior Journalist, **Seela Mahapatra & Madhuresh Kumar** – NAPM, **Prasad Chako**, **Utkarsh Sinha**, **Jawed Naqvi**, Senior Journalist, **Vineet Tiwari**, Gen Sec, M P PWA, **Meera Ahmed**, University of Delhi □

Asian Human Rights Commission (AHR) statement on POSCO Protesters: February 2013

Immediately stop the brutal police assault on peaceful protesters opposing POSCO project in Odisha

Dear friends,

The Asian Human Rights Commission (AHR) has received information from POSCO Pratirodh Sangram Samiti about brutal police assault on villagers who were peacefully protesting against forcible

acquisition of their lands. The 12 platoon strong mobilisation that culminated in the assault started around midnight and the police finally entered the village around 4 in the morning and assaulted everyone, not sparing even the small children. The

action, apart from being brutal, is also inexplicable, as the state has no reason to hurriedly acquire the lands when the National Green Tribunal has already suspended the environment clearance to the proposed POSCO project. This was

one protest amongst many that have been occurring against the POSCO project in Orissa, which will gravely affect people's livelihood, food security and the environment.

Case narrative:

A 12 platoon strong police force forcibly entered the Govindpur and Dhinkia villages of Jagatsingpur district in Odisha and brutally assaulted the peaceful protesters who are opposing POSCO project in their area by making a human chain. The police did not spare even the elderly and the women and reportedly swung small children into air.

The police started entering the area around midnight and the massive swelling in their ranks was noticed by the villagers at around 2 am early in the morning of today, 03 February 2013. The villagers then alerted others and rushed to the dharna (sit

in) and human chain site. The police started their attack at around 4 am targeting the women and children who were standing in the frontlines of the human chain, thinking that their presence would make the police act a little humanely at least.

This, however, did not deter the police force, an all male one, and attacked the women injuring many of them. The numbers are yet to be known. Even more brutally, they reportedly swung little children accompanying their mothers in air. They then arrested several villagers and whisked them away to some unknown location. The assault, however, did not deter the villagers and many more of them have reached the protest site amidst growing tension. The situation has turned almost into a warlike one. The police have started breaking down the betel vines and cutting trees. The unarmed villagers

are presently facing a 12 platoon strong police force armed to teeth.

The assault is completely inexplicable as the state should be in no hurry to acquire the land when the National Green Tribunal has already suspended the environment clearance to the proposed POSCO project in our area.

The attack is just another addition to many such attacks on the protesters including the ones carried out by the hired goons of the private company. The state government has consistently failed to respect, protect and fulfill the human rights of those affected by the POSCO project. Instead, it has continuously sided with those violating the rights. It is our firm belief that no development project should be launched without respecting human rights. This is one of the basic principles and duties of a state party to various international human rights laws, which India is.□

Letter to NHRC against the barbaric actions of state police officials and paramilitary forces in Jagatsingpur of Odisha: 3rd February 2013

Justice K.G. Balkrishan,
Chairperson
National Human Right Commission
Faridkot house, Copernicus Marg
New Delhi-110001

Sub: Urgent action against the barbaric actions of state police officials and paramilitary forces in the Batabelari (bordering area of Gobindpur and Nuagaon village) in Jagatsingpur of Odisha, severely injuring about 50 to 60 villagers (Senior citizens, Women & Children) and illegal arrest of three human rights defenders.

Sir

With due respect I like to bring the following matter before your kindness for urgent necessary action:

That, today the 3rd February 2013 the police officials of Jagatsingpur district and about 15 platoon of paramilitary force entered in to "Batabelari" (bordering area of Gobindpur and Nuagaon village) at about 5 am early morning where about 150 villagers are agitating, forming a human chain, since

January 14th 2013, against the acquisition of land for the steel plant project. (A news clipping published in The Hindu is also annexed below for your kind reference.)

The state police and the paramilitary force without any notice allegedly lathi-charged the women members, senior citizens and children of the village who were in the forefront, and about 50-60 people were severely injured in this merciless attack and three human rights defender were also arrested.

Human Right Defenders (HRD) arrested are:

Debendra Swain, aged about 40 years, S/o Pitabas Swain, Resident of Village-Dhinkia, PS-Abhyachandpur Distt- Jagatsinghpur. Sumant Bhoi, aged about 35 years, Resident of Village- Dhinkia, PS-Abhyachandpur Distt- Jagatsinghpur and one more person.

Persons who are severely injured are (all belonging to PS- Abhyachandpur Distt- Jagatsinghpur):

Kailassh Mohanty aged about 65

years, S/o Late Nidhi Mohanty, R/o Village- Patna; **Bijaya Das**, aged about 75 years, R/o Village-Gobindapur; **Diwja Bhoi**, aged about 80 years, R/o Village-Gobindapur; **Sakhi Bardhan** aged about 55 years, R/o Village-Gobindapur, **Manorama Khuntia**, W/o Baidhara Khuntia, R/o Village-Gobindapur; **Bai Das** aged about 45 years, R/O Village- Patna; **Maunabati Das** aged about 40 years R/o Gobindapur; **Basanti Dalai**, aged about 45 years, R/o Village-Gobindapur; **Santi Das**, aged about 60 years, R/o Village-Gobindapur; **Alok Swain** aged about 45 years S/o Siba Swain, R/o Village-Gobindapur, and many others. Perpetrators of the crime are:

1. District Magistrate and Collector Jagatsinghpur District, Odisha
2. Superintendent of Police Jagatsinghpur District, Odisha
3. Inspector In Charge Pradip Police Station, District Jagatsinghpur, Odisha

4. Inspector In Charge Kuganja
Police Station, District
Jagatsinghpur, Odisha
5. Inspector In Charge Tritol Police
Station, District Jagatsinghpur,
Odisha

In the light of the facts stated above
I beg your kindness to act urgently
in the matter to release the HRD
unconditionally also request your
honour to issue a notice to the Home
Secretary/Director General of Police
Odisha to immediately stop this kind

of act on a peaceful demonstration
and pass any other order / orders
for which I shall be highly obliged.
Sincerely yours,
Chandranath Dani
Center for Legal Awareness and
Human Rights (CLAR) □

Letter to the PM by Eminent citizens against destruction of forests in the name of development: Kolkata: 27th January 2013
Dr. Manmohan Singh
Prime Minister of India
New Delhi 110001
011-23019545 / 011-23016857

Subject: Stop moves to bypass Forest Rights Act when taking forestland for large projects

Dear Dr. Manmohan Singh-ji,
For the last five years, ignoring
protests from both people's
organisations and political parties,
and despite the Forest Rights Act
2006, the practice of illegally
grabbing forestland has remained
dominantly in vogue in most of the
country. This happened because the
Government of India could not make
up its mind about what it intends to
do with the Forest Rights Act, which
recognises people's rights over
forest resources and their legal
power to protect and manage them.
The land-grab continued despite
adverse comments by a
Parliamentary Standing Committee,
protests and mobilisations from
across the country, and rhetoric from
your government about its
commitment to *adivasi* rights. Even
the Minister of Tribal Affairs in your/
government, Shri Kishore Chandra
Deo, has to write twice to highlight
this illegality. Apparently, this has not
stopped the Environment Ministry
from indulging in grossly illegal
practices of considering and clearing
projects with definite environmental
impacts.

The law requires that no forestland
can be taken for a project without a
certificate from the affected gram
sabhas that their rights under the
Forest Rights Act have been
recognised, and that they (*gram
sabhas*) agree to the diversion. As
the Minister of Tribal Affairs himself
put it, this is being "honoured in the
breach" and the concerned statutory
bodies are "misleading project

proponents and the public", thereby
"produc[ing] conflict, harassment,
injustice, delays and litigation."

The question one likes to be
answered is how a government that
has recently seen one after another
eruption of public anger against its
callous and corrupt favouring of
private interests, affords to favour
the same interests at the cost of
millions of forest dwelling citizens of
this country, and compromising their
legal and constitutional rights?

We now learn from media reports
that your office, and in particular a
committee headed by your Principal
Secretary, PMO, Pulok Chatterjee,
has come out with a perfectly
shocking state of 'recommendations'
which aim to legalize the illegal
practices the MoEF has been
indulging in granting forest
clearances for most projects. Citing
a dubious reason of 'delays in project
clearances'—something which none
other than your Environment Minister
has shown to be resulting from faulty
documentation, fraudulent proposals
and attempts at engaging in
speculation—the rights of the some
of the most marginalized and
oppressed citizens of the country are
to be sacrificed, by stipulating a
series of unacceptable changes in
the forest clearance process which
in recent years has been to a great
extent influenced by the order issued
by the MoEF on August 2009. The
order which provided for a much
needed regulatory framework to
ensure compliance with both Forest
Rights Act and PESA in the forest

clearance process stands to be
nullified if the PMO Committee's
recommendations are acted upon:
the recommendations directly violate
the FRA and, in Scheduled Areas,
the Panchayats (Extension to
Scheduled Areas) Act (as well as by
implication the Fifth Schedule itself).
Procedural delay cannot be an
excuse for bypassing laws. The
alacrity, with which your government
seeks to serve the interests of large
corporations and resource grabbers,
while paying a lip service to
protecting tribal rights, exposes the
real character of the UPA
government's administration.

We condemn this transparently
corrupt, illegal and repressive move
and demand. We therefore call upon
you to:

Uphold and strictly enforce the
Forest Rights Act and the 2009 order
of the Ministry of Environment and
Forests for FRA compliance,
ensuring that no forestland is taken
without *gram sabha's* consent and
without certificates from *gram
sabhas* that rights recognition is
complete;

Start criminal prosecution against
officials who have diverted or tried
to divert forestland without
respecting people's rights;

Withhold existing clearances for
diversion of forestland. They should
be cancelled if found to violate the
provisions of the Act or the 2009
order. Where projects have already
come up, those affected should be
rehabilitated as well as granted
additional compensation for the

criminal violation of their rights (along with prosecution of those responsible).

Thanking you,

Mahasweta Devi, Writer, Winner of Gyanpith and Magsaysay Award; **Dr. Ajit Banerjee**, Ex-Principal Chief Conservator of Forests, West Bengal; **Samar Bagchi**, Ex-Director, Birla Industrial & Technological Museum,

Kolkata; **Dr. Kalyan Rudra**, River Expert, Columnist; **Biswajit Mukherjee**, Ex-Chief Law Officer, Dept. of Environment, Govt. of West Bengal; **Prof. Sujay Basu**, Scientist; **Prof. Suwendu Dasgupta**, Economist, Columnist; **Jaya Mitra**, Writer, Columnist; **Dr. Meher Engineer**, Ex-Director, Bose Institute, Kolkata; **Naba Dutta**, Columnist and Secretary, Nagarik Mancha; **Jayanto Basu**,

Environmentalist; **Balai Soren**, Secretary, Adibasi Banabasi Adhikar Mancho; **Soumitra Ghosh**, Secretary, Nespon, Siligui, West Bengal; **Sasanka Dev**, Secretary, DISHA, Kolkata; **Pradip Chatterjee**, Secretary, National Fishworkers' Forum; **Gobinda Das**, Secretary, Sundarban Matsyajibi Joutha Sangram Committee; **Tejendralal Das**, President, Dakshin Banga Matsyajibi Forum □

Press Statement by People's Movement Against Nuclear Energy (PMANE), Tamil Nadu: January 28, 2013

Tell the Nation the Truth on the KKNPP

Angered by moral and political corruption, disturbing developments and the overall mismanagement of the body politic, Marcellus tells Horatio in utter disgust and disappointment in Shakespeare's classic play Hamlet: "Something is rotten in the state of Denmark."

We, the people of Tamil Nadu and Kerala, who have been fighting against the Koodankulam Nuclear Power Project (KKNPP), are feeling very much like Marcellus. We have been asking in vain for the basic reports on the project. Even after the Central Information Commissioner (CIC) passed an order to share the reports with the public, the Nuclear Power Corporation of India Ltd. (NPCIL) has been ducking and dodging.

We have been asking several important and pertinent questions about the design of the Reactor Pressure Vessel (RPV) in KKNPP, availability of sufficient fresh water for cooling and other purposes, disaster preparedness, liability arrangements, waste management, decommissioning plans, impact of reactors and desalination plants on our sea and seafood, and the livelihood of our fishermen and farmers. None of these issues has been addressed in a truthful, responsible, sensitive and sensible manner.

Throwing all our democratic precepts and principles to the air and callously ignoring the ongoing peaceful and nonviolent struggle of the concerned citizens, the Indian State and its nuclearocrats went ahead with Uranium fuel loading and testing at

Koodankulam. The inept and improvident NPCIL that has had a very dismal record on delivering goods to the people of India is pushing hard on the KKNPP that is, by many accounts, still born.

The haste in getting the senior officers such as Dr. S. K. Jain and Mr. Kasinath Balaji out of Koodankulam, the employment of Croatian and German technicians in the Russian designed and erected nuclear power plant, and the calculated and cunning leaking of 'leaks and repairs' news by the Minister of State at the Prime Minister's Office (PMO) are all clear indications that the KKNPP units are neither breathing nor crying. Strangely enough, NPCIL is claiming an excess spending of a whopping sum of Rs. 4,000 crores on the non-functioning and non-delivering power plant.

We see a dangerous drama unfold in the Indian nukedom. On the one hand, the NPCIL wants to run the KKNPP units by any means and at any cost. They are desperately trying to keep the American, French and all other agreements and arrangements alive and start walking in the emerging India with the borrowed foreign crutches. The PMO that seems to be more bothered about the foreign-friendly Dr. Manmohan Singh's leaving a false legacy of being the "Father of Developed India" than safeguarding the safety and well-being of ordinary Indian citizens stands solidly behind the NPCIL. They together are very eager to enjoy the technological and political benefits and profits of

KKNPP and all other projects.

On the other hand, there is the Atomic Energy Regulatory Board (AERB), which has been severely rebuked and reprimanded by the Comptroller and Auditor General (CAG) of India just a few months back for its non-performance. It is important to remember that the AERB is just a 'desk and chair' in the sprawling DAE complex and may not stand tall for too long. It is also pertinent to remember here that the Indian Parliament is considering the setting up of an independent and potent Nuclear Safety Regulatory Authority (NSRA), which may have more autonomy and credibility.

Aghast at the manipulations and machinations of the DAE, NPCIL, AERB, PMO and the Indian State, some groups went to the courts including the Madras High Court, Delhi High Court, National Green Tribunal (NGT) and the Supreme Court (SC). The Madras High Court, among other things, had the Tamil Nadu Pollution Control Board (TNPCB) officials change the thermal pollution temperature figures in a rushed and hushed manner and handed over a favorable verdict to the Indian State. They appealed to the Supreme Court where the case was heard and the judgment has been reserved for several weeks now. No one knows where the SC stands!

But we know full well where the people of India stand. On the streets! Feeling clueless and hopeless! Abusing its power in an arrogant and authoritarian manner, the Indian State has imposed 'sedition' and 'waging war' cases on unarmed and

nonviolent protestors. More responsible Prime Minister, Chief Minister and other senior leaders and officials keep strictly silent while a junior minister in Delhi goes around making infantile, irresponsible and incomplete statements on the KKNPP happenings. The honest and hard working citizens of India have been struggling for more than 500

days with so many hardships and difficulties. When all is said and done, we seriously think and feel that "Something is rotten in the state of India."

The PMO, DAE, NPCIL, AERB and the Indian State must put the interests of Indian citizens first, convert the still born KKNPP into something useful, envision alternative

energy futures and create a win-win situation for the Indian citizens and the State.

As Horatio replied to Marcellus, "Heaven will direct it," may the Heavens direct the State of India to sanity, stability and security!

The Struggle Committee, The People's Movement Against Nuclear Energy (PMANE) □

Press Release by Toxics Watch Alliance (TWA), and Khet Bachao Jeevan Bachao Jan Sangharsh Committee (KBJBJC), Vaishali

Bihar Chief Minister promises to 'puncture' construction of asbestos factories

Chief Minister's environment friendly intervention welcomed

Memorandum demands stoppage of asbestos factory and withdrawal of fake cases

Patna/New Delhi February 14, 2013: Bihar Chief Minister Nitish Kumar met the leaders of ban asbestos movement led by Vaishali's Khet Bachao Jeevan Bachao Jan Sangharsh Committee (KBJBJC) and the leaders of left parties and promised to 'puncture' construction of asbestos factories in the State. The Chief Minister met the leaders at his residence at 1, Anne Marg in Patna in the evening hours of on February 13, 2013. The Hindi Press Release of Khet Bachao Jeevan Bachao Jan Sangharsh Committee (KBJBJC) and their Memorandum to the Chief Minister is attached.

This announcement of the Chief Minister follows declaration of Shri Awadhesh Narain Singh, Chairman, Bihar Legislative Council saying 'buying asbestos is akin to buying cancer' at a conference on environmental and occupational health on December 24, 2012, in his address to the health experts, scientists, trade union leaders, academicians, civil society leaders and villagers. The conference also adopted a Patna Declaration urging State of Bihar to ban Asbestos Product Use and to ban Asbestos Product Use.

Officials present at the meeting suggested a campaign to end the use of asbestos based products in the State.

Bihar Chief Minister expressed outrage at the granting of 'No Objection Certificate' by Bihar State Pollution Control Board (BSPCB) to hazardous asbestos based factories in fertile agricultural lands.

In a remarkable move Bihar Chief Minister phoned Chairman, BSPCB and fixed an appointment for the villagers of Vaishali for February 14 and expressed his disapproval for asbestos based factories to him in front of the leaders of the left parties and the villagers' committee.

Villagers met the Chairman, BSPCB today. The Chairman spoke to District Magistrate, Vaishali and assured the villagers of necessary action for cancelling the approval given to the asbestos company's plant.

The current status of the asbestos factories in Bihar is as under:

1) Kolkata based UAL Industries Ltd for Establishment of 2, 33, 000 MT per year capacity Asbestos Cement Sheet and Corrugated Sheets Plant in two phases at Goraul, Vaishali in the name of UAL-Bihar. Earlier it was proposed at Bakhtiyarpur. This has been suspended temporarily

2) Chennai based Ramco Industries Ltd for establishment of 1, 20, 000 MT/Annum Capacity of Asbestos Cement Sheet Plant and 2 Lakh MT/ Annum Capacity of Cement Grinding Plant at Industrial Area, Bihya,

Bhojpur. In his speech of Chairman, Bihar Legislative Council available above on the youtube, he expressed concern about this plant.

3) Chennai based Nibhi Industries Pvt. Ltd for establishment of the One Lakh MT Capacity Asbestos Fiber Cement Corrugated Sheet, Flat Sheet and Accessories and Light Weight Fly Ash Block Plant at Industrial Growth Centre, Giddha, Ara, Bhojpur. In his speech of Chairman, Bihar Legislative Council available above on the youtube, he expressed concern about this plant. This has been taken on lease by Utkal Asbestos Limited (UAL) in a strategic move realizing that construction of its asbestos based plant will not be allowed by the villagers of Vaishali.

4) Andhra Pradesh based Hyderabad Industries Ltd for establishment of 2, 50, 000 MT per year capacity Asbestos Cement Sheeting Plant in two Phases at Kumarbagh Industrial Area, West Champaran

5) Kolkata based Balmukund Cement & Roofings Ltd for establishment of 1.5 Lakh MT capacity production unit of Asbestos Fiber Cement Sheet (Corrugated/ Flat) and Accessories at Chainpur-Bishunpur, Marwan, Muzaffarpur. This has been stopped following bitter struggle of villagers of Marwan block of Muzaffarpur.

6) Rajasthan based A Infrastructure Ltd for establishment of 1, 25, 000 MT per year capacity Asbestos Cement (A.C.) Sheet and 1,00,000

MT per year capacity A.C. Pressure Pipe at Pandaul Industrial Area, Madhubani.

Following Chief Minister's intervention Bihar's State Investment Promotion Board (SIPB) and the State Cabinet must disapprove asbestos based industrial projects and rescind earlier approvals.

Struggle of villagers of Vaishali's Chaksultan Rampur Rajdhari near Panapur in Kanhauli Dhanraj Panchayat in Goraul block against asbestos based factory has reached a decisive phase. Villagers have been protesting against this lung cancer causing hazardous plant under the banner of KBJBJC for more than 2 years.

After the villagers Mahadharna of June 14, 2012, the district administration had put a stay on the construction of the factory. When the construction started again on December 16, 2012, the villagers blocked the Mahua-Samastipur road for 9 hours to express their protest against the proposed white asbestos plant of UAL company in their village on June 14. Cancer causing white asbestos also called chrysotile asbestos is banned in 55 countries. It is noteworthy that "The

Government of India is considering the ban on use of chrysotile asbestos in India to protect the workers and the general population against primary and secondary exposure to Chrysotile form of Asbestos." This has been revealed in a concept paper by Union Ministry of Labour revealed during 19-20th September, 2011. The resolutions of WHO and ILO in 2005 and 2006 have called for the elimination of asbestos.

In India, mining of asbestos is technically banned but its import from other countries is yet to be banned. Trade in asbestos (dust & fibers) is also banned.

The shady designs of the UAL company against the villagers and protesters to protect its hazardous plant at the cost of villagers' health was condemned by the speakers who spoke at the demonstration. In a dubious move, the UAL has filed case no. 252/2012, 509/2012 and 510/2012 to silence the voice of public interest persons. This appears to be done to trap villagers into concocted cases as part of company's design to malign the movement of the KBJBJC. The memorandum sought the withdrawal of three fake cases lodged in Mahua Thana, Vaishali.

Asbestos Virodhi Nagrik Manch, Patna and left and socialist parties participated in the demonstration on January 16, 2012 to express solidarity with the villagers struggle against the asbestos based factory of Utkal Asbestos Limited.

Now that the construction of asbestos based factory in Vaishali is all set to be permanently stopped, the issue of three asbestos plants in Bhojpur's Giddha and Bihiya will come to the forefront where protest has been going on for more than 2 years. Notably, the Giddha plant is situated behind a B Ed College. The villagers are protesting against this plant. In Bihiya, Tamil Nadu based Ramco Industries is operating two asbestos plants amidst protests from villagers. Memorandum has been submitted to the District administration in this regard.

The memorandum to the Chief Minister demanded white asbestos based plants should be closed in public interest keeping public health in mind and dismissal of fake case registered by Utkal Management.

Gopal Krishna, Toxics Watch Alliance (TWA), Ajit Kr Singh, Khet Bachao Jeevan Bachao Jan Sangharsh Committee (KBJBJC), Vaishali.

UN Press Release on Indian movement to eradicate 'manual scavenging': 31 January 2013:

UN High Commissioner for Human Rights Navi Pillay Applauds Indian Movement to Eradicate 'Manual Scavenging'

GENEVA (31 January 2013) - The UN High Commissioner for Human Rights Navi Pillay today welcomed the strong movement that has been developing over the past few months in India to eradicate the practice known as 'manual scavenging' which, because of the stigma attached to it, has traditionally been carried out by Dalit women in a clear manifestation of discrimination based on caste and gender.

The focus on manual scavenging - essentially the manual removal of human excreta from dry latrines and sewers - has recently been significantly heightened in India by

a National March for the Eradication of Manual Scavenging (also known as "Maila Mukti Yatra"). The March, which in addition to advocating the eradication of manual scavenging has called for the comprehensive rehabilitation of those who have been conducting it, took place over a period of 63 days, starting on 30 November 2012 and crossed a total of 200 districts in 18 states. It will be formally concluded on Thursday in New Delhi.

"I congratulate the strenuous efforts and commitment of the organizers, and of all the participants -- especially the thousands of liberated

manual scavenger women -- who marched across the country in support of the many others who are still being forced to carry out this dreadful practice," the High Commissioner said.

"An estimated 90 percent of manual scavengers are Dalit women who face multiple inequalities and discrimination based on their caste and gender, and who are often exposed to violence and exploitation," she added.

"Because of the nature of the work, manual scavenging has contributed to a self-perpetuating cycle of stigma and untouchability," Pillay said.

"Manual scavenging is not a career chosen voluntarily by workers, but is instead a deeply unhealthy, unsavoury and undignified job forced upon these people because of the stigma attached to their caste. The nature of the work itself then reinforces that stigma."

The High Commissioner met two years ago in Geneva some of those campaigning against manual scavenging "I was deeply moved when they presented me with a brick they had broken off a dry latrine," she said. "I keep it by my office to this day as a reminder of their struggle." "I am encouraged to hear that the march has been supported by a wide cross-section of society, who have come together to energize the growing movement to abolish this

degrading form of work, which should have no place in 21st century India," Pillay said.

In September 2012, a new bill on The Prohibition of Employment as Manual Scavengers and their Rehabilitation was submitted to the Indian Parliament by the Minister of Social Justice and Empowerment. The bill builds on the strong legislative framework already in place prohibiting untouchability and bonded labour, and adds a comprehensive definition of manual scavenging.

"The new bill provides a solid framework for the prohibition of manual scavenging," Pillay said. "India already has strong legal prohibitions on caste discrimination, so the key to the new law will be effective accountability and

enforcement. It is also crucial that adequate resources are provided to enable the comprehensive rehabilitation of liberated manual scavengers. This is the only way these grossly exploited people will be able to successfully reintegrate into a healthier and much more dignified work environment, and finally have a real opportunity to improve the quality of their own lives and those of their children and subsequent generations."

RAJIV CHANDRAN, National Information Officer, United Nations Information Centre for India and Bhutan

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Shinde on Hindutva Terror: Terminological Confusions

Ram Puniyani

Protests are being organized and threats to stall the proceedings of next Lok Sabha session are being dished out to oppose the Home Minister Sushil Kumar Shinde's statement about the Hindu terrorism, its links with BJP and RSS. (23 Jan 2013). There are two major components of this statement. One is the use of the prefix Hindu for terrorism, and two about RSS-BJP links with terror training camps. What Shinde called Hindu terrorism has also been called Saffron terrorism or Hindutva terrorism. This prefix is to point out to acts of terror indulged in by the likes of Sadhvi Pragya Singh Thakur, Swami Aseemanand, Col. Prasad Shrikant Purohit, Kalsangara, Sunil Joshi and many like them who were either actively associated with the ideology of Hindutva, or even were organizationally associated with RSS. Others were at that time or previously linked with some progeny of RSS like ABVP, Bajrang Dal etc. Many of them were part of organizations like Sanatan Sanstha, Abhinav Bharat, who again aim at the goal of Hindu Nation or are

ideologically inspired by the agenda of RSS.

The home minister's remarks are based on investigations done Anti Terror Squads of different states and by National Investigation Agency. Earlier the announcement was made by the former Union home minister P. Chidambaram, in July 2010, to Parliament that the National Investigation Agency (NIA) will probe the terrorist attacks on the Samjhauta Express and examine the conspiracy behind the attack, including the links of the accused in terrorist attacks at Malegaon (September 8, 2006), Mecca Masjid in Hyderabad (May 18, 2007) and at the Ajmer dargah (October 11, 2007). He had used the word Saffron terror.

Various such acts of terror in which these people have been involved have been coming to light from last ten years or so. In 2003, in Parbani, Jalna and Jalgaon districts of Maharashtra; in 2005, in Mau district of Uttar Pradesh; in 2006, in Nanded; in January 2008, at the RSS office in Tenkasi, Tirunelveli; in August 2008, in Kanpur etc. Few of the details of

some of these acts are very revealing

On 6th April 2006 two Bajrang Dal workers died when making the bombs. The place where they died belonged to the RSS worker and saffron flag was hoisted atop the hose. There was also a board of Bajrang Dal Nanded Branch on the wall of the house.

In Thane on 4th June 2008, two Hindu Jagran Samiti workers were arrested for planting the bombs in the basement of Gadkari Rangayatan, due to which 7 people got injured. The same group was involved in the blasts in Vashi, Panvel also.

In Goa a bomb kept in a scooter went off on the eve of Divali (17th Oct 2009) in Margao. It killed Malgonda Patil and seriously injured Yogesh Naik. Another bomb was detected in Sancoale in a truck carrying 40 youth for Narkasur competition. Both the activists belonged to Sanatan Sanstha. The second aim of this blast was to create communal tension in Margao, which has a history of communal violence. This group takes inspiration from Savarkar (Hindu Mahasabha) and Hedgewar

(RSS) and indoctrinates its members into hating Christians and Muslims. On 24th August 2008 two Bajrang Dal activists died in Kanpur, while making bombs. The Kanpur zone IGP S.N. Singh stated that their investigations have revealed that this group was planning massive explosions all over the state.

Indian Express, 23 Oct 2008 reports that those involved in the bomb blast in Malegaon and Modasa (Sept 2008) had links with Akhil Bhartiya Vidyarthi Parishad. Similarly in Tenkasi, Tamil Nadu pipe bomb attack on RSS office (Jan.2008) was projected to have been done by Jehadi Muslims.

The common pattern of these acts of terror has been twofold. One, that in few of such cases the activists related to Bajrang Dal or fellow travellers were killed while making the bombs. Second these acts of terror were targeted to kill the Muslims, so these acts were organized at times when the Muslims congregations take place, at the time of namaz or festivals like Shab-e-Barat in Malegaon, or in Ajmer Sharif where they come in large numbers or Samjhauta express where the major number of travellers is Muslims.

While in the initial phase police authorities working under the prejudice that 'all terrorists are Muslims' misdirected their probe, the probe came on the proper track after the Malegaon blasts when the motor cycle of Sadhvi Pragya Singh Thakur, the former activist of Akhil Bhartiya Vidyarthi Parishad, a wing of RSS, came under the scanner and her links with many of those who have been named above and are currently in jail, came to the surface. These facts came to light due to the initiative and immaculate investigation done by the then chief of Maharashtra ATS, Hemant Karkare. Karkare pursued the investigation professionally putting together the threads due to which today most of

them are in jails. While pursuing these investigations Karkare came under immense pressure from the politicians belonging to BJP and its close cousin, Shiv Sena. During this time Narendra Modi said that Hemant Karkare is an anti National, (Deshdrohi) and Bal Thackeray in his Saamana wrote that 'we spit on the face of Karkare.' Later Karkare got killed in the Mumbai terror attack of 26/11, 2006.

The people involved in some way were associated to the affiliates of RSS or RSS itself. Mr. Singh, Home secretary has given some of the names from RSS stable who have been allegedly involved in acts of terror

1. Sunil Joshi (dead), he was an "activist of RSS" in Dewas and Mhow from 1990s to 2003.
2. Sandeep Dange (absconding), He was "RSS pracharak" in Mhow, Indore, Uttarkashi and Sajhapur from 1990s to 2006.
3. Lokesh Sharma (arrested) He was RSS 'nagar karyavahak' in Deogarh.
4. Swami Assemanand (arrested), He was "associated with RSS wing Vanavashi Kalyan Parishad" in Dang, Gujarat in 1990s to 2007.
5. Rajender alias Samunder (arrested), He was "RSS Varg Vistarak."
6. Mukesh Vasani (arrested), He was an "activist of RSS" in Godhra.
7. Devender Gupta (arrested), was a "RSS pracharak" in Mhow and Indore.
8. Chandrasekhar Leve (arrested), was a "RSS pracharak" in Shajhanpur in 2007.
9. Kamal Chouhan (arrested), was a "RSS activist."
10. Ramji Kalsangra (absconding), was a "RSS associate".

This is in addition to Sadhvi Pragya Singh Thakur, Swami Dayanand Pandey, Lt Col Prasad Shrikant Purohit, Retd Major Upadhyay, who have been close to them.

While some beans were spilled by many of these accused the whole picture was pieced together by Swami Aseemanand, when he decided to confess in front of the magistrate. In his confession Swami gave the details of the whole set up raised under his coordination and involving many RSS workers and their associates. The major reason for this whole planning as per him was to counter the Islamic terrorism as witnessed in Sankat Mochan temple etc. and second goal of theirs' was to pave the path of Hindu nation.

The later investigation of ATS and now NIA has unearthed the linkages due to which these activists are cooling their heels in jails. Meanwhile in the wake of most of these terror blasts many a Muslim youth were arrested, some of whom were later released for the lack of any credible evidence. So this whole series of terrorists are Hindus. Does this then justify to label this type of terrorism as Hindu terrorism? By no means! Shinde is wrong to label this terrorism as Hindu terrorism.

Is the term 'saffron terrorism' correct? No way. This term was used by many including the then Home minister P. Chidambaram in the wake of the investigations done by Hemant Karkare in the case of Malegaon blasts. While one does not approve the term Hindu terrorism or saffron terrorism at all, one will like to see the background in which this term came to be used.

The RSS routinely adopts resolutions seeking to "curb Islamic terrorism with an iron hand". The term 'Islamic terrorism' was first coined by American media in the light of 9/11 act of terror. This was the first major attempt to label an act of terror with religion. This became the most popular word and all and sundry resorted to this word time and over again. This was a deliberate mischief by US to target the Muslims and thereby get legitimacy to launch

attacks in the West Asia to control over the oil resources. In India also large section of media picked it up. RSS and its progeny in particular highlighted the religious nature of this terrorism, and the word Jehadi terrorism was the common one to be used. In a way associating terrorism with religion became a dominant norm and it became part of popular perception.

In this backdrop when the acts of terror done by many Hindus came to light, it somehow came to be labelled with prefix Hindu or Saffron. Term Islamic terrorism and Jehadi terrorism is as much wrong as the term Hindu or saffron terror. The right word for first one may be Al Qaeda type of terrorism and for the second, Hindutva terrorism. Here again using Hindutva terrorism is fraught with some misunderstanding. As such Hindutva is a politics aiming at creation of a Hindu nation but due to its containing the word Hindu in it, it is also taken to be a religion in popular understanding. So the dilemma for Shinde! How to label this group of terror deeds? Probably one will like to make it clear that it is

Hindutva terrorism, it has nothing to do with Hindu religion and the difference between the terms Hindu (a religion) and Hindutva (a politics) needs to be made clear in popular parlance.

So it's hypocritical to make the intense noise while the word Hindu-saffron terrorism is used. Same set of people are using the word Islamic terrorism, Jehadi terrorism and propagating that all terrorists are Muslims. One has to know that the phenomenon of terror has been promoted in the Madrassas specially set up by America in Pakistan to indoctrinate the Muslim youth and bring up Al Qaeda type formations. So why demonize Islam, Muslims and use the term Jehadi terrorism? Both such abuses of religion run parallel to each other.

What about the statement that training camps run by RSS and BJP? In all fairness one conceded that the training camps run by RSS have gone to give the training in rifles but the training centres of bomb making and use are not directly conducted by RSS-BJP. Surely these activities are

done by those associated with RSS-BJP. One can't take lightly the picture making rounds on social media, which shows Rajnath Singh and Shivrajsingh Chouhan with Sadhvi Pragya Thakur. One also can't dismiss the fact that Lal Krishna Advani and Sushma Swaraj had gone to see the prime minister to plead the case of Pragya Singh Thakur in particular. One can't ignore that those running these training camps had or were associated with RSS in some way, actively at that time or in the past.

So all this protests and threats of BJP, threats to disrupt the session of Parliament are their usual political tactics and do not have any meaning, as their indirect or direct association with the terrorists is so much obvious. What Shinde is stating is factual but terminology is confused, and that's not due to his own fault. We as a society have not been able to come to coin correct terminologies for different acts of terror anyway, so why get away with using the word Jehadi terrorism and haul Mr. Shinde to the coals for such a use of the term? □

Intern's report:

Right to Education and its Possibilities

(With focus on its Implementation in Delhi)

Devahuti Pathak*

Introduction

"I beg to place the following resolution before the council for its consideration...the state should accept in this country the same responsibility in regard to mass education that the governments of most civilized countries are already discharging and that a well considered scheme should be drawn up and adhered to till it is carried out... The well being of millions upon millions of children who are waiting to be brought under the influence of education depends upon it..."

The above words are part of the resolution which Gopal Krishna

Gokhale moved in the Imperial Legislative Council on 18th march, 1910 for seeking provision of 'Free and Compulsory Primary Education' in India.¹ This was the first stroke which started the tumultuous, yet, vivacious scenario of free and compulsory education for children in India.

At the time of formation of the Constitution of India, Article 45 of Part IV (Directive Principles of State Policy) read that the State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for

all children until they complete the age of fourteen years. This discourse on Right to Education got a new turn with Supreme Court's Unnikrishnan's judgement (1993). In this interpretation of the Constitution, the Supreme Court stated that Article 45 must be read in "harmonious construction" with Article 21 (Right to Life) in Part III since Right to Life is meaningless if it is without access to knowledge. Thus the Supreme Court in 1993 accorded the status of Fundamental Right to "free and compulsory education" of all children up to 14 years of age (including children below six years of age).

Spurred by the Unnikrishnan judgment and a public demand to enforce the right to education, successive governments from 1993 worked towards bringing a constitutional amendment to make education a fundamental right. That led to the 86th amendment in December 2002 which inserted, among others, Article 21A in the Constitution that reads:

“21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”

Henceforth, The Right of Children to Free and Compulsory Education Act (RTE) was passed by the parliament on 4 August 2009. It describes the modalities of the provision of free and compulsory education for children between 6 and 14 in India under Article 21A of the Constitution. When the act came into force on 1 April 2010, India became one of 135 countries to make free and compulsory education the right of every child.

Today, after completion of two years of this promising legislation, the education scenario of India though promising, is not devoid of bumps. This report makes an analysis of the different issues that have cropped up in the delivery of the Right to Education Act, with specific focus on the situation in Delhi. It also draws conclusions on the observations and provides possible recommendations towards further effective success of the Act

Main Provisions

The Statement of objects and reasons of the Act explains: “The Directive Principles of State Policy enumerated in our Constitution has laid down that the State shall provide free and compulsory education to all children up to the age of 14 years. Even after 60 years of attaining independence, the number of children, particularly children from

disadvantaged groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory even in the case of children, who complete elementary education.”² Hence the RTE Act emerged to bring the focus of the society to the much deserved issue of educating those who had no hope for it.

The main highlights of this Act are as follows-

- Every child in the age group of 6-14 has the right to free and compulsory education in a neighbourhood school, till the completion of elementary education.
- Private schools will have to take 25% of their class strength from the weaker section and the disadvantaged group of the society through a random selection process. Government will fund education of these children. *[No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower). All schools will have to adhere to norms and standards laid down in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000*

per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.]

- No donation and capitation fee is allowed.
- No admission test or interview either for child or parents.
- No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
- There is provision for establishment of commissions to supervise the implementation of the act.
- A fixed student and teacher ratio is to be maintained.
- All schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function. Three years moratorium period has been provided to schools to implement all that is required of them.
- Norms for teachers training and qualifications are also clearly mentioned in the act.
- All schools except private unaided schools are to be managed by School management Committees with 75% of parents and guardians as members.³

As for the funds to implement the massive scheme, the Centre and the States would share the burden in the ratio of 55:45. The Finance Commission has provided Rs. 25,000 crore for the States in the current financial year (2010-2011) to implement the Act. The Centre has an allocation of Rs 15,000 crore for its part.⁴

In the implementation of these provisions there have been hurdles which have been criticised and discussed. A serial discussion of it is as follows:

Issues

1. Section 12 of the Right of Children to Free and Compulsory Education Act 2009 (the Act) has made it compulsory for every private unaided school to admit at least 25% of its entry level class from children belonging to weaker and disadvantaged groups.

In a recent Supreme Court of India's verdict dated 13 April 2012, a bench comprising Chief Justice SH Kapadia and justices KS Radhakrishnan and Swatanter Kumar, upheld the validity of the Section 12. The bench said that 25 percent reservation for students from weaker sections of society would apply uniformly to all government and unaided private schools except unaided private minority schools and boarding schools.

However numerous problems have arisen regarding this reservation which are enumerated as follows:

- 1) The most debated question of the coming in of children from Economically Weaker Sections (EWS) to study with children coming from the middle and upper classes of the Indian society, by virtue of the 25% reservation is that of **social integration**. A general din has arisen from the middle class parents who are expressing concern over the intermingling of their wards with the students coming from such impoverished backgrounds.

Moreover, the psychological adaptation by the incoming EWS children with the majority of their middle class peers may be a cause of concern. Their inability to communicate in English, coming

from humble backgrounds may cause some friction in adjusting with their more privileged classmates, coupled with the need for more time to grasp and understand in classes. The government definitely needs to make some arrangements to counsel such students in order to enable them to cope with the challenges they might face, both socially as well as academically.

But, this idea of non-acceptability of accommodating EWS children by the middle class parents seems to be mostly a prejudice of social stigma. More evidently because no EWS parent or child, for whom the "trauma" is likely to be greater, is complaining or wanting to do away with the quota. "It's really not that hard to include EWS children in the private school system. The opposition to it just shows the medieval mindset of the rich schools and parents," says Kiran Bhatti, (now erstwhile) national RTE commissioner at the National Commission for Protection of Child Rights. It's really our attitude that needs a rethink, feels Delhi's Sanskriti School principal Abha Sahgal. "We are not doing anyone a favour by including EWS children in our school. Yes, they need extra support, but we work at removing their inhibitions and confusion. And then watch their confidence levels soar—we even have EWS students who have been shortlisted for the Student's Council this year," she says.⁵ The government residential schools, which were sought-after till the 90s, are classic examples of how students from both urban and rural areas with extreme economic disparities can co-exist and still excel. These schools produced not only academically acclaimed students but also those with social consciousness.⁶

"The problem of assimilation is in our minds," says educationist Farida Lambay, co-founder of Pratham, a non-profit organisation that promotes

education for the underprivileged. "Some convent and minority schools have been doing this for years, and they've never had problems of integration." Lambay feels schools should just go ahead and implement the quota, and the children will manage.⁷

Hence, what is needed at the moment is a positive outlook and eagerness to permit such EWS children to avail the opportunity of education, which after all, is the ultimate aim of this legislation. This, of course, needs careful observation by the government to ensure that such a transitional phase in Indian education is as seamless as possible, both for the students already in such private schools, as well as the EWS students.

- 1) Another important question which has risen is, by imposing a 25% reservation for EWS children in all private unaided schools **has the government palmed off its responsibility to the private sector?** The private schools have not largely taken this amendment too kindly. Professor K. Narender, Department of Communication and Journalism, Osmania University, says, "If the reservation is 25 per cent today, tomorrow the percentage might go up. Where will the middle class go then?" Many schools say there are real problems and there is no point in hiding behind a veil of equality.⁸

To realise the concept of neighbourhood schools and to make mandatory the reservation of 25 per cent of the seats for EWS children, the Act provides for reimbursement by the state of the per capita expenditure of each child. Such reimbursement, it held, shall not exceed the expenditure incurred for a child by a school established, owned or controlled by the

appropriate government or local authority.

However, many schools have raised issues over this stating that the expenditure they are making on their students exceeds largely the reimbursement given by the government. There are only two ways as stated in an interview in *The Hindu*, by Jose Aikara, Chairman, Council for The Indian School Certificate Examinations (CISCE), New Delhi: by increasing the class strength and having a nominal fee structure or by increasing the fees and having class strength of about 30 to 40. Private schools though recognize the efforts of government schools, are not in approval of their involvement in the management of the schools. Further, a concern expressed by the parents is that the added expenditure by the schools will translate into increased fees, an ultimate burden on them.

The cause of concern for the private schools and parents has increased because the government has recently stated that it may not fully fund the costs incurred by the unaided private schools decreed by the Supreme Court to enroll 25 per cent of students from the underprivileged children under the Right to Education Act. An indirect hint to this effect came from the department of Human Resources Development (HRD) Minister Kapil Sibal in reply to a question in the Lok Sabha, when he stated that some schools in the metros which have per-child budgets

much in excess of those in other states will have to find innovative ways, with philanthropic individuals, charitable trusts and corporate funding, to meet the gap without loading the general category students with a fee hike.⁹

However there is a flip side to this argument too. "When the government can run its schools with a particular sum, we see no reason why an unaided private school should charge fees more than what is spent on a child by the government," Ashok Agarwal, advocate for the non-governmental organisation Social Jurist says. He said that on March 21, the Government of Delhi approved Rs.1,190 as the expenditure for a child a month on elementary education and reimbursable to private unaided schools in respect of children from economically weaker sections. It was also decided that no reimbursement would be made to schools that had been allotted land by the government at concessional rates. "The sum of Rs.1,190 can be safely taken as an ideal figure for the purpose of payment of school fees per child," said Aggarwal.¹⁰

There is even more ignorance when it comes to functioning of private schools and fees charged by them. In fact, what most do not know is that private schools in much of India spend far less than per child allocation in government schools. A recent study by India Institute, based on a census of schools in Patna, shows that 69% of these private

unaided schools charge less than Rs300 per month. This is far lower than per child allocation of Rs4,705 in Bihar. But these fees are likely to change dramatically in the context of RTE norms regarding teacher wages and infrastructure which every school has to follow.

Given the potentially large transfer of public resources to private unaided schools in the next few years, public availability of information regarding the fees charged by private schools and the manner in which these are determined are essential for ensuring scrutiny of public expenses.¹¹

Whether it is an act of shifting responsibility by the Government to the private sector or an effective means to ensure a quality education to children who need it the most, only time will tell. Though for most private schools, this reimbursement by the government may be actually sufficient, the same cannot be said for the elite schools and established boarding schools which do actually spend more than the per-month allotment as stated by the government. Hence, what will address the burden on such schools remains blurry.

- 1) Another point of dispute in this legislation was **whether it included disabled students (physical/mental) within the purview of the 25% reservation.**

Children with disabilities have to face inevitable difficulties coping with their peers as well as academics. The

Organisational Queries

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

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

V. Suresh, National General Secretary, PUCL □

largest group of out-of-school children according to Government estimates are the disabled, said Radhika Alkazi of Aarth Astha.¹²

Thereafter, the government on 9th May, 2012 said that children with all kinds of disability will be provided free and compulsory education, either in school or at home, under the Right to Education Act. "Children with all kinds of disability will be protected under the Act," HRD Minister Kapil Sibal said, moving amendments to the Right of Children to Free and Compulsory Education Act, 2009 in the Lok Sabha.

The amendment bill, which was earlier approved by the Rajya Sabha, seeks to widen the beneficiary net for disabled children under the Act and provide those with severe disability the option of receiving education at home.

Sibal said that under the Act children suffering from all kinds of disabilities including autism, cerebral palsy and mental retardation would be provided free and compulsory education. He said diseases like dyslexia which are not specifically mentioned in the Bill would be covered once the changes, which are being considered by the government, are made in the legislations dealing with disabilities.¹³ **to be continued in the next issue...**

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