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Details of the PUCL National Convention 16-18th December 2016

Venue of the Convention :

Aashirwaad Bhavan, Byron Bazaar, Raipur

Nearest Station and Airport : Raipur

Contact persons of State unit: Dr Lakhan Singh 07773060946; **Sudha Bharadwaj** 09926603877; **Ajay TG** 09424136077; **Rajendra Sail** 09826804519; **Degree Prasad Chouhan** 08889326269.

Apart from post bearers following head various volunteer teams - **Kumud Nandgave** 09926169831; **Shishir Dixit** 09425812680; **Kalyan Patel** 09826689317; **Priyanka Shukla** 08871067410.

Note:

1. Please inform Sudha Bharadwaj, General Secretary and Dr. Lakhan Singh, President the specific dates of arrival and departure from Raipur, with numbers of men / women delegates.
2. Very importantly, please intimate how many delegates from each state will reach on 15th December evening / night so that adequate accommodation arrangements can be made. For the present only 4 rooms have been booked at another place near the venue only for the national Office bearers who will be reaching Raipur on 15th December, night itself.
3. Please note that the weather in December will be very cold and unless prior information is received it will be very difficult to make staying arrangements on 15th night at short notice. To enable the state unit organising the Convention to help make arrangements please inform specific date of arrival and number of delegates in advance.
4. Please inform details of trains / flight with names / numbers of delegates from each state, so volunteers can assist delegates to reach venue and make arrangements for bedding, food etc.
5. Registration fees would be 300/- though the same may be waived if State postbearers feel it is necessary.
6. Weather would be cold at night and pleasant in the day. Please bring warm clothes and bed sheets / coverings/ sleeping bag etc.

Sudha Bharadwaj, General Secretary, Chhattisgarh State Unit ☐

PUCL President's letter to President of India:

To,
Shri Pranab Mukherjee,
Hon'ble President of India,
Rashtrapati Bhavan,
New Delhi
November 13,
2016

Respected Rashtrapatiiji,

Subject: **Representation against Appointment of Shri Avinash Rai Khanna, Vice-President, BJP as a Member of the NHRC.**

The *People's Union for Civil Liberties* (PUCL) is an organization, which has been consistently working for protection and promotion of human rights and civil liberties in the country. It was established by Shri Jayaprakash Narain, Acharya Kripalani, Shri Krishna Kant and others. Justice V.M Tarkunde, Prof. Rajni Kothari, Justice Rajindar Sachar (former Chief Justice of Delhi High Court) and Shri K.G. Kannabiran have been associated with PUCL as its President. The important judgments by the Supreme Court on the issues taken up by PUCL are: Telephone tapping case (1997) 1 SCC 301; Fake encounter in Manipur (1997) 3 SCC 463; Disclosure of criminal background and assets by candidates contesting for Parliament and the State Legislature (2003) 9 SCC 490; Challenge to POTA (2004) 9 SCC 980; and Right to food which is still pending before the Supreme Court.

We are seriously concerned about the proposal to appoint Shri Avinash Rai Khanna, Vice-President of BJP as a member of the National Human Rights Commission. We wish to make it clear that our objection is not personally against him, but is based on the principle that a politician should not be appointed to an important and high level institution like the NHRC, which is constituted for protection and promotion of human rights of the people of India - a function, which can be performed only by persons who are non-partisan and above temptation of future personal promotion and prospect. Shri Khanna was earlier appointed as a

member of the State Human Rights Commission, Punjab, but resigned to become a member of the Rajya Sabha and is not ineligible for other similar political appointment in the future. Besides, a member of a political party is expected to promote the interest of his party and is not trained to act with impartiality and judiciousness required of a member of the NHRC. Additionally, a member of the NHRC, besides having knowledge and practical experience in matters relating to human rights should also enjoy the trust of the people that he would stand to protect their human rights from violation by the governments. As a politician and a Vice-President of BJP, which is a ruling party at the centre and a number of states, Shri Khanna cannot enjoy the trust of the people whose rights he would be expected to promote and protect against the governments of his own party if he is appointed to the NHRC.

The Protection of Human Rights Act, 1993 was enacted pursuant to the commitment of India towards binding covenants, that is Universal Declaration of Human Rights, ICCPR AND ICESCR. It was realized that due to changing social realities, emerging trends in the nature of violence, greater accountability and transparency are required in the implementation of existing laws, procedures and system of administration of justice. Keeping the growing concern about protection of issues relating to human rights that the said law was enacted. Relevant parts of Section 3 and Section 4 of the Act of 1993 are quoted below:

" 3. Constitution of a National Human Rights Commission:

(1) The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of:

- (a) a Chairperson who has been a Chief Justice of the Supreme Court;
- (b) one Member who is or has been, a Judge of the Supreme Court;

(c) one Member who is, or has been, the Chief Justice of a High Court;

(d) *two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.*

4. Appointment of Chairperson and other Members:

(1) *The Chairperson and [the Members] shall be appointed by the President by warrant under his hand and seal;*

Provided that every appointment under this sub-section shall be made after obtaining the recommendations of a Committee consisting of—

(a) The Prime Minister — Chairperson

(b) Speaker of the House of the People — Member

(c) Minister in-charge of the Ministry of Home Affairs in the Government of India — Member

(d) Leader of the Opposition in the House of the People — Member

(e) Leader of the Opposition in the Council of States — Member

(f) Deputy Chairman of the Council of States — Member

Provided further that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed except after consultation with the Chief Justice of India."

As mentioned above, a person who is going to be appointed as a member should have knowledge and practical experience in the matters relating to human rights. His stature and qualifications has to be compared with the other members, who consist of judge of the Supreme Court or the Chief Justice of a High Court. Under Section 4 of the Act of 1993, the appointment of chairperson and the members shall be made by the President by warrant under his hand and seal, after obtaining the recommendations of the Committee consisting of Prime Minister, Speaker of the House of People, Minister in-charge of the Ministry of Home Affairs in the Government of India, Leader of the Opposition in the House of People,

Leader of Opposition in the Council of States and Deputy Chairman of the Council of States. PUCL submits that the recommendations made by the Committee are recommendations under the Act. These recommendations are not binding on the Hon'ble President as is the recommendation of the Council of Ministers under Art. 74 of the Constitution. The President is therefore free to not accept a recommendation of the committee in the interest of the people, who are the real stakeholders and of the institution for which the appointment is to be made. Under s

4 of the Protection of Human Rights Act, the President is obliged to make an appointment to the NHRC only after obtaining the recommendation of the Committee constituted for the purpose but is not bound to accept the recommendation of the committee.

We submit that appointment of a political person would not only be against the interest of the people and incompatible with the aims and objects of the highest institution, which is constituted for the protection of human rights, but would send wrong signals to the international community and to the

United Nations where the national representatives have to periodically submit the status of implementation of human rights in the country.

We humbly request that keeping in view the interest of the people of India and the status and dignity of NHRC, no member of a political party should be appointed as a member to the NHRC, especially, if he is an important functionary of the ruling party.

Prabhakar Sinha, National President, PUCL □

Press Statement: 08/11/2016

Justice Rajindar Sachar, former President of *People Union for Civil Liberties* has issued the following statement:

The proposed appointment of Avinash Rai Khanna an old time B.J.P. active member and Vice President of B.J.P. to the National Human Rights Commission is a brazen act of on the prestige and standing of National Human Rights Commission.

The shamefacedness of Congress is on par with the shameful of political conduct by the Congress which did not appose it. This conduct of Congress is heightened by the fact of its, Working Committee of its recent meeting being conspicuously silent on it. □

Press Statement: 10th November, 2016

**PUCL Demands from the Chhattisgarh Government:
Stop the witch hunt! Don't arrest and drop false implication in murder case of
Prof. Nandini Sundar, Prof. Archana Prasad and others.**

The *People's Union of Civil Liberties* (PUCL) strongly condemns the action of the Chhattisgarh police in registering an FIR (Cr. No. 27/2016 PS Tongpal dated 5.11.2016) against DU Professor Nandini Sundar, JNU Professor Archana Prasad (also of AIDWA), Vineet Tiwari of the Joshi-Adhikar Institute and of the CPI, and Sanjay Parate of the CPI(M), villagers Mangla of Soutenar Namapara and Manju Kawasi of Gadiras in the case of the murder of a villager Samnath Baghel, from Soutenar Namapara village in Sukma on 4th November, 2016. While the death of this villager is deeply regretted and deserves to be diligently investigated, the FIR itself indicates that there is absolutely no connection between his murder and these human rights defenders. PUCL strongly denounces the Chhattisgarh police

for concocting a frivolous and malafide FIR, and demands that charges against them be dropped immediately.

PUCL specially denounces the reported threats issued by the IG of Bastar Range, Mr. SRP Kalluri to send special teams to Delhi arrest these academics. Apart from being a sheer abuse of the law laid down by the SC in '*Joginder Kumar vs. State of UP*' case (1994) and '*Lalitha Kumari*' case (2014) in which the SC has said arrest is not required in all cases and summons is sufficient requirement of law to ensure investigation, such brazen threats and intimidation are meant to silence others from daring to challenge police lawlessness.

The PUCL notes that in the above FIR, the wife of the deceased has claimed that her husband was killed by Maoists, who said that he was being punished for not following the

directives of a fact-finding team lead by Dr. Sundar which had visited the village in May 2016. Even if we are to believe that an unlettered village woman can clearly remember and repeat the six unfamiliar names above, which she heard during this incident under very dire circumstances, and even accepting this unlikely story in its entirety, it is evident that no crime can be made out in the FIR against the members of the fact finding team and they certainly cannot be held accountable and implicated for murder on the basis of this statement. However, in a move characteristic of the malicious and vindictive nature of the Chhattisgarh police, all six members of the fact-finding team have been booked under serious charges including IPC sections 302 (punishment for murder), 450 (house trespass), 147, 148, 149

(rioting and participation in unlawful assembly), 120(B) criminal conspiracy, sections 25, 27 of Arms Act, and now also, sections 23, 38(2) and 39(2) of the draconian **Unlawful Activities Prevention Act**. The allegation about the involvement of Prof. Nandini Sundar and other academics, on the face of it, appears artificial, contrived and fanciful and manufactured to somehow rope in the academics and rights defenders from outside the area using the charge of conspiracy.

The hostile actions of the Chhattisgarh police against these academics and activists, especially pushed forward by Mr. SR Kalluri, IG of Bastar, have to be seen against a long history of persecution of anyone who attempts to highlight the state of police lawlessness that prevails in the adivasi region. Some of the events involving these academics and activists are described below:

1. In May 2016, the FF team of the above named academics and rights defenders had gone to village Soutenar and Kummakoleng where they documented how some villagers were being forced into police and CRPF camps on the pretext of "surrenders", while others were fleeing the villages for the fear of backlash from Maoists. Instead of responding to the suggestions of the team for a political dialogue between all stakeholders, including the government and the Maoists, the Bastar police and the Chhattisgarh political establishment launched a vicious campaign against the members accusing them of instigating villagers against the government and calling them "anti-nationals". At that time, the police also got a few villagers to write a complaint against the visiting fact-finding team, which the District Collector promptly displayed

on his personal facebook page – a clear breach of criminal law and legal propriety. The move also indicated the hostility of the District Administration, police and Chhattisgarh government to any expose of the police and government's role in creating lawlessness and breakdown of the criminal justice system in the adivasi dominated Bastar region.

2. Prof. Nandini Sundar was one of the petitioners in the notable '**Salwa Judum**' case (WPC 250 of 2007, pending before the Supreme Court), in which the apex court had held government policies of arming vigilante groups to be unconstitutional. The government's role in arming vigilante groups came in for adverse comment and was also deprecated by the apex court.

3. In one of the interim orders of the Salwa Judum case, the apex court ordered the CBI to investigate the incidents in Morpalli, Tadmetla and Timapuram villages of Chhattisgarh resulting in the killing of 3 men, rape of 3 women and burning down of over 250 houses between 11th to 16th March, 2011; and also the attack on Swami Agnivesh when he went to deliver relief supplies on 26th March, 2011. Confirming the state complicity in lawlessness of security forces and the false staging of encounters and actual commission of violence against uninvolved villagers, in October, 2016 the CBI filed a chargesheet in this case implicating 323 Special Police Officers (SPOs) / policemen as well as 114 personnel of COBRA and 30 personnel of CRPF as having participated in these operations of arson, killings and rape. The police and Chhattisgarh government had in 2011 strongly refuted

involvement of security forces in violence on villagers and instead continuously alleged that it was the Maoists and villagers themselves who had burnt down the houses.

4. The contempt for rule of law and their disdain for the Supreme Court's orders was exhibited by the state police in their response to the SC's October, 2016 order. The Chhattisgarh police publicly burnt effigies of Nandini Sundar and other human rights activists who have been questioning police tactics – including Manish Kunjam, Soni Sori, Himanshu Kumar, Bela Bhatia and journalist Malini Subramaniam – and chanting slogans "**Goli maron salon ko**" ("shoot them with bullets"). That this public burning of effigies took place in a coordinated manner at the same time on the same day, in front of the district police offices of all seven districts of Bastar under the command of IG Mr. SRP Kalluri clearly indicates that this illegal action had obtained sanctions from the highest levels. It will be useful to note that the CBI investigating team itself met serious threats and intimidation from the state police while completing investigations.

PUCL strongly condemns the Bastar police and Bastar IG Mr. SRP Kalluri for subverting law and vitiating the environment with terror and hostility to such an extent that it has now become impossible for anyone – journalists, academics, lawyers, adivasi rights leaders or human rights workers – to carry on with their work.

It should be noted that 5-judge Constitution Bench of the Supreme Court, in '**Lalita Kumari v the State of UP**', (2014) has held that "**the police can foreclose an FIR before investigation when it is evident that there is no ground to**

investigate the same," which is certainly the case in the current FIR.

Keeping in mind the vindictive nature of Chhattisgarh police and their long history of repeatedly persecuting Prof Sundar and human rights workers over fictitious matters, PUCL demands:

1. The Chhattisgarh Police should immediately stop any coercive action and desist from arresting Prof. Nandini Sundar, Professor Archana Prasad, Vineet Tiwari, Sanjay Parate, and other persons who were part of the Fact Finding Team in May, 2016 based on the trumped up FIR, (Cr. No. 27/2016 PS Tongpal dated 5.11.2016).

2. Investigation of the murder case in (Cr. No. 27/2016 PS Tongpal dated 5.11.2016) be immediately handed over to a central, independent investigating agency, such as the CBI.

3. In view of the seriousness of the issue and the possibility of arrest of the academicians, the NHRC should immediately intervene and direct the police to follow the law and not arrest the academics and activists.

4. The NHRC should also take note of the repeated subversions of the criminal justice system by the Chhattisgarh Police, to implicate innocent persons for

political ends and their continued violation of fundamental rights and human rights of tribals and others in Bastar area in particular and order a Full fledged Enquiry.

5. Finally, the PUCL demands that disciplinary and criminal action should be initiated against all police officials, from the SHO to the senior-most IG, who have been involved in contriving this FIR and malevolently subverting the law of the land in order to incriminate Prof Sundar and other members of her team.

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

NHRC Press Release, 17th November, 2016

Note: For several years now, PUCL has been sending reports and representations to the NHRC highlighting the grave human rights scenario prevailing in Chhattisgarh and the targeted attacks by the police and state agencies on human rights defenders and activists in the state. The latest incident involves the motivated and false implication of academics Prof. Nandini Sundar, Prof. Archana Prasad, and others in a murder case many months after their visit to the state and release of a Fact Finding Report on the human rights situation in the state. The NHRC issued directions calling upon the Chief Secretary, Chhattisgarh and the Inspector General of Police, Bastar range to appear before the Commission in Delhi on 30th November, 2016 in which they refer to the PUCL. In view of the importance of the issue we are carrying the NHRC statement in full.... **Editor.**

NHRC summons the Chief Secretary of Government of Chhattisgarh and IGP, Bastar to explain the allegations of hostility and abuse of power against Human Rights Defenders¹

1. The National Human Rights Commission has noted and taken suo motu cognizance of "the nationwide outcry and protest on IG of Bastar Range Shri S.R.P. Kalluri for registering FIR No.27/2016 P.S. Tongpal dated 5.11.2016 against Delhi University Professor Archana Prasad, JNU Prof. Nandini Sundar, Vineet Tiwari, Sanjay Parate of CPI(M) and Manju Kawasi for offences of murder, criminal trespass, conspiracy and for offences under Unlawful Activities Prevention Act. It has been alleged that she and Prof. Nandini Sundar and other associate professors are being threatened by Bastar Police

for arresting these activists in the said FIR.

2. The reports in press and media over last week have alleged that Chhattisgarh Police has named Prof. Nandini Sundar and ten others as accused in the murder of a tribal Mr. Samnath Baghel in Sukma District on 4.11.2016. It is reported that he was killed by Maoists as he had been leading a campaign against Maoists activities since April, 2016. It has been alleged that these professors had visited Bastar in May, 2016, while this murder has taken place in November, 2016. There is no apparent connection between murder and visit of these human rights activists and,

therefore, it has been alleged that they have been framed in mala fide manner by police to settle scores. It has been stated that FIR has been registered in the name of the wife of killed Baghel.

3. The Commission also takes Judicial Notice of Petition filed by Prof. Nandini Sundar recently in Hon'ble Supreme Court against atrocities by Bastar Police against tribal people by burning of their homes. The Hon'ble Supreme Court ordered investigation by CBI. The CBI found S.R.P. Kalluri, IG of Police, Bastar Range responsible for the burning of homes. She has also earlier filed a petition in Supreme Court in Salwa

- Judum case in 2007 against atrocities by police in the tribal areas. She with other lawyers and journalists has in the past brought to the notice of the Commission mass rape of women, murders and other crimes by security officers under the umbrella of police. The Commission is separately examining those complaints and has sought comments from the State of Chhattisgarh on the findings submitted to the Commission by its team after visiting Chhattisgarh.
4. The Commission also took suo motu cognizance this month against the unprecedented acts of hostility and indiscipline by Chhattisgarh Auxiliary Police in burning the effigies of Prof. Nandini Sundar and other lawyers and journalists as they were instrumental in exposing the deeds of police.
 5. The Commission on consideration of the whole situation obtaining in Chhattisgarh over more than a year views the action of registration of FIR against Prof. Nandini Sundar and others as an act in line with earlier acts of hostility displayed by police.
 6. It has also been reported in the press that Mrs. Baghel, wife of killed Samnath Baghel had told NDTV on 4th November, 2016 that she had not named Prof. Nandini Sundar or anyone in her complaint. She told that Maoists had attacked their house while they were sleeping on 4th November, 2016. The reports also show that Prof. Nandini Sundar told ANI that she and others have not been in the area for last five months.
 7. Naming of these human rights activists in the FIR in the backdrop and circumstances mentioned above lends credence of the observation of People's Union for Civil Liberties (PUCL) that all this was part of the State Police vendetta against the lawyers, journalists and human rights activists who have been critical of fake encounters, mass rapes, arson, etc. by security forces. The naming of these persons in FIR appears to be the ploy to stop their entry and visit to the tribal areas for exposing their misdeeds.
 8. In the considered view of the Commission, Police of Chhattisgarh in the circumstances mentioned above owes its explanation to the Commission as there are allegations and its action seems to be coloured by malafide, hostility and abuse of power on the allegations of false implication to silence the human rights defenders. Though, the Commission is aware of the direction of the Hon'ble Supreme Court given on 15.11.2016 directing issue of notice of four weeks before their arrest, yet the acts on the part of police stand on independent footing for the Commission to intervene.
 9. It is the duty and function of the Commission to see that the faith of the people in the police is not eroded and society is governed by rule of law and faith of people in upholding the human rights of people is restored and vindicated at the earliest.
 10. The Commission is deeply disturbed by the state of affairs in the State of Chhattisgarh over last one year or more and is of the view that the Chief Secretary, Govt. of Chhattisgarh and Shri S.R.P.Kalluri, IGP, Bastar Range should appear in person before the Commission 30.11.2016 at 11.00 am with all reports to explain the allegations made against the police and administration in the press media and by human rights defenders.
 11. The Commission also is of the view that since allegations are made against the Shri. S.R.P. Kalluri, IGP, Bastar Range, the Commission would like to know from them why the investigation in the FIR now registered should not be handed over to an independent agency like CB CID or CBI."

¹<http://nhrc.nic.in/dispArchive.asp?fno=34141> @ 20Nov2016

Press Statement: 08th November, 2016

PUCL Opposes Political Appointees to the NHRC May challenge it in the Supreme Court

The PUCL strongly condemns the decision of the Government of India to nominate active politician and Vice President of the BJP, Sh. Avinash Rai Khanna, as the member of the National Human Rights Commission (NHRC), for a post that has been kept vacant by

the Government for the last two years. This decision is another sinister attempt by the present BJP-led NDA government to fill crucial posts in institutions tasked with the responsibility to critically review, oversee, monitor or examine complaints regarding the functioning of the government, with

persons who are unsuitable for the post and/or are non-meritorious in terms of their professional credentials.

The PUCL believes that this decision will harm the credibility, impartiality and effectiveness of the NHRC, which has in the past taken

up issues of human rights abuses by governmental functionaries, suo-moto or on the basis of complaints and therefore, appointment of a politician of the ruling party such as Sh. Khanna compromises the independence, objectivity and credibility of the NHRC and more importantly, it creates a conflict of interest. Adapting a well-known legal adage, the appointment should not only be fair and credible but also appear to be so.

Section 3 (2) of the Protection of Human Rights Act, 1993 under which the NHRC is formed and constituted states that apart from former Judges of the Supreme or High Courts, two other members will be "*appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights*". It is clear that Sh. Khanna does not have the relevant experience in the field of human rights. Furthermore, Sh. Avinash Rai Khanna has been associated with the BJP for the last several decades and was an "*Active member of A.B.V.P., R.S.S. during student life*" as per his biographical sketch on the Lok Sabha website. It is further to be noted that Sh. Khanna was previously made a member of the

Punjab State Human Rights Commission but resigned when he was nominated to the Rajya Sabha. Thus, the PUCL believes that the present decision is also a move to adjust and reward a senior member of the ruling party with a government post by treating crucial posts as largesse.

PUCL has always believed in the independence, credibility and impartiality of a body as crucial as the NHRC, which is the apex body for dealing with issues regarding protection of human rights committed both by police as also by security forces. The principle of neutrality of the NHRC members is particularly crucial and important for many times the NHRC is called upon to investigate mass human rights abuses by security forces with allegations of complicity of the political executive. Organizations such as the PUCL and other individual human rights defenders have often approached the NHRC for a speedy and effective intervention in human rights matters involving state functionaries and governments. Appointment of a senior practicing politician, especially belonging to the ruling political party, therefore, will seriously compromise the independence, fairness and

objectivity of the NHRC.

It may be important to highlight that previously during the UPA regime (in 2005), when a retired police officer was appointed as a member of the NHRC, it was questioned by the PUCL before the Supreme Court. If the present decision to nominate Sh. Khanna is not withdrawn, the PUCL, consistent with its approach in these matters, will be constrained to take it up in the Apex Court.

The PUCL is equally shocked and surprised how the opposition members on the selection panel agreed to the appointment of Sh. Khanna, defeating the principle of checks and balances provided in the Protection of Human Rights Act, 1993.

The PUCL also calls upon all citizens to continuously remain vigilant and oppose all anti-democratic and anti-human rights actions and decisions, such as the present one, of the Government so that institutions such as the NHRC retain their independence, credibility, effectiveness and keep holding the government of the day accountable for any human rights abuses.

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

Press Statement: 05th November, 2016

Oppose the Anti-Democratic Decision of the GoI against NDTV India! Withdraw the Ban of Telecast by NDTV India on 9-10th November, 2016!

The PUCL strongly condemns the decision of the Ministry of Information and Broadcasting to punish Hindi news channel, NDTV India, for revealing "strategically – sensitive" information while covering the Pathankot attack in January, 2016 by ordering that the Channel close down telecast for a day between 9-10th November, 2016. The decision is reminiscent of the Emergency period when the media was muzzled and is a chilling reminder that the present BJP-led NDA government will not hesitate to crush freedom of the media, and

with it the right to freedom of speech and expression of the people, if it suits their political interest to prevent dissent and democratic criticism of its policies.

The Ministry based its decision on an Inter-Ministerial Committee which rejected the reply of NDTV India. The Government had accused NDTV India of compromising national security by providing details about the location of terrorists, civilian dwellings, fuel and ammunitions dump during the Pathankot coverage in January, 2016; NDTV, in its defence, had pointed out with facts and evidence

that the allegation was unsustainable and unjustified as the information had already been made public and published by print media and electronic media **before its telecast**. The Committee however not only rejected this as a "mitigating factor" but also recommended that NDTV India needed to be punished.

On the face of it, the decision of the Inter-ministerial Committee and the Ministry of Information and Broadcasting is legally untenable, ethically unacceptable and factually fallacious. It is not denied

by the Ministry that several print and visual media had already made public details which NDTV India was accused of **before NDTV India's coverage**. While so the punitive action against NDTV India smacks of arbitrariness, discrimination and clearly exhibits the true intent of the NDA Government to crush anyone from critically questioning the Government's policies, programmes and actions. The vindictive action against NDTV India is thus a warning to other media agencies of the fate that awaits them if they challenged the government's line.

The Editors Guild succinctly outlined the threat posed by the government's action pointing out that by, "Imposing a ban without resorting to judicial intervention or oversight violates the fundamental principles of freedom and justice.... This first-of-its-kind order to impose a blackout has seen the Central government entrust itself with the power to intervene in the functioning of the media and take arbitrary punitive action as and when it does not agree with the coverage".

We cannot miss sight of the fact that amongst the very first decisions of the Modi-led Central Government soon after being elected to power in May, 2014 was to take vindictive action against NGOs, especially environmental NGOs and other rights organisations which had challenged different private industrial and development projects as being anti-people and environmentally destructive,, as threatening "National economic security" by banning them. Since then, the government has politically sought to crush all dissent groups and critics of the regime by dubbing them as threats to "national security" and criminalising dissent, falsely prosecuting rights defenders under the dreaded and anti-people Unlawful Activities Prevention Act (UAPA), National Security Act, sec. 124A (anti-sedition law) and so on. The latest decision is now the unparalleled action to ban telecast for a day between 9-10th November, 2016.

PUCL has always believed in the indivisibility of the media's freedom of speech and expression and that a free and independent media is a

vital prerequisite of democracy. PUCL has always fought for the media's right to freedom of speech and expression whenever governments sought to silence and curb media freedom, anywhere in the country.

The PUCL therefore calls upon all democratic sections of society to immediately raise their voices demanding a revocation of the Government of India's decision imposing ban on telecasting by NDTV India between 9-10th November, 2016. PUCL also calls upon all other media professionals and organisations to stand unitedly and collectively express its opposition to the one-day ban on telecasting by NDTV India.

The PUCL also calls upon all citizens to continuously remain vigilant and oppose all anti-democratic and anti-human rights actions and decisions of the Government (both Central and State) so that our precious fundamental rights and freedoms are not crushed, emasculated and denied.

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

Chhattisgarh PUCL: Press Release: 6.11.2016

Protest against Gagging of Media by Modi Government "Stop Attacks on the Right to Freedom of Expression"

Raipur: Various organizations staged a protest demonstration against the order of the National Democratic Alliance (NDA) Government gagging the Media in utter violation of the Indian Constitution. Recent among these is the Information & Broadcasting Ministry of GOI issuing an order to the NDTV to go off air for 24 hours. The 24-hour suspension was imposed as a penalty for NDTV's coverage of an attack on the Pathankot air force base. Several people representing people's organizations held placards in their hands in front of Dr. Ambedkar's statue at the capital

city of Chhattisgarh – Raipur – from 4:30 pm on Sunday the 6th of November, 2016, registering their protest against the utter violation of the Fundamental Right to Freedom of Expression guaranteed in the Indian Constitution. The demands include immediate withdrawal of the gag order against NDTV, and withdrawal of false criminal cases against journalists/media persons filed by the State Police, put an end to violent attacks by vigilante groups and immediate release of a number of media persons in Chhattisgarh.

Participants in the Protest included Dr. Lakhan Singh (President,

People's Union for Civil Liberties – Chhattisgarh), Adv Sudha Bhardwaj (General Secretary, People's Union for Civil Liberties – Chhattisgarh), Comrade Sanjay Parate (State Secretary, Community Party of India – Marxist), Dr. Sanket Thakur (President, State Unit of Aam Aadmi Party), Comrade Nand Kumar Kashyap (Chhattisgarh Farmer's Rights Organisation), Alok Shukla (Chhattisgarh Bachao Andolan), Comrade Kalyan Patel (Chhattisgarh Mukti Morcha – Worker's Committee), V S Prasad Rao (Chhattisgarh Christian Organisation), Akhilesh Edgar

(Alliance Defending Freedom India) Adv. Shalini Gera (Jagdapur Legal Aid Group), Rajendra K Sail (Former President, CG PUCL), Adv Swati Gupta, Ashita Awasthi Atiyendriyo and Kapoor Vasnik. These organizations also

expressed concern at the targeting of media persons by the State Government, mostly working in conflict zones like Bastar, who are being haunted and harassed by the State Police and Security Forces in the name of "curbing naxalism". CG PUCL and the Patrakar Kanon

Samyukt Sangharsh Samiti (United Struggle Body for the Security of Journalists) have already demand a special law for the protection of journalists in Chhattisgarh.

Alok Shukla, Chhattisgarh Bachao Andolan (Mobile:099776-34040). □

PUCL National: Press Statement, 01st November, 2016

Condemn Malkangiri Encounters! Halt the War on Our Own Citizens!

PUCL expresses its strongest sense of outrage and condemnation for the killing of about 39 members of the CPI (Maoist) party and other Adivasis near Balimela reservoir in Malkangiri district of Odisha close to the Odisha – AP border on 24th October, 2016. Though the police claim that the killings were a result of a sudden encounter and resultant fire-fight, all the available circumstantial information indicates that there is sufficient ground to disbelieve the story put forth by the police and Government. All the tell tale signs of a false encounter killing lend weight to the allegation that many of the killed Maoist leaders were actually apprehended previously, shot in cold blood and a fake encounter episode fabricated to explain the killing of all persons allegedly involved. Torture marks are also said to have been seen on the bodies of those killed.

This incident raises yet again substantiates very worrying trends noticed in the response of security forces in conflict areas:

1. Politics of annihilation, capturing no militants: Subversion of Criminal Justice System: A noticeable feature of this encounter killing, as in many other recent killings, is that the security forces end up eliminating or killing all members of the alleged militant group claiming that there was no alternative. Such practice of eliminating all militants is resorted to leave no eye witnesses to the fake encounter alive. This unbridled power exercised by the

security forces with the connivance / complicity of the State or Government has substantially criminalised the security forces dealing a death blow to the rule of law and criminal justice system.

2. Police Impunity, lack of accountability of security forces and Complicity of State – Failure of Constitutional governance: The Malkangiri killings once again strongly points out to the sense of impunity and the lack of accountability with which the security forces operate in the country. Very disturbing is the role of the State or Government in ensuring strict compliance with the Indian constitution on the part of the security forces lending weight to the allegation that they are complicit with the subversion of rule of law and constitutional governance.

The latest proof of state complicity in lawlessness of security forces and the false staging of encounters and actual commission of violence against uninvolved villagers came in the Supreme Court when in October, 2016, the CBI filed a chargesheet in the Tadmetla arson case (of 2011 in Chhattisgarh) implicating 323 Special Police Officers (SPOs) / Policemen as well as 114 personnel of COBRA and 30 personnel of CRPF as having participated in operations in Morpalli, Tadmetla and Timapuram villages of Chhattisgarh resulting in the killing of 3 men, rape of 3 women and burning down of over 250 houses between 11th to 16th March, 2011 and attack of Swami Agnivesh when he went to deliver

relief supplies on 26th March, 2011. The police and Chhattisgarh government had in 2011 strongly refuted involvement of security forces in violence on villagers and instead continuously alleged that it was the Maoists and villagers themselves who had burnt down the houses.

The truth has been exposed now thanks to the independent investigation by the CBI having been ordered by the Supreme Court of India into the Tadmetla incidents. It will be useful to note that the CBI investigating team itself met serious threats and intimidation from the state police while completing investigations.

PUCL demands that the guidelines given by the Supreme Court in '*People's Union for Civil Liberties vs State of Maharashtra*' case (2014) should be enforced without exception. The mandate of law requires that in every instance of encounter killings a FIR has to be registered and investigated by independent police agency.

Considering that the Special Police forces of the 2 states, Odisha and AP, have been involved in the alleged encounters and the continuing allegation that the state governments in both states have supported and ensured impunity and immunity enjoyed by the police from investigation, there are enough grounds to feel that independent, impartial and credible investigation cannot be done by the police forces themselves into the encounters.

PUCL therefore demands:

- (i) that a Judicial enquiry be initiated headed by a sitting

Supreme Court or High Court judge into the killings so that the truth of the killings can be brought to light.

- (ii) A FIR should be registered into the encounter killings, providing the names of all security personnel involved, as required by the SC judgment in

PUCL Case 2014.

- (iii) The Government of AP and the AP State Police should comply with the Orders passed by the AP High Court on 31st October, 2016, to immediately produce before the Court, Ramakrishna @ Akkiraju Hargopal @ AK, Gaajarla Ravi

and 9 others who are supposed to be in the custody of the AP Police since the 24th October incident and ensure that their personal safety, life and well being are protected.

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

Press Statement: 08th November, 2016

Press Statement on PUCL National Team's Visit to Kashmir Valley

Srinagar/Delhi, 24th October, 2016

An all India team of the PUCL visited the Kashmir valley after the 100th day of people's protests beginning 9th July and the government clampdown that were taking place there. The team was led by Dr. V Suresh, General Secretary of the PUCL and included Kavita Srivastava (National Secretary), Ramdas Rao (National Council Member) and Pragnya Joshi (National Council Member). PUCL member Prof. Jean Dreze was with the team briefly. Also accompanying the team were two independent persons: Parul Abrol (independent writer and journalist) and advocate Mustafa. The team stayed in the valley between 14th to 22nd October, with maximum members staying between 17th to 22nd October 2016. The team visited and met the injured and families of the deceased in Batamaloo and Idgah area of Srinagar, Batingu and Veesu in Anantnag district, Churhat in Kulgam district, Khrew in Pulwama, and Shopian town.

The team members, had lengthy interactions with families of people booked under Public safety Act, (PSA), families of the deceased who had had lost their lives in firing or other use of force by the security forces, survivors of violence, doctors of Shri Motilal Hari Singh (SMHS) hospital, some of the injured people, either admitted in the hospital or outside, Human rights workers of the Jammu and Kashmir Coalition of Civil Society (JKCCS) along with independent activists including RTI activists, academics and student leaders. The FFT also met several ordinary people including young protestors. The team met the office bearers

and senior lawyers of the thousand member strong J & K Bar, several press and electronic media persons, young entrepreneurs and big businessmen, retired bureaucrats and Government personnel, Anganwadi workers and daily wage earners.

The team also met with a few Kashmiri Pandit families and a prominent leader of Pandits in the valley. The team members interacted with policemen of the police station of Pampore and visited the office of the IG Kashmir but could only talk to him over telephone. The team was not allowed to meet with Syed Ali Shah Gilani, the Hurriyat leader under house arrest, by the police guarding his house nor by the Inspector General of Police whose permission was formally sought. The team could not also get an appointment with the Chief Minister of J & K, Ms. Mehbooba Mufti, despite attempts to do so.

Some of the important facts of the last hundred days are as follows:

Following the alleged extra judicial killing of Burhan Wani on the 8th of July, protests characterized mostly by stone pelting demonstrations broke out throughout the valley. The government responded by heavy and forceful military clampdown which resulted in a continuing spate of killings, injuries and arrests of people which continues unabated almost every day till the present. In fact, the PUCL team was devastated by the scale of all round human suffering it witnessed in Kashmir.

The team learnt from JKCCS reports, the media, through lawyers and doctors, that from the 9th of July

to the 15th of October, the total number of civilians killed by the police and the security forces was 101 with the largest numbers of those killed coming from Anantnag district. It was reported that 12 people died due to pellets fired by the forces. It was also learnt that 1 policeman too was killed in mob violence.

Reportedly, a total of 15,000 persons were injured in this period with 12, 344 being admitted in various hospitals. About a thousand persons were injured in the eye due to pellets resulting in 300 cases of blinding, which included a large proportion of school going children. According to the same list, 4500 persons suffered injuries in other body parts due to pellets and shelling and 4664 were injured by bullets. Over 8000 people have been reportedly arrested, including 1000 from Srinagar city itself. More than 2300 FIRs were registered by the police against the people; in contrast complaints lodged by civilians against security persons numbered only about 7.

It was learnt that 382 individual petitioners have challenged their detention under Public Safety Act, 1978 in the J&K High Court. It is estimated that about 434 people were detained under PSA, including human rights activist Khurram Pervez and lawyer Zahid Ali. The FFT was informed that 12 J & K government employees were sacked for allegedly supporting the protests.

Reports of vandalism and violence during raids by the police, security forces and the army were reported by many. Beating of residents, firing at transformers and making them

dysfunctional, cutting of water supply as for example in district Bandipora, setting ablaze fields and burning of a school by the security forces were also reported by the people.

Raids were conducted in the offices of newspaper Greater Kashmir which resulted in all Kashmiri newspapers stopping publication for five days. The Kashmir Reader has been banned since the 2nd of October. Immediately after the 9th of July, all Pakistani news channels were taken off the air and initially the Government also blocked 5 Indian news channels for their reportage on Kashmir, which was later withdrawn. According to complaints by media persons, curfew passes of journalists were not honored by the forces including the army. Many journalists complained of beatings. Two journalists were reportedly targeted with pellets firing guns while doing their professional duty. Senior photo Journalist Danish Ismail's house was allegedly damaged. A crackdown was conducted on voluntary organisations who were organizing relief work in the premises of SMHS Hospital including providing free medicines, ambulance services and free food and tea. All email and internet services remained closed for most time throughout this period from 8th July till 17th October, 2016.

Some of the key observations of the PUCL Team are:

- The anger against the security forces was simmering since 2008 and 2010, when 67 and 144 killings had happened in a government clampdown. The killing of Burhan Wani, who was a popular militant leader amongst the youth, acted as a vent and triggered this phase of protest.
- Demand for Azadi, clearly expressing alienation from India with people very vocal about their lack of faith in the Indian State, was an all pervasive voice across villages and cities, professionals and the ordinary, young and old and men and women. This was reiterated by the people the team met in the valley in the light of the continuing

brutalities committed by the Indian Forces against unarmed civilians, in which even women and children were not spared.

- The common people have lost faith in the ordinary democratic modes of redressal as they believe that they are heavily biased against them. For instance no FIRs are registered against offences committed by the armed forces or the police, and even if registered there is never a fair investigation, much less prosecution. They were of the view that in the face of overwhelming failure of all the democratic institutions in responding to their political grievances and aspirations, stone throwing has become the only method of expressing their sense of anger and frustration, especially among the youth.
- There was a majority participation in the **hartal** announced through the Hurriyat weekly calendar. This hartal is a complete shutdown of all private establishments including public and private transport from 7am to 5pm every day but for 24 hours on Fridays with schools, colleges and other academic institutions completely closed. Courts had partially reopened when we visited. Hospitals, Anganwadis, Pharmacies, PDS shops, media houses were kept out of the hartal, with tea and bread shops being partially open. It was also stated by most that even if the hartal fizzles out in a few days or weeks this time, the agitation which has started will not end but will continue with bigger and more violent eruptions in the future.
- A difference between the protests and collective action in 2016 and previous protests was said to be over the overwhelming support of ordinary citizens, cutting across class, education, professional and urban / rural lines to the hartal call in 2016 as contrasted to previous protests. Even while the bulk of ordinary Kashmiris supported

the protest action, there however remained a small section of people who were getting inconvenienced by the continuation of the hartal.

- There was acute anger against the loss of lives of people (particularly children, youth and women) and injuries caused by pellets, bullets and shells fired by the security forces, including the Army, Rashtriya Rifles (RR), Central Reserve Police Force and the J & K Police. Most of the firing, according to people, was unprovoked and targeted. The use of pellets as a means to curb protests was looked upon as an instrument of blinding and maiming the young. It was argued as to why in situations of equally violent protests in Haryana and Karnataka, pellets were not used as they were against the Kashmiris. This was cited as an instance of discrimination against the Kashmiris.
- For the first time in Kashmir as many as six women were killed and several injured. Perhaps for the first time all women public protests (*juloos*) and the participation of women in *Janazas* (funeral processions) in large numbers was observed. Young women were very vocal and said that too much bloodshed had happened and that there could be no compromise this time. While older women could not believe that there could be a Government who could repeatedly kill masses of its own people. There was the fear of house raids by the forces and women being violated.
- It was shocking to learn that security forces did not spare *janazas* (funeral procession) and the casualty wards / sections of the hospital. Videos were displayed showing shelling on funeral processions. Doctors talked of shelling inside the casualty area of SMHS hospital, of attacks on ambulances and private vehicles carrying the injured and causing delays which led to patients

succumbing to death. It was also unbelievable that many security men were profiling the seriously injured instead of ensuring quick treatment.

- The loss of livelihood leading to a situation of hunger amongst the poor was being handled by **Baitul Maal**, the local mosque committees which provided money and food. Some people gathered here for relief did complain of the distress caused by the long hartal that had jeopardized the poor people's food security.
- There was a general feeling, with the young being more vociferous, that lodging an FIR or demanding compensation with respect to the killings or injuries of their loved ones was of no consequence as there were no cases where the army or police or CRPF personnel were convicted for their crimes in the past. Some who went to lodge FIRs were threatened with dire consequences and therefore refrained from lodging cases. The paramount vocal opinion regarding engaging with the Indian state apparatus was that we have no trust in them, then why waste time with them. They also felt that in any case Martyrs were above prosecution. Despite this, we met some of the families who had lodged FIRs but were not hopeful of a tangible outcome in view of the SC judgment in the Tengpora case.
- For the first time human rights activists have been targeted and the arrest of Khurram Pervez of JKCCS shows that they want to silence all dissent and support that human rights activism provides to the victims of human rights abuse.
- The banning of Kashmir Reader shows the undemocratic functioning of the State which is uncomfortable with free speech, a basic human right and foundation of democracy. It is difficult to avoid the impression that the Indian State seems at war with the people of a region it claims as

its integral part. Repression by the armed and other security forces is very visible in the state.

- The Team observed that the humanitarian crisis was aggravated because the hospitals did not get any support from the Government of India by way sending in medical specialists, especially Ophthalmologists, nursing personnel and medicines to the Valley. The lack of support from the Government was despite the observations made by the team of AIIMS doctors who visited in July, 2016 who described the situation as "war like".

The PUCL team makes the following interim recommendations

1. The GOI should ensure the release of Human rights defender Khurram Pervez immediately and withdraw all criminal cases against him.
2. The GOI and J & K Government should release all Hurriyat leaders and hold unconditional talks with them and representatives of the other sections of the people, including the youth, in order to break this impasse and move towards a permanent resolution of the Kashmir dispute.
3. All political leaders, activists and young protestors detained under the Public Safety Act, 1978 (PSA) and other criminal charges should be released immediately and all cases against them should be withdrawn or revoked.
4. The Government and security forces should lift curfew and other restrictions throughout the Valley and cease all hostilities against the civilian population. There should be demilitarization of the Valley including withdrawal of security forces from civilian areas.
5. PSA, 1978 and AFSPA must be repealed from the statute books.
6. Facilitate the filing of cases against members of the security forces who indiscriminately killed and

injured and committed other atrocities on the people.

7. Set up a judicial commission headed by a sitting judge of the SC to look into the alleged extra judicial killing of Burhan Wani and other similar cases.
8. The ban on Kashmir Reader should be immediately withdrawn and the publication be allowed to function normally. The government must also stop all persecution of media, including by means of denying giving advertisements by the State and Central Government as a means of pressurizing the media to toe the government line.
9. There should be no curtailment of the right to freedom and speech expression of the media and also of civil society organisations and people. All peaceful protests should be permitted.
10. The Government of India and J & K Government should immediately approve all files related to granting 'Sanction to Prosecute' government, police, security and army personnel found guilty of having committed offences based on criminal investigation in cases pending in criminal courts and which have not been cleared for long periods of time.
11. The Government of India should immediately ban the use of pellets guns on protests and demonstrations.
12. The current approach of the State is premised on the fact that they can militarily subjugate the Kashmiris by causing suffering and crushing them economically and politically. The ground situation, as observed by the FFT, reveals that far from silencing the ordinary Kashmiri people, such brutal military methods have only resulted in alienating the local population by increasing their sense of anger and injustice on one hand and on the other hand making them, especially the youth, more resolute and determined to continue the

struggle for political resolution, irrespective of the price they may pay. There is thus an urgent need for the Government of India to revise this militaristic policy and for Indian leaders to demonstrate greater statesmanship in dealing with the Kashmir issue by recognising the political aspirations of the people of Kashmir and charting a policy which ensures the welfare, well

being, rights and dignity of the Kashmiri people. As a first step, the government should initiate confidence building measures to build a sense of trust and confidence in ordinary residents of Kashmir

The PUCL will continue to dialogue with the people of Kashmir through visits and other means. It will also raise awareness regarding Kashmir in other parts of the country. It will also campaign for the

release of Pervez Khurram. The full report will be released in November, 2016.

Sd/-

Dr. V. Suresh, General Secretary, PUCL; **Ms. Kavita Srivastava**, National Secretary, PUCL; **Ramdas Rao**, National Council Member, PUCL; **Ms. Pragnya Joshi**, National Council Member, PUCL; **Jean Dreze**, Member, PUCL □

Indo – Pak Goodwill – The Road to Mutual Prosperity

Rajindar Sachar

The collapse of the government machinery, disgrace abounding, permanent stain on India's boast of secularism and rationalism were some of the instant thoughts that came to me when I learnt of the surrender terms of release of Karan Johar film "Yeh Dil Hai Muskil".

It is self evident that this boosting of Raj Thackeray by Chief Minister Maharashtra (who though he is technically in partnership with Udhay Thackeray, Shiv Sena) was a politically expedient self interest tactic.

Proudly Chief Minister announces that he has telephoned Raj and a mutual Settlement has been arrived at under which Karan would donate Rs. 5 Crores to the army fund and promised not to engage Pakistani actors in future.

At this dark hour of cravenness, a small message from a army veteran shot up condemning the involvement of the army in this petty politics and making it clear that the army will not accept this money. The pulse of a common person in India is sounder and more honest than that of politician - in the cynical words of George Bernard Shaw "Politics is the last resort for a scoundrel" or even the more cynical one of Samuel Johnson writer, who noted that "patriotism is the last refuge of a scoundrel".

The undertaking given not to engage Pak actors in future is an act of disgrace of surrendering to ruffian politics. Will Karan and others at least now show their "penance" by donating Rs. 5 Crores if not more to the distressed

farmers who are committing suicide in Maharashtra.

It was then cynically suggested that Pakistani actors can be engaged if they condemn Pakistani attack – is such a suggestion not only disgraceful but is rather a self inflicted wound – because then question may well be asked why then Indo-Pak trade which shows that over the last 12 years it has grown 8 times from just 345 million dollars to 2.6 billion dollars - India exports four times Pakistani Imports. This is true even in the matter of entertainment. A blow up by this pseudo patriotism has resulted in enforcing a complete ban by Pakistan on Indian TV and Radio. This fake patriotism will ruin both the neighbours.

In my view in creating anti – Pak feelings, Prime Minister and Defence Minister cannot escape their responsibility. I say this because in the wake of strategic strike controversy (In which of course Rahul's intervention made the Congress squirm) we witnessed an even more embarrassing antics of Parrikar, when he "enlightened" the country by declaring that he feels that army has been motivated because of his training even though as a small time RSS volunteer. Of course, Minister, gave main credit to Modi's Leadership due to his longer training in RSS Shakhshas. How laughable - what of 1965 war with Pakistan which is legendary. The Prime Minister then was Lal Bahdur Shastri, whose antipathy to RSS is well documented.

PM's comment that, "earlier one had heard about Israel doing such things – now the country has seen that Indian Army is no less", was an ignorant bloomer - I am sorry Modi made such a statement without consulting the foreign office who would have told him that Israeli Army receives universal condemnation for its barbarous attacks on Palestine at every year at meeting the U.N. General Assembly meetings since over last 30 years.

This laughable matter of RSS parade being the inspiration of PM/others of training at RSS rally is equivalent to the similar idle and laughably parallel boast of English aristocracy that, "Battle of Waterloo against Napoleon was won at the playing fields of public school Eaton".

It is unfortunate that in this jingoism of hysteria being spread by RSS pupil Parrikar and Modi, Congress Party should try to out do this jingoism as was openly done by the Congress leader Anand Sharma demanding that government should declare the terror attack against the security forces at Udhampur Pathankot, and Uri as "Acts of War".

I am deeply sad that Rishi Kapur should have said that "Indian Industry will not work with any Pakistani actor in the future". Has Rishi forgotten one of his best earliest film "Henna" made in 1991 where the heroine was Pakistani Film actress Zeba Bakhtiar and shot in area of Pakistan – the story of Pakistanis helping him to cross

Jhelum river in Pakistan safely back to India by protecting him from Pakistani ruffians. It is worth emphasizing that at that time militancy in Kashmir (supported by Pakistan) was at the highest level. Such is the fear being spread that it reminds me of somewhat similar situation after the Second World War in U.S.A. when Senator McCarthy spread his anti communist hatred so viciously that he succeeded in creating an atmosphere of terror amongst established writers, cinema actors, and there was a deadening silence at any protest from the public – But fortunately for free speech, he over acted and tried the same vilifying accusations against U.S. Army. And then he met his nemesis. The

nation was jolted, people picked up courage. As US Army reacted in protest like ours army, McCarthy was thrown out of public life and his career ended in dumps. Can we not stop this mud slinging by small time politicians at creating a terror atmosphere for those who want better relations with Pakistani people and enjoying their talent in films, Sufi Music and quawalis, which is common heritage of both our countries.

But unfortunately this mutual boast at border killing by both Pakistan and India are being treated, as if it is a number of how many goals in hockey match have been scored against each other. What a shame. I am fond of seeing films (though not a cinema buff). But as a

penance I will deny myself the pleasure of seeing this film either in Cinema Hall or even on T.V. because having spent my first 25 years of life in Lahore (Pakistan), I at least owe that much to both the countries.

It is somewhat heartening to read the statement issued by Hina Jilani (Pakistan) Chairperson of SAHR – a human right organization representing India, Pakistan, Lanka, Nepal, namely; "SAHR appeals to the governments of India and Pakistan to respect the sanctity of LoC and IB. It also strongly urges both governments to immediately implement the Ceasefire Agreement of 2003 in letter and spirit".

Dated: 04/11/2016, New Delhi □

PUDR Press Statement: 2nd November, 2016

Banned and Damned to Death Press Statement on Custodial Killings of SIMI Undertrials

On the morning of 31st October eight male Muslim undertrials- Amjad Khan, Mehboob alias Guddu, Zakir Hussain, Mohammad Salik, Akeel Khilji, Mohammad Khalid, Mujeeb Shaikh, Majid- all accused in SIMI related cases, were brutally shot dead by the Madhya Pradesh (MP) Police. As per the police, the eight had allegedly escaped from Bhopal Central Jail, were armed and dangerous, and the police had no option but to take them out. The facts recounted by the police about the jail break have since been disproved or are at the very least highly contested. How could eight inmates scale a 30 feet wall? How could they evade the surveillance of watch towers and security cameras? The absence of arms, of bullets; photographs of the undertrials with arms raised in attitudes of surrender; of policemen shooting at the fallen men, contradictory statements from authorities, bullet injuries primarily above the waist -are only some of the questions that give the lie to the official story, and point towards a cold blooded custodial killing. The MP Police and state and central governments, however, have

literally held on to their guns, justifying the police action.

Apart from the patently false claims regarding the 'encounter', there are connections between the killings, which point towards a nefarious design, an escalation in the MP police's anti-Muslim actions using SIMI. Recent events suggest that to the earlier use of UAPA, membership of banned organisation and circulation of banned literature, has been added the dimension of fake encounters, building on allegedly attempted or successful jail breaks. The following are illustrative.

A Prelude- the Khandwa Jail Break

Of the eight killed, three were part of the six SIMI undertrials- Abu Faisal, Aijajuddin, Aslam, Amjad, Mehboob alias Guddu, and Zakir Hussain - who escaped in the nefarious Khandwa jail break of October 2013.

Since their escape in October 2013, the five absconding (Faisal was rearrested soon after) Khandwa jail break undertrials had been among the favourite bogeymen of the MP police, ATS and NIA. They had been touted as accused in investigations of terror

crimes, or terror threats across the country, with an astounding regularity, in crimes ranging from plans to kill RSS and BJP leaders; blasts in Pune, Bengaluru, to explosions in Bijnor, UP; to the Chennai railway station; to armed robberies in Karimnagar, Satna (MP) to name just a few.

By October 2016 all five had been shot dead. Aslam and Aijajuddin were shot dead by the ATS in Nalgonda in April, 2015, days before five Muslim undertrials being taken to court were killed in the police vehicle when they allegedly tried to overpower their seventeen strong police escort. The killings significantly occurred in the same month just before 17 SIMI accused were acquitted in the Hubli case.

The three other surviving Khandwa escapees -Amjad, Mehboob alias Guddu, and Zakir Hussain- rearrested from Rourkela in Orissa (together with Mohammad who too was killed) in February 2016, too are dead by 31st October, 2016.

Who are the dead? What are the stories of these 'notorious terrorists'?

While PUDR has been able to recover only four of the stories, and

these too remain incomplete, there are patterns in common that highlight our concerns about the targeting of Muslims, the politics of terror and the complicity of the police agencies.

The three infamous Khandwa jail escapees- Amjad Khan, a wage labourer with no police record, had his first encounter with the police in 2007 when he became a witness in a case of a local skirmish. First arrested under UAPA in 2008 for storing SIMI publication, he was finally **acquitted** in early 2013. In the meantime however, Amjad was named with fourteen others for allegedly hatching a terror plot in Akeel Khilji's house in Khandwa on the night of 13th June. Ten were arrested; five fled. A few days earlier, his family had filed a plea about illegal detention. The police finally did not list a charge against Amjad. Notably, the 13th June case made headlines in September 2015 when nine of the accused were acquitted, including Akeel Khilji, another of the dead. However, Amjad continued to be in jail as he had also been implicated in the murder of an ATS Constable in November 2011.

The case against Mehboob, a tailor from Khandwa, who took up stitching work from shops, also dates back to 2008 in the wake of Hindu-Muslim altercations in their locality. Mehboob was arrested for inciting communal hatred. He was acquitted in the 2008 case, but was accused of involvement in the murder of ATS Constables in 2009 and 2011, and planning attacks against RSS-BJP functionaries.

Following the arrest of people from his locality in 2008, Zakir, a mason, fled. June 2011 was a crucial year for Zakir, a construction worker with no prior record, as well. He was picked up allegedly from the Ratlam railway station after sustaining a bullet injury in a shootout. He was arrested under UAPA, and accused in serious cases including planning to murder RSS- BJP leaders to avenge Muzzafarnagar. The police case against Zakir was based on a confession which according to his

lawyer, he hadn't signed.

An important SIMI operative, Akeel Khilji- The pattern of arrests under UAPA, acquittals, slapping of more cases, continuing incarceration and finally custodial killing, ie, the witchhunt being carried out against Muslims in the guise of the SIMI terror cases, and the lawlessness of the MP police, is perhaps most vividly illustrated in Akeel Khilji's case.

In the 13th -14th July 2011 raid mentioned above, on a banned meeting in his house, ten people were arrested under S. 153 (A) IPC, S 3, 10, 13 (membership of a banned organization) of the UAPA and Sections 25 and 27 of the Arms Act, while five others escaped. The police was categorically on the lookout for Khilji as he was said to be an important SIMI functionary. Akhil Khilji was arrested in Maharashtra in March 2012 on the basis of his nephew Khaleel Khilji's police confession elicited in the course of a staged encounter. Khaleel Khilji was shot at and badly injured by the Maharashtra ATS on 26th March 2012, near Aurangabad. After the initial bungling over names, as the police was not sure who it had killed and who it had injured, it maintained that the injured Khaleel Khilji (it had killed Azhar Qureshi), was as dreaded as his uncle, Akhil Khilji. Interestingly, when this "encounter" was presented before the 2014 Tribunal, the investigating officer, AS Nandedkar, had to admit that he had nothing by way of proof, to show that Khaleel Khilji was a SIMI member.

Akhil Khilji was first arrested in 2001 during the nation-wide crackdown, following the first ban on SIMI by the then NDA led government. He was arrested on charges of anti-national activities and booked under S. 153 (A) and S. 13 of the UAPA, even though the supposed SIMI activities included four calendars of SIMI printed before it was banned, a pamphlet and three press clips against the ban on the organization. Subsequently Khilji was charged for other offences, in 2006, in 2008

and, of course, in 2011. Despite his multiple offences, he was acquitted in the first case (of 2001) in October 2012 by a Khandwa court as the judge could not find anything objectionable in the literature recovered from him. On 30th September 2015, he was acquitted a second time. He had however, other cases against him and was not discharged. A year later he has been killed.

Why had these undertrials outlived their use by date?

An answer can perhaps be sought in the fact that with their deaths, several 'SIMI terror cases' have either closed or fallen apart. All those facing trial in the parking lot explosion of the Faraskhana PS, Pune of July, 2014, being investigated by the ATS, are now dead. The Bijnor (UP) case of 2014, of an explosion in a house while making a bomb, handed over to the NIA in 2015, in which it was yet to file a chargesheet too now seems destined for closure, as all six accused, ie, the five Khandwa escapees, and Mohammad Saliq, also killed in the recent encounter, are all dead. The encounter killings seem to have come rather opportunely for the MP police and NIA, already infamous for filing fake cases, resulting in acquittals.

The violations are that much easier in MP as other mechanisms to safeguard human rights have been completely subverted. The MP Human Rights Commission has asked the DIG to submit a report on the encounter while the focus of its inquiry remains only on the security lapses. This is hardly surprising given that earlier headed by a retired Supreme Court judge or a High Court Chief Justice, the office of the Chairperson of MP Human Rights Commission is currently occupied by a retired IPS officer. The other rights' watchdog, ie, civil society groups are also facing the wrath of the State. On 2nd November, while holding a protest on the Bhopal killings, Rajeev Yadao, and Shaqeel Kureishi, office bearers of Rihai Manch- an organisation fighting for rights of Muslims wrongly accused in terror

crimes- were brutally beaten and detained by the police in Lucknow. These cases in their entire unfolding, are proof of the targetting of Muslims through their rearrests in different crimes, the use of bans for incarceration, and the complete arbitrariness, prejudice and impunity of the police. The 31st October Bhopal encounter has taken it to a new low, with the Chief Minister asserting that all eight were dreaded terrorists who were consuming state resources ("chicken biryani") due to extended trials and they deserved to be

eliminated. The government has pitted the 'sacrifice' of the policeman killed against the alleged 'sympathy' for 'terrorists' exhibited by those raising questions, with state sponsored nationalism once again taking over rule of law and constitutional guarantees. For our government and law enforcement agencies to be not just complicit but active perpetrators in such acts is more dangerous than crimes that terror organisations could inflict. Because the guilty here are also the keepers of the law, the judge and the jury.

PUDR demands:

1. Immediate independent investigation into the so-called encounter killings
2. Punishment of all guilty
3. Lifting of the ban on SIMI
4. Release of all SIMI detenu as they are completely unsafe in police custody
5. Compensation to all those killed in fake encounters

Deepika Tandon and Moushumi Basu (Secretaries, PUDR)

<http://puodr.org/content/banned-and-damned-death-press-statement-custodial-killings-simi-undertrials> □

A Reality check on Jammu and Kashmir

Pushkar Raj

Jammu and Kashmir is again in news for violence and counter violence. Again, several solutions are proposed. Any such exercise, however, need to be informed of a reality check if peace is to return in the state in a foreseeable future.

The present unrest began after killing of Burhan Wani, a local commander of Hizbul Mujahidin, an organization that vows to liberate Kashmir by unleashing suicide bombers in Kashmir (Times of India, 4 September 2016). The unrest is restricted to the Kashmir valley comprising 7.1 percent of land and 54.9 percent of population of the state numbering 6.8 million (Census of India, 2011). In a fresh round of bloodshed over seventy people have died and thousands are injured.

To defuse the situation, one of the solutions being offered is merger with Pakistan and other 'freedom' from India. The third solution -the status quo, is supported by the major political parties, though with differing caveats.

Merger with Pakistan

The merger with Pakistan is incongruous for a simple reason that Kashmiris will be an additional minority group in Pakistan that has a disturbing record towards its ethnic and sectarian minorities including Mohajir, Baloch, Pashtun, Ahmadis and Hazaras. Many of these people are forced to seek refuge in other countries. According

to the United Nations High Commissioner for refugees' latest figures, Pakistanis are the sixth largest group seeking asylum in Europe following Syrians, Afghans and Iraqis. Australian immigration report 2013-2014 also reveals that largest number of people who sought humanitarian visa on arrival came from Pakistan (Eli Britt Karlsen: 2014, Parliament of Australia).

Pakistan's human rights record on Baluchistan has also been disconcerting. Since the last decade about 18,000 people have allegedly involuntarily disappeared in the province. According to the Voice for Baloch Missing Persons, 157 mutilated bodies were found and 463 people disappeared in the state in 2015. (Balochwama News, 3 January 2016). The prime suspects in these incidents are the security forces.

Pakistan administered Kashmir is no better. Of \$38bn proposed investment in energy sector under China Pakistan Economic Corridor, Gilgit-Baltistan has not received any allocation as against other provinces (The Dawn, 12 May 2016). On the contrary, planning minister of Pakistan warned the protesting farmers of the region that the terrorism act would be invoked against them if they obstructed the project (Times of India, 18 August 16).

Freedom

The option of freedom for J&K is equally fraught with problems. If freedom is a demand for all the five regions of the state, then it seems a non-starter given the Indian and Pakistan position on it; and if it relates only to the Indian part then without taking into consideration the views of the people of Jammu and Ladakh region it is unlikely to move any farther.

The demand of freedom for only the valley of Kashmir is fraught with a moral dilemma in light of about a half a million Kashmiri pundits' virtual exile from the region. Besides, freedom for Kashmir will have a ripple effect in Muslim majority districts of Poonch and Rajouri and Kishtwar and Doda, separated by Hindu majority districts of Jammu and Udhampur, which will further add to the instability in the region.

Another difficulty to the freedom for Kashmir is use of violence and terrorism as a method to achieve it. Contemporary history shows that a violent movement does not produce a sustainable democratic state as is seen in many African countries which were inspired by various violence based ideologies. And finally, there are reports that mosques are used for mobilization of people and ISIS flags are waved in rallies in Kashmir. (Indian Express, August 21, 2015). Successful culmination of such a

movement can only lead to a theocratic state that would be against the spirit of 'kashmiriyat', which has already suffered considerable erosion in the valley. Way Forward

The central government owes it to the constitution of India to restore civil liberties by withdrawing the laws like AFSPA from civilian areas,

ensure accountability for human rights violations, secure transparent governance, launch de-radicalisation programs and identify a genuine leadership in the valley for a dialogue. Nationally, toning down the saffron nationalism might greatly assist. It is the only way forward for a humane and democratic Kashmir.

(Pushkar Raj is a Melbourne based author of Kashmiri origin. Formerly he taught political science in Delhi University and was the National General Secretary of PUCL. He can be reached at raajpushkar@gmail.com)

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<http://www.kashmirtimes.in/newsdet.aspx?q=57392> □

Gujarat PUCL Press Release: 26th October 2016

PUCL Reiterates Its demands to make Public Inquiry Report on Atrocities on Dalits at Thangadh

The Executive Committee of Gujarat State Unit of the People's Union for Civil Liberties has taken serious note of the various steps announced by the Government following the strong agitation in the aftermath of Una episode. One of the important steps of these was the assurance to make public report on atrocities on Dalits of Thangadh. A prolonged period of four years has elapsed since the occurrence of deaths of dalits in Thangadh episode and inquiry report thereon has also been handed over to the Government. Even then by advancing a childish argument that making the findings of inquiry report may endanger law and order situation, and to shelter or shield the criminals against punishment, Govt. is not publishing this report.

At the time of Una episode when the delegation consisting of about 25 persons representing the People's Union for Civil Liberties

and the Movement for Secular Democracy had handed over a Memorandum to H.E. the Governor on 2nd August 2016, the demand for bringing out report on the deaths of dalits at Thangadh was reiterated. Not only that when the inquiry team of the PUCL had submitted its First Hand Information Report on the Una episode to the National Human Rights Commission then also this demand had been reiterated.

As a matter of fact, as per rules of the Inquiry Commission, its report must be published within a period of six months. However, the Government of the 'Dynamic Gujarat' has always been moving on a snail's speed in the matters of publishing reports of Inquiry Commissions. Inquiry Reports of Justice Nanavati on Godhra Episode and Justice M.B. Shah commission report on corruption charges have not been published so far before the public. Not

publishing such inquiry commission's report is a major public crime because functioning of Inquiry Commissions are funded from public fund. By not publishing the reports the Govt. has been clearly disregarding democratic values and systems. In the interest of people of Gujarat, democracy and in the interest of transparency, Govt. should immediately make public all such reports.

Hence, at this stage, the People's Union for Civil Liberties (PUCL) reiterates its demand before the Government to immediately make public the report of Inquiry Committee on the atrocities on dalits, committed at Thangadh.

(The Executive Committee of the People's Union for Civil Liberties (PUCL) which met on 22nd October 2016 has passed above Resolution in its meeting)

Gautam Thaker, General Secretary, PUCL Gujarat □

Manipur Activists to Seek Clemency for Woman on Death Row in Malaysia

Sangeeta Sharma Brahmacharimayum (41) was awarded the death sentence after she was found guilty of trafficking in 1,637.1 gm of Methamphetamine on October 7, 2013 at the Penang International Airport.

Manipur Women's Commission will soon approach the External Affairs ministry to seek clemency for a woman from the state who has been awarded death sentence by the Malaysian High Court for trafficking drugs. K Sobita, Chairperson of the State Women's Commission, told PTI that she wants the concerned authorities to review the sentence and award

clemency.

Activist Sobita Mangsatabam of Imphal-based Women Action Development (WAD) told reporters, "We respect the law of that country but do not support death penalty and many countries and prominent rights bodies are also against death penalty." Sangeeta Sharma Brahmacharimayum (41) was awarded the death sentence after

she was found guilty of trafficking in 1,637.1 gm of Methamphetamine on October 7, 2013 at the Penang International Airport.

She was held guilty under the Dangerous Drugs Act 1952 for trafficking drugs in that country which carries a death sentence.

<http://indianexpress.com/article/india/india-news-india/manipur-activists-to-seek-clemency-for-woman-on-death-row-in-malaysia-3730581/> □

Halt Criminalization of Security Forces: PUCL

Rosamma Thomas | TNN | Nov 2, 2016, 09.46 AM IST

JAIPUR: PUCL (*People's Union for Civil Liberties*) condemned the killing of 39 members of the CPI (Maoist) party near the Balimela reservoir close to the border with Andhra Pradesh in Odisha on October 24 by security personnel. The police claimed there was an exchange of fire but PUCL said there was ground to doubt the police version of events. Marks of torture were seen on the bodies of the dead, PUCL said in a press statement on Tuesday.

PUCL questioned why all people involved in such exchanges were

killed, seldom captured alive. "Such practice of eliminating all militants is resorted to leave no witnesses. This unbridled power...has substantially criminalized security forces dealing a death blow to the rule of law," PUCL said.

The Malkangiri killings are another instance of the impunity and lack of accountability of security forces, the press statement said. It said state complicity in lawlessness was evident in the CBI chargesheet in the Supreme Court in the Tadmetla arson case of 2011 in Chhattisgarh. The CBI in its chargesheet implicated 323 Special Police

Officers, as well as members of the COBRA and CRPF in the killing of three men, the rape of three women and the burning down of about 250 houses in March 2011. PUCL noted that even CBI's investigators faced threats and intimidation in Chhattisgarh.

PUCL said that under the law, every instance of encounter killing must be followed by an FIR and investigation. Since policemen from Odhisa and AP were allegedly involved in the encounter of October 24, PUCL has called for a judicial inquiry. The safety of men in custody of AP police since the incident of October 24 should be

PUDR Press Release: 10.11.2016

PUDR Condemn Attack on Tribal Rights Activists and continuing erosion of the Rule of Law in Chhattisgarh

PUDR expresses its disquiet that Bastar Police has recorded an FIR on the basis of a complaint filed by wife of deceased Shamnath Baghel, of Nama village under Kumakoleng Gram Panchayat in Tongpal who was killed, on November 4th allegedly by the Maoists. The FIR recorded on November 5th invoked Sections 302 (murder), 120B (criminal conspiracy), 147 (punishment for rioting), 148 (rioting armed with deadly weapon) and 149 (Unlawful assembly towards common object) of the IPC against twenty two persons, including Professor Nandini Sundar (Delhi University), Professor Archana Prasad (JNU), activists Vineet Tiwari, Sanjay Parate from the Communist Party of India (Marxist), two local activists, Manju Kawasi, Manglu Ram Karma and 16 others. According to a report, IG SRP Kalluri is said to have stated that a special team has been sent to Delhi for interrogation and arrest of suspects in the case and that sections 38 (2) and 39 (2) of Unlawful Activities Prevention Act have also been invoked. Since the scholars and activists mentioned were not present when the crime occurred on November 4th it is

obvious that they are not charged as perpetrators. But they are somehow being involved after just a few hours stay in Nama village during their fact finding in May last. Shamnath Baghel, was reportedly a leader of an anti-Naxal local group called the 'Tangiya'(axe). In May 2016, when the fact finding team members named in the FIR had visited Nama village, the Chhattisgarh police claimed that the villagers including Baghel and members of Tangia group had complained that these scholars & activists were threatening them and coercing them to join the Maoists. The complaint was found to be baseless as members of Tangiya group told the media that none from the team asked them to join the Maoists and they were critiquing the use of force both by the police and the Maoists. They even refused to own the signatures on the police complaint against the scholars & activists (<http://indianexpress.com/article/india/india-news-india/activists-see-salwa-judum-link-locals-say-fed-up-of-naxals-2823749/>). Now in a case of Homicide of Shamnath Baghel, with the names of the fact-finding team recorded in the FIR, a vindictive Bastar Police is enabled

to persecute them.

The fact finding report of the team issued in May 2016 revealed several instances of fake encounters, rapes and arrests by police and security forces, beatings and IED blasts rampantly carried out by the police, including condemned use of violence by the Maoists. The team had also revealed that the police were holding *Jan Jagran Abhiyans* with villagers and evidently aiding the resurgence of armed militia of villagers similar to the earlier disbanded *Salwa Judum*, to counter the Maoists.

The sequence of events suggests an escalation, in which setting up vigilante groups, arming and mobilizing civilian populations, and silencing activists and journalists through embroiling them in cases are all part of a strategy. PUDR would like to remind that 'truth is the first casualty of war'. And Bastar police have tried different ways to silence social activists, reporters, lawyers, political workers, public spirited scholars etc. through harassment and intimidation, physical assault and now the sword of criminal prosecution. By pressing charges against reporters and arresting and torturing some of

them, to ensure that crimes being committed by Government forces or their surrogates do not get reported, to now naming people in FIRs and demanding their appearance for interrogation with the threat of arrest hanging over them, it is being taken to new heights. The implication is that the Government wants a 'zone of silence' around the war being waged in forest villages of Bastar; reminiscent of the 'Salwa Judum', from where only that information which Police provides should get reported. The spate of fake encounters, surrenders, criminal cases, burning of villages, rape and arrests are all the ground reality of war zone. By driving away lawyers, legal assistance was made difficult, incarceration of Adivasis longer, moving the court to get FIR recorded more time consuming, and future more uncertain. By dragging in the names of scholars and activists the circle of support and solidarity from outside is being constricted. This by a police force and government which was indicted by the Supreme Court in 2011, when they declared the state sponsored *Salwa Judum*,

unconstitutional, and more recently the indictment by the CBI against the Chhattisgarh police in Tadmetla case, which continues to be heard in the Supreme Court, has shown them to be a brazenly lawless force. As part of this lawless trait on October 25th Bastar Police and Special Auxiliary Force personnel in uniform publicly burnt the effigies of several persons as their answer to the Supreme Court's indictment. They went on to share the images of the burning effigies on social media.

Long history of crimes against the Adivasis and the relentless attempt to suppress the voices of reporters, lawyers, social and political activists points to how far the Government is willing to go to ensure that the 'Dirty War' they are waging against the Adivasis does not get exposed. That people receive no succor. We believe that the Chhattisgarh police and the state government are abetting the Police Raj as part of this policy to make their Mission 2016 "successful". PUDR is alarmed that such incremental erosion of rights has led to a situation in

Chhattisgarh where the voices of the people remain captive of a lawless Police Force who mocks the Judiciary when indicted, because Government condones the predatory behavior of its forces on the ground.

PUDR expresses solidarity with the activists and academics named in the FIR. While we know that this absurd accusation will fall by the wayside, we cannot escape the all-encompassing character of the assault, the horrors inflicted on Adivasis, the thousands incarcerated, crimes committed on them going unpunished, facing life squeezing criminal prosecution, denied the agency now even of public spirited groups and individuals to take up their cause. It is a reminder that a predatory war being waged against the Maoist led Adivasis and the civilian population is accompanied by persecution of conscientious citizenry of Bastar and people from outside.

Deepika Tandon and Moushumi Basu, Secretaries, PUDR

<http://pudr.org/content/condemn-attack-tribal-rights-activists-and-continuing-erosion-rule-law-chhattisgarh>

PEOPLE'S UNION FOR CIVIL LIBERTIES MEMBERSHIP FORM

The General Secretary,
People's Union for Civil Liberties

Dear friend,

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

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

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

I am not a member of any political party/I am a member of _____
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Signature _____

NB: Please send money in the name of the 'People's Union for Civil Liberties', preferably by DD/MO. In case of outstation cheques, please add Rs. 70/-. Please do not send Postal Order. Always send the Membership Form to the State/Local branch.

National Off.: PUCL, 270-A, Patparganj, Opp. Anand Lok Apptt. (Gate-2), Mayur Vihar-I, Delhi-110091 (Phone: 011-22750014)

Important Announcement!

It has been brought to our attention that some PUCL members of erstwhile Andhra Pradesh state unit have registered an organisation as a Registered Society / Trust in the name of 'People's Union for Civil Liberties' in Hyderabad.

We would like to inform all concerned that this organisation now reportedly registered in Hyderabad **has no connection whatsoever** with the national level organisation, "People's Union for Civil Liberties" (PUCL) which has been functioning from Delhi for close to the last 4 decades, with numerous state units, including in erstwhile Andhra Pradesh state, (as it was known prior to bifurcation of that state in 2014). Neither was any permission sought nor was permission given to use our name for the purpose of registration of an organisation as a Society / Trust under the relevant laws. The organisation now reportedly registered in Hyderabad in the name of 'People's Union for Civil Liberties' is without authorisation and is seeking to misuse the credibility and name of the official organisation known as "People's Union for Civil Liberties" (PUCL) with Head Office in Delhi.

We would like to categorically clarify that during the Emergency period in 1976, Jayaprakash Narayan, Acharya Kripalani, Krishna Kant, Justice Tarkunde and other stalwarts of the freedom movement formed the 'People's Union for Civil Liberties and Democratic Rights (PUCL & DR)' which was reorganised and renamed as "People's Union for Civil Liberties" (PUCL) in 1980, with a written Constitution and headquartered in Delhi. From the very beginning PUCL has, in principle, not registered itself either as a Society or a Trust, and in fact does not plan to register itself as a Society or Trust. The PUCL has been operating based on a written Constitution which provides for election of Office Bearers at the National as also State levels. PUCL has never and does not intend to provide permission to any state or local unit, to register itself as a Society or Trust.

In effect the organisation newly registered in Hyderabad in the name of 'People's Union for Civil Liberties' has been created totally without the permission or authorisation of the national level "People's Union for Civil Liberties" (PUCL) and is not entitled to function in the name of the "People's Union for Civil Liberties" (PUCL).

We therefore call upon the persons who have registered the new organisation in Hyderabad, to immediately take steps to formally cancel the registration of the Society / Trust in the name of 'People's Union for Civil Liberties', wind up the body and formally intimate to the National General Secretary, "People's Union for Civil Liberties" (PUCL) of having done so. Until such time "People's Union for Civil Liberties" PUCL disowns any act and activity undertaken by the organisation named 'People's Union for Civil Liberties' registered as a Society / Trust in Hyderabad.

We are issuing this statement pursuant to the decision of the National Council of the "People's Union for Civil Liberties (PUCL)" in Delhi on 17th – 18th November, 2016.

Prof. Prabhakar Sinha, President, *People's Union for Civil Liberties* (PUCL), **Dr. V. Suresh**, General Secretary, *People's Union for Civil Liberties* (PUCL).

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