

*Inside :*

**EDITORIAL :**

A Month of Living Dangerously (1)

**ARTICLES, REPORTS, AND DOCUMENTS:**

**A Judgement that Hits at the Root of Political Equality** - Editorial Board (2); **PUCL Jharkhand: Report on the Satbarva (Bhelvahi) Encounter** (5); **PUCL Odisha: Spilling Innocent Blood - Report on Nisanguda Killing** (9); **What it's like to be the Person who puts Prisoners to Death - Selene Nelson** (13); **Report of Activities of Chhattisgarh PUCL** (18).

**PRESS STATEMENTS, LETTERS AND NEWS :**

**Press Statements:** (1) **PUCL Statement on Repression on FTII students in Goa**, (2) **'Manufactured' Intolerance of BJP Govt. and Majoritarian Forces to Aamir Khan's Remarks** (2); **Condolences on the Death of Dr. R. M Pal - Pushkar Raj** (4); **Justice V.R. Krishna Iyer First Human Right Award 2015** (4); **Letter of Admiral Ramdas to President and Prime Minister** (12); **Denial of Right to 'NOTA' in scheduled elections to the local civic bodies in Gujarat** (17); **Obituary: Arun Kumar Singh is No More** (18); **Press Statement by Justice Rajindar Sachar** (20).

**Annual Subscription : PUCL BULLETIN**

w.e.f. March 1, 2010

INDIA	
PUCL Members	Rs. 100
Non-Members	Rs. 120
Libraries-Institutions	Rs. 150

**OVERSEAS**

OVERSEAS	
PUCL Members	US \$50
Non-Members	US \$100
Libraries, Institutions	US \$120

**PUCL MEMBERSHIP**

INDIA	
Patron	Rs. 2000
Life	Rs. 1000
Annual	Rs. 50
FOREIGN	
Annual	Indian Rs equivalent of US \$15

**PUCL WISHES ITS READERS  
A HAPPY NEW 2016 YEAR**

**A Month of Living Dangerously**

December, 2015 was a momentous month - filled with so many crucial events that are posing a challenge to humankind and nature everywhere. The month started with devastating floods in Chennai and surrounding districts which caused numerous deaths and immense destruction of property and public infrastructure. The unrelenting rains of over 6 weeks reached a highpoint in all the water reservoirs feeding Chennai city filled to the brim and threatening major breach posing the possibility of washing away major portions of Chennai. Sheer indecisiveness, mismanagement and governance failure led to unannounced midnight release of huge volumes of water washing away people sleeping in their homes, livestock, animals and everything in the way of the water deluge. The unseasonal rains in Chennai and the devastating floods are an indication of the threats posed by climate change and global warming. Disasters are not just a humanitarian crisis but also pose serious challenge to the human rights movement as disaster relief and rehabilitation need to be foregrounded on rights approach to ensure that the poorest and marginalised sections are not doubly penalised.

In December 2015 major global events occurred. The first was COP-21, Conference of Parties - climate conference - took place in Paris and ended with the adoption of the 'Paris Agreement' addressing the issue of reducing carbon emissions and to limit temperature increase to 1.5 degrees Celsius as measures to address global warming. This agreement hailed by many nations and criticised by environmental movements is going to shape future policies and directions of industrial growth worldwide. We shall be analysing the agreement and implications in future issues. From mid-December, the World Trade Organisation (WTO) met in Nairobi to finalise the Nairobi Ministerial Declaration (NMD) which was adopted by all member countries. **This Declaration, signed by India also, has serious implications for the food security in our country as the legality of stockholding food grains in the PDS system has not been recognised in the international arena. This Declaration, apart from having serious ramifications for our food security, also has adverse implications for the education sector and other crucial service sectors.** It's important for all of us in the human rights movement to examine the implications of these crucial developments on safety, security and well being of all social sections and on human rights. We plan to discuss these issues in future issues of the Bulletin.

Dr. V. Suresh, Editor for the Editorial Team □

## A Judgement that Hits at the Root of Political Equality

The Supreme Court judgement upholding the Haryana government's amendment to its Panchayati Raj Act, seeking to bar people without toilets, without a certain education level and who have debts from standing for Panchayat elections is most regressive and anti-democratic. It is shocking that the SCI has struck a blow against political equality, the only equality we have in this country. In an astounding statement, the SCI noted: "It is only education which gives a human being the power to discriminate between right and wrong, good and bad". This completely ignores the contribution of people such as K. Kamaraj one of Independent India's wisest leaders and one who had come up with a pioneering scheme such as mid-day meals in schools.

In the constituent assembly, Dr.B.R. Ambedkar had said: "On the 26th of January 1950 we are going to enter into a life of contradictions. In politics we will have equality, and in social

and economic life we will have inequality. How long shall we continue to live this life of contradictions?" It seems now that even political equality is sought to be suppressed for vast masses of people: The BJP and the Supreme Court seem to have decided that contradictions are not good and that we should not have political equality either. "The judgment effectively disenfranchises – and it recognises this – 68% of Scheduled Caste women, 41% of Scheduled Caste men and over 50% of all women in Haryana from contesting a panchayat election," as senior advocate Indira Jaisingh notes. It is not just the Haryana government, but also the Rajasthan government which has passed similar amendments.

These amendments strike a grievous blow against women, farmers, Dalits, Adivasis and several oppressed communities for whom education, access to capital and other privileges are a far cry. When farmers across

the country die unable to bear the burden of mounting debts, how and why does the court feel that only debt-free farmers can contest elections? This move is a clear attempt to prevent disadvantaged communities from accessing power and at privileging the already privileged. It reflects the utter moral and intellectual bankruptcy of the Supreme Court.

If this trend is allowed to continue, the day may not be far when the right to vote itself becomes contingent on similar conditions!

This must not be allowed to pass. This judgement needs to be struck down and civil society must work towards this end. While the affected groups in Haryana might consider possibilities of a review, others everywhere in India need to strongly protest this judgement, helping to ensure that the Supreme Court strikes this highly immoral and unconstitutional judgement down.

**PUCL Editorial board** □

**Press Statement:** 1st December, 2015

## **PUCL Statement on Repression on FTII students in Goa "Government's action has damaged democratic credential and tarnished image of India"**

PUCL strongly condemns the Government of Goa and the organisers of the 46th IFFI (International Film Festival of India), 2015 for the harsh security crackdown on students of the FTII who had gone to Goa to participate and interact with reputed film makers and other professionals participating in the film festival.

What is shocking is that the Government of Goa imposed Section 144 for the whole of Panjim, with the specious argument that they feared that protests by the FTII students around IFFI would "tarnish the image of country". The Chief Minister is on record saying that there is no "right to protest".

The police and administration, in support of the organisers, went about

brazenly denying entry to students who had formally enrolled to attend the festival. The extreme security paranoia of the police and organisers and the absurd lengths they went to clamp down on students is revealed by the fact that they detained a student for the "crime" of wearing a T-shirt with the name of FTII emblazoned upon it. The Government in a ridiculous over-reaction to a peaceful protest by two FTII alumni at the end of the inaugural function of IFFI, not only arrested the students with numerous charges filed against them - ranging from impersonation as guests at the IFFI inaugural to criminal trespass to use of criminal force on public servant in the course of public duty - all for the 'offence' of merely holding posters

and shouting slogans, even as they were sought to be roughed up by some goons.

Such undemocratic and repressive strong arm tactics was unleashed so as to prevent, intimidate and silence the students from reaching out to experienced film makers from around the world to share details about their 139 day protest against the forcible imposition by the Central Government, of Mr. Gajendra Chauhan, as Director of the prestigious FTII. The students have been protesting the appointment arguing that not only is Mr. Chauhan not accomplished or worthy of appointment to such a post but also does not have the experience. A large number of Indian film makers have supported the agitation demanding that the Central Government

withdraw the appointment.

The students have been continuously facing repression for voicing their legitimate concerns about appointment of unqualified persons, without due process, to the posts of chairperson and governing council members to the Board of FTII, the premier film-makers' training institution in the country and this pattern looks set to continue, with no end in sight. The government has abjectly failed to address any of their concerns.

The repressive acts of the government affected not only the FTII students, but also other citizens of Goa. With Section 144 in place, the

civil rights of ordinary citizens were curtailed. Worse, on 21 November, 300 people were arrested for gathering for a peaceful protest demanding justice for Bismarque Dias, an activist, whose death in suspicious circumstances, has been sought to be casually dismissed by the State as a death by drowning, without appropriate inquiries. The protestors had a right to peacefully voice their demand, indicative of the lack of faith in the state government's machinery to deal with it in a fair and impartial manner. Even bystanders who had nothing to do with the protest were mercilessly dragged, abused and bundled into police vans.

The arbitrary imposition of Section

144, without any credible threat to law and order, is an abuse of power and unjustifiable curtailment of citizens' democratic rights and civil liberties. The Right to Dissent and Protest is an inalienable part of the Fundamental Right to Freedom of Speech and Expression. Without dissent, there can be no democracy. It is this authoritarian behaviour of the Government of Goa and the festival organisers in front of the international media and delegates that has caused serious damage to the democratic credentials of India and tarnished the image of the country.

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

**Press Statement:** 27th November, 2015

## **'Manufactured' Intolerance of BJP Government and Majoritarian Forces to Amir Khan's Remarks Intolerance Undermines Dignity, Freedom, Equity, Equality, Fraternity, Creativity and Human Rights**

The debate on intolerance has been resurrected once again in the wake of the actor Amir Khan disclosing that his wife (a Hindu) was so upset by the atmosphere of intolerance in the country that she had aired the idea, during a personal conversation, that they should leave India. All sorts of comments are being made against Khan insinuating that his statement shows his ingratitude to India and raising questions about his loyalty. Earlier, motives were imputed to the artists and scientists who had returned their awards in protest against the atmosphere of intolerance in the country. The Defence Minister Parrikar had publicly stated that retired Armed Forces personnel returning their awards in protest against the inadequacy of the provision of the OROP must prove that their act is not politically motivated. The fury generated by the disclosure of Amir Khan about his wife's fear and suggestion to leave the country is itself an irrefutable evidence of unacceptable level of intolerance that has surfaced in the society in which

we live. Kiran Khan or Amir Khan do not hold any office in the State and are common citizens despite their celebrity status and are free to feel as anyone of us and give expression to their feelings, within the bounds of the law.

Is there a law in the country to tell the citizens how they should feel and to make them answerable for what they feel? A tolerant and humane society would have rushed to them to allay their fears and anxiety and to reassure them that their fears were unfounded and they had nothing to fear. Instead, they are being humiliated for something which is absolutely subjective and for which they are not answerable.

The same is true of the artistes and scientists returning their awards in protest against the atmosphere of intolerance. As citizens of India, they have a right to be for or against a party or ideology, a political leader or a policy of the government. They have the right to protest on an issue of their choice, alone or in a group, and at a time of their choice. To raise the question of their motive or ask

why they protest now when they did not protest at some other time or on some other issue is itself an act of intolerance. They, like other citizens, are not answerable for their feelings, belief or mode of protest unless it is beyond the bounds of the law. The State has the right to refute their allegation and convince the people that the protesters are wrong, but not to let loose its horde of hoodlums to accuse those protesting or expressing their feelings of disloyalty to the country or to call them traitors or to ask them to quit the country, as if India is the fiefdom of the ruling party. If anything, the conduct of the members of the BJP including its Ministers have provided not only a clinching proof of intolerance but of alarming contempt for democracy. It is important to recognise that intolerance as an attitude, behavior and response invariably leads to hatred, prejudice, hostility and violence. Persistent intolerance makes people being attacked because of their differences - sociocultural, religious, caste, ethnic, sexual and in the present

circumstances, political too - not only vulnerable to physical attacks and verbal assaults but also to live in fear with bottled up feelings of anger, frustration, rejection, subordination and exclusion. In effect, intolerance undermines dignity, freedom, equity, equality, fraternity, creativity and Human Rights. `Manufactured' or stoked intolerance by majoritarian forces is one of the biggest threats to Indian democracy

today. All that is required is being open or willing to `listen' to expressions of fear of rising intolerance shared by citizens and to assuage their apprehensions and rebuild confidence. Instead, responding with invectives, abuses and demanding proof of loyalty only makes the situation more dangerous. All democratic forces across India therefore need to come together to oppose rising intolerance and assert

that tolerance, co-existence and mutual respect for all castes, creeds, religions and other affinities - and we should now add, political opinions too - are the bed rock of our democracy which we will not allow to be threatened, rendered apart or destroyed. **Prabhakar Sinha**, National President, PUCL; **V. Suresh**, National General Secretary, PUCL □

## Condolences on the Death of Dr. R. M Pal

Dear Pancholi Ji  
Please convey my deep condolences on the death of Dr. R M Pal in the meeting tomorrow. I am greatly saddened at the demise of Dr. Pal who was a colleague, dear friend and an able guide to me. I met Dr. Pal in Delhi PUCL's meeting sometimes in 1996-97. He always carried a bunch of papers under his left arm that included PUCL bulletin and Radical Humanist of which he was the editor. He was always immaculately dressed and ever eager to share an insight on contemporary events with youngsters like me. I am grateful to him that he inspired me to study the caste related literature, including the writings of Ambedkar. He helped and supported young activists and scholars many of them are playing an important role in the human rights movement presently. Dr. Pal spoke with a passion in the PUCL meetings. His words carried

a force of righteous anger of a person who deeply felt for the atrocities on the vulnerable people and human rights violations that they suffered. Dr. Pal believed that the human rights violation was structurally embedded in the Indian society. He rightly maintained that the caste is one of the major diseases afflicting the Indian society and human rights violations are its effects. He stressed that we must attack the disease and attack it from all the fronts. As he was an academic and activist, he did his best to lead and participate in that attack in his own way. I had the opportunity to work with Dr. Pal as the General Secretary of Delhi PUCL when he was the President. Unfortunately in a few months after becoming the President he was taken ill. However, his passion for the PUCL and human rights was such that he insisted that the PUCL meetings be held at his house. We

all were glad to do so. Despite his not so good health he continued to lead us during the rest of his tenure. Later he shifted to Mumbai. When I went to Mumbai in 2006, I remember having met him in his house there. I remember talking to him in his wide and spacious house balcony as the winter afternoon sun overlooked and warmed us. Those two hours are still sweetly frozen in my memory. He was full of passion and talked about ways and means to strengthen the PUCL in Mumbai. In the death of Dr. Pal, human rights movement of the country has lost a strong advocate and PUCL has lost one of its important leaders. May nature bestow him with peace and eternal bliss for the good that he did for the humanity. With regards **Pushkar Raj**, Melbourne (Australia), Former General Secretary, PUCL National. 02 November 2015 □

**Press Statement:** 09 December 2015

### Justice V.R. Krishna Iyer First Human Right Award 2015

Justice Rajindar Sachar (Retd.), former President, Peoples Union for Civil Liberties (PUCL), was presented a Cheque of Rs. one Lakh (Rs. 1,00,000/-) for his work for Human Right by Justice Sukumaran of Kerala High Court at a function by Forum for Democracy and Communal Amity (F.D.C.A.) held at Kochi (Kerala) on 04th December, 2015

Justice Rajindar Sachar while speaking on the occasion recalled his warm association and emphasized the deep commitment of Justice Krishna Iyer to the human Rights and commitment to the cause of Minorities.

Justice Rajindar Sachar announced that in the same spirit he is donating this amount equally Rs. 50,000/- (Rupees Fifty Thousand) each between the two organizations with whom he has had long association.

1. Socialist party (India)
2. People's Union for Civil Liberties (PUCL) National □

## Fact Finding Report of the PUCL Jharkhand on the Satbarva (Bhelvahi) Encounter

### Taking cognizance of the incident

PUCL Jharkhand came to know of this incident through the news printed and disseminated in the media on 10<sup>th</sup>-11<sup>th</sup> June 2015. There were several facts emerging from the reporting of the incident which cast a doubt on the genuineness of the encounter. For instance –

- I. That the site of the incident was very close to the main National Highway 75.
- II. That the duration of the incident was 11.30pm to 2.30am.
- III. That all the 12 alleged Maoists were killed in the incident.
- IV. That despite the claims of indiscriminate fire, not a single jawan of the police force had received any injury.
- V. That there were no blood stains of the alleged Maoists found inside the vehicle.
- VI. That one of the alleged Maoists was identified as a para teacher, and the said teacher and several guests who had come to his house were said to be at his house at 9pm that night.
- VII. That the National Human Rights Commission, New Delhi had on 16 June 2015 taken suomotu cognizance of encounter at Bakoria and had demanded a comprehensive report within 4 weeks from the Chief Secretary

and Director General of Police Jharkhand.

### Fact Finding Team

After obtaining the preliminary information regarding the incident and internal discussions the State Unit of the PUCL decided to conduct a fact finding into the incident of encounter. A four member team was formed with the co-operation of the following :

1. Shri Stan Swamy - State Vice President
2. Shri Ashok Kumar Jha - State General Secretary
3. Shri Arvind Avinash - State General Secretary
4. Shri SN Vernwal - Member State Council

Apart from these members, the General Secretary of the Ranchi Unit Anand Kumar Singh, Secretary Shahi Sagar Verma and Member Anup Agrawal also collaborated in the collection of facts.

### Key facts

**Date of the incident:** The night of 8-9 June, 2015.

**Site of the incident:** Near the Crusher of Jumratimiya situated on the kuccha (village) road of Bhalvahi village situated approximately 7 kilometres North East of the Satbarva Police Station.

**Duration of the incident:** Two hours between 11.30 pm to 2.30am in the intervening night of 8<sup>th</sup> - 9<sup>th</sup> June 2015.

### Brief Description of the Incident:

The police administration had declared that 12 Maoists had been encountered in the late night of 8<sup>th</sup> - 9<sup>th</sup> June near Bhalvahi Nala situated 7 kilometres North East of the Satbarva Outpost in Palamu District. The site is close to Bhalvahi Village of Bakoria Panchayat. It was stated that apart from the police force of the Satbarva Outpost, the Cobra Battalion 209 and CRPF Battalion 134 had also participated in the operation. On the day of the incident the police identified 3 Maoists. The names of the identified Maoists as informed by the police were:-

- 1) UdayYadav, Manika, Police Station Pratappur Chatra.
- 2) Aizaz Ahmed, Nimakatu, Police Station Pratappur Chatra.
- 3) YogeshYadav, Majhigaon, Police Station Pratappur Chatra.

The other nine were stated to be unknown extremists. It was claimed that in the incident the Maoists had attacked the police force and opened indiscriminate fire. The police stated that they had seized several weapons, live cartridges and pressure bomb from the Maoists.

**List of the 12 persons killed in the encounter (with occupation and address) obtained from governmental/non-governmental sources by the PUCL.**

1	Udday Yadav (35)	Para Teacher	Nevar, Manika, District Latehar.
2	Yogesh Yadav (25)	College Student, Mobile shop	Majhigaon, Pratappur, PS Chatra.
3	Aizaz Ahmed (35)	Driver	Nimakatu, Pratappur, PS Chatra.
4	Anurag Yadav (45)	Maoist	PS Pratappur, District Chatra.
5	Santosh Yadav (25)	Driver of the Mamta vehicle	Pratappur, Chatra.
6	Amllesh Yadav (35)		Near Paki.
7	Neeraj Yadav (24)	UdayYadav's cousin	Kui, Manika, Latehar.
8	Mahendra Singh(15)	Khairwar, Scheduled Tribe	Heratu, Barvadih, Latehar.
9	Charku Tirki (12)	Scheduled Tribe	AmvatikarKatiyatola, Barvadih, Latehar.
10	Budhram Oraon (17)	Scheduled Tribe	Kudumkheta, Barvadih, Latehar.
11	Umesh Singh (16)		Ladi, Barvadih, Latehar.
12	Sakendra Parhiya (18)	Primitive Tribe	Ladi, Barvadih, Latehar.

## **Main issues addressed in the Fact Finding by PUCL**

- I Nature of the Encounter
- II The criminal background of all the 12 alleged Maoists
- III Whether or not the families of the dead had been given an official notice by the administration.
- IV Whether the guidelines laid down by the Supreme Court in regard to encounter deaths had been complied with or not.
- V Investigation into whether the encounter was suspect.

## **The details of the fact finding, site inspection, statements of witnesses and other evidence obtained**

PUCL visited Manika, Latehar, and Palamu on the 20<sup>th</sup> and 21<sup>st</sup> of June 2015 and also inspected the site of the encounter. During this visit the team went to Nevar, Manika, Lado Village (Barvadih), Amvatikar, and Latehar and met the relatives of the deceased, and collected information from independent witnesses regarding the incident and the deceased persons. The entire information was recorded by audio-visual means.

In the course of this visit the fact finding team talked to, and gathered information from the relatives of Uday Yadav, and Neeraj Yadav, their neighbours, the caretaker and local villagers. The statements of the family members of Budhram Oraon of Barvadih Latehar; Charku Tirkey of Amvatikar; Mahendra Singh Khairwar of Haratu; and Saket Singh of Lado Barvadih; and also from other people in their villages were recorded. Again in the course of investigation, on 23<sup>rd</sup> and 24<sup>th</sup> June, a team of the Ranchi PUCL met with Reshma Khaton - the wife of Mohd Aizaz; Mohd Jaseem - the elder brother of Aizaz; Soni Devi – the wife of deceased Santosh Yadav; and the family members of Santosh Yadav; and recorded their oral and written statements.

Apart from this the PUCL team also learnt the government's version of the

events by meeting with the Superintendent of Police of Palamu and the police spokesperson of Jharkhand police.

Among the facts obtained by the PUCL were the statements of the family members of the deceased, the statements of persons from the villages they hailed from; the First Information Report registered at the Satbarva Outpost; the statements of police officers; the news item published in the Internet edition of the Times of India on the 9<sup>th</sup> of June; the letters written to the Chief Minister, Governor and Chief Secretary by Reshma Khaton wife of deceased Aizaz Ahmed demanding a CBI Enquiry into the incident; and newspaper reports of the 10<sup>th</sup>-11<sup>th</sup> June 2015.

## **Analysis of the First Information Report**

In FIR No. 349/15, dated 09.06.2015, GR 1118/15, registered at the Satbarva Outpost of Palamu Sadar Police Station, the site of the incident has been mentioned as near the crusher of Jumrati Miya situated on the kachaa (village) road in Village Bhalvahi, 7 kilometre North East of the Satbarva outpost. In the FIR it is stated that the CPI Maoist extremist organization made a life threatening attack by opening fire on the police force. It is stated that 12 Maoists were killed in the retaliatory operation. Uday Yadav, Aizaz Ahmed and Yogesh Yadav were identified by the local chowkidar and from the papers they were carrying in their pockets.

In the incident it is claimed that the police and paramilitary forces fired more than 200 rounds whereas the 12 Maoists despite having weapons and ammunition with them fired 19 bullets.

In the FIR it has been stated that on 8<sup>th</sup> June at 9.40pm, the Satbarva Outpost received information that a squad of the CPI Maoist was going to pass through the border area of Manika- Satbarva. The police station was directed to capture them. Sub Inspector Rustom along with force of 11 policemen reached NH75 at

10pm. The officers of the Cobra Battalion were already there before hand. These personnel started a joint checking of all vehicles passing on the road. Some personnel were stationed towards the crusher of Jumrati Miya (the site of the incident).

At 11pm, a white Scorpio came at a high speed from the direction of Sanika. On stopping the vehicle, some people travelling in it jumped out and fled towards the East towards the crusher. The white Scorpio rushed off in the direction of Satbarva. Rustom gave this information to the police station. The police force pursued those who had fled. Another Scorpio (silver coloured) which was following, having observed the police movements, turned towards the kuccha road towards the East, where the already positioned jawans of the Cobra Battalion attempted to stop the vehicle. The persons in the vehicle opened indiscriminate fire on the jawans. The police force asked them to surrender. But those persons alighted from the vehicle and continued to fire while running away. At 12.15 midnight the SP Palamu had requested for additional forces. Under the leadership of DGP Palamu, the SP Palamu and CRPF 134 Battalion reached there at about 1am. At the same time, the CRPF 11 Battalion and Cobra Battalion also reached there with the SP, Latehar. It is claimed that when the firing stopped after some time, the 12 dead Maoists and cartridges and ammunition in large quantities were recovered on searching the area.

In this incident, the police and Cobra Jawans fired more than 200 shots, whereas only 19 spent cartridges of the Maoists could be recovered.

In the FIR it is not described as to how, despite the prior information, positioning and formation of adequate police forces, the white Scorpio managed to escape and flee the spot. Who were in that vehicle? Whether the persons who jumped out of the moving vehicle were armed or unarmed? Why those who fled

chose only to run towards the already positioned force? What action the jawans took against those who fled is not mentioned. What was the relationship between the first white Scorpio and the second one that came afterwards? How many persons were in the first vehicle and how many in the second one?

In the FIR, it is repeatedly mentioned that the Maoists carried out indiscriminate fire, however only 19 empty cartridges could be recovered. Whereas it is stated that the police carried out limited firing and yet more than 200 rounds were fired. Out of which 117 spent cartridges were recovered.

Vehicles do not ply on the NH75 after evening. In the circumstances the police could have encircled the vehicles much earlier.

Despite the NHRC and police guidelines of not carrying out operations/ encounter in the night, this encounter was carried out.

In the FIR the bodies of driver Aizaz Ahmed and an unidentified 19 year old are shown to be in the vehicle itself. It is not mentioned as to where the bullets hit them.

In the FIR it is mentioned that the additional police force of CRPF Battalion arrived at 1am but they did not carry out firing, whereas the encounter went on from 11.30pm to 2.30am.

#### **Facts that emerged from the fact finding, description and analysis**

The team first visited the site of the incident. The site is an open and level area. It is situated about 200 metres off the NH 74 on the Manika- Satbarva road. There are no big trees or bushes in the area taking cover of which the police force or Maoists could have fired. The soil is stony. The place where the media was shown the bodies of the 12 alleged Maoists was also an absolutely open area. Some dried up blood stains were visible there but the stains were very sparse and did not seem to be the blood that would have flown from the bodies of 12 people. The *kuccha* road on which this incident happened goes towards the Bhehvahi village and

the village is approximately one kilometer away.

When the PUCL team reached the spot, there were already some persons there who were the representatives of the local press. Referring to the coverage they had provided immediately after the incident, they said that on 9<sup>th</sup> June, 11 bodies were lying in a line, whereas the body of one boy was lying 20 metres away near a bush. There was a silver Scorpio on which there were bullet marks. All the deceased had bullet marks only on their abdomen, chest and temple. Where the bullets had entered, the holes were of a large size.

The team could not find any signs whatsoever of firing on the ground, bushes and stones at the site. The villagers present said that they had heard the sound of intermittent firing late at night.

The fact finding team reached the house of Uday Yadav at Manika at about 12 noon on 20<sup>th</sup> June. The younger brother of the deceased present there – Hriday Yadav – informed us that the deceased was his elder brother and he was a para teacher in Village Nevar. He had been accused of being a police informer and beaten by the Maoists and had been directed to stay in the village and teach in his school. But due to the fear of the Maoists he had not been going to the school and he had not got his salary for 6 months. Hriday Yadav had gone to the site along with his father Jawahar Yadav. He had come to know of the incident from the TV news. Hriday said all the bodies had been placed in a line. They were not allowed to go close to the bodies. The bullet wounds in Uday's body were in the upper half – stomach, chest and temple. Hriday was prevented from taking a photograph of his dead brother. Hriday says his brother did not have any relations with the Maoist organisation. A neighbour of Uday Yadav – Rajeshwar Yadav said that on 8<sup>th</sup> June, 4 or 5 persons had stayed at Uday Yadav's house. At 9-10 pm two people had come on a

motor cycle. After talking for some time, they spoke on a mobile phone. After that he felt sleepy and went to sleep. Another neighbour Rajendra Paswan said some people had come to Udayji's house in the evening in a vehicle. Uday's wife said that on the day of the incident, Uday had his food and went out with Neeraj to sleep outside. She said that she doesn't know anything about what happened later.

After this the fact finding team went to village Kudumkheta, which is inside the forest, about 25 km to the South of Manika, from where one of the deceased, Budhram Oraon hailed. Budhram's elder brother Mahipal Oraon, who is disabled in one arm, said that Budhram, who is about 17 years old, is his younger brother. He had come home at the time of picking mahua. He came to know that his brother had been killed in police firing one week (8 days) after the incident. He said he manages to take care of his wife and 3 children only with great difficulty. He said that when there was not enough to eat, Budhram would occasionally go to the Maoist Party lured by the food. Then the fact finding team reached Katiya Toli of Amvatikar Village in Barvadih block. Charku Tirkey of this village had also fallen prey to the police firing. Charku's brother Vijay Tirki said that Charku was the fifth among all the brothers and sisters. He was 12 years old. He used to study in the primary school in the village.

Vijay said that Anurag had come to the house to take Charku on the evening of 8<sup>th</sup> June. There was a marriage in the house and the family had asked him not to take Charku, but he didn't listen and had said that he would come back very soon. The police neither informed them nor handed over the body to them. Kameshwar Singh, the father of Mahendra Khairwar, said that Mahendra had left the house about one and half months before the incident, saying that he is going to Kerala to work. He was about 15 years old and was studying in Class

Ill in the Heratu Middle School. They did not get the body of the child. They had gone to Daltonganj but were not even allowed to see the body properly. The body had already decomposed, how could they have identified him?

When the team met Ramdas Parhiya of Ladi village, Barvadih on 21<sup>st</sup> June, he said that Sakendra Parhiya was his eldest son. He was married. He had taken 2000 rupees from home and had said that he would be going to Kerala to work. He was only 17-18 years old. They did not get his body. His *mousa* (maternal aunt's husband) had gone to Daltonganj to get the body, but the police persons did not let him come ahead at all.

The team could not meet the family members of 16 year old Umesh Singh Khairwar. They had gone out on some family visit. But the people of Ladi village said that Umesh Singh Khairwar was the elder son of Pahadi Singh Khairwar. He was studying in the Girls Middle School at Gaaru in the Third Standard. Occasionally, because of poverty, he used to go out to earn. Maoists do come and go to their village and they forcibly lure the children to go with them. The family members of Umesh did not get his body.

Soni Devi, resident of Chatra Pratappur and the wife of deceased Santosh Yadav, met the members of the Ranchi Unit and told them that her husband had gone with his cousin Yogesh, taking driver Aizaz with him in a hired vehicle to meet Uday Yadav in Manika in connection with a marriage. In the night she had spoken with Uday on the phone. When she asked Uday about her husband, he had said he has reached where he was supposed to reach. Santosh used to drive Mamta vehicle in Pratappur. Yogesh, who was a graduate, had a mobile shop.

Reshma Khatoon of Neemakatu, who is the wife of Aizaz, said that her husband used to drive the vehicle of Chotu Miya. Santosh was also a driver - he used to drive the Mamta vehicle. These persons had left Chatra for Manika at about 3-4 pm

on 8<sup>th</sup> June 2015. He was not associated with any extremist organisation. Aizaz had phoned the vehicle owner in the night and told him that neither were they safe nor was the vehicle safe. The owner had come early in the morning to Reshma Khatoon and asked her whether she knew anything about Aizaz. The police did not inform the families of either Santosh Yadav or Yogesh Yadav or Aizaz Ahmed about the incident, whereas the identity cards of Yogesh and Aizaz had been found on the spot. The police had seized them and mentioned them in the FIR for identifying these persons as Maoists.

#### **Facts emerging out of the investigation.**

1. From the statements of the families of the deceased and independent witnesses, it is at least clear that Santosh Yadav, Yogesh Yadav and Aizaz Ahmed came from Chatra and reached the place of Uday Yadav by evening. Soni Devi of Chatra had already talked to Uday Yadav about her husband by 10 pm. Driver Aizaz Ahmed spoke to his employer Chotu Miya around the time the incident took place. It can be verified from the call details of Chotu Miya as to how long they were alive.

2. From the analysis of the FIR of the police it can be clearly stated that the three persons named as Maoists – Aizaz Ahmed, Santosh Yadav and Yogesh Yadav – were neither Maoists nor did they have any connection with any extremist organization. There is no evidence of any criminal background of these persons.

3. The most important and surprising fact which is not mentioned in the FIR is that Anurag Yadav is a Maoist in the police record. But while this is not mentioned in the FIR, in the Internet edition of the Times of India, the Police Headquarters at Palamu claimed that they been successful in eliminating Anurag Yadav in an encounter. The time of registering the FIR is 1 am as recorded therein. In other words, the Police Headquarters was aware that

Zonal Commander Anurag @ Doctor was among those killed in the encounter. But the local police, that was involved in the encounter, was not aware that they had killed such a big Maoist. He has not even been referred to as a Maoist in the FIR. According to the FIR, there is no further clarification about the white Scorpio which is mentioned initially. Not only this, nothing is mentioned about its registration number or about the persons travelling in it. It is not mentioned as to whether those persons were armed or unarmed. It is mentioned that some people jumped out of the vehicle, they did not get down from the vehicle. It is pertinent here that if anyone jumps out of a vehicle he is bound to fall, and that too in the middle of police encirclement. It is also not understandable as to why, if people fled, they ran in the direction of the site of the incident where there was already an alert force of the Cobra Battalion and police jawans positioned. It is mentioned in the FIR that the white Scorpio vehicle escaped through the police cordon and drove away. When the driver could have escaped by driving through the police cordon, why were the people in it not able to escape?

4. Why did the second silver Scorpio, which was behind the first white one, also go in the same direction of the site of the incident? Why did it not go straight, in the direction which another vehicle had just escaped? According to the statements of the witnesses, all the corpses were lying on the ground, whereas as per the FIR, two bodies were in the vehicle, one of which was of the driver Aizaz Ahmed. Two persons in the vehicle were shot three times each, why were their blood stains not found in the vehicle? This question also arises naturally.

5. Five tribals were killed in the incident out of which three – Charku Turkey, Mahendra Singh Khairwar, and Umesh Singh Parhiya aged 12,15 and 16 years respectively, were minor lads. All three used to study in the government schools in

their own villages. According to the FIR the incident occurred between 11.30pm and 2.30 am, in other words the encounter went on all through this period. Yet when the CRPF was called, not a single shot was fired by them, whereas it is claimed in the FIR that the firing went on even upto one and a half hours after their arrival.

6. The team could not obtain the Post-Mortem Reports or the 'Cause of Death' reports. Efforts were made to contact the SP Palamu but not much information could be obtained. The team was only able to speak to officers in Ranchi where the members of the team met Shri SN Pradhan, police spokesperson. Shri Pradhan expressed himself incapable of making any official statement in the matter, and suggested that the team speak to the SP Palamu. However he did assure that all the government documents, the FIR, post mortem reports etc would certainly be made available to us. He told us that he would talk to the concerned officers and then intimate us by phone.

However no such intimation was made. No documents were made available by him for 2 weeks. The Investigating Officer in the Satbarva Outpost did not cooperate with the PUCL and refused to provide even a copy of the FIR. His attitude, even in such a serious incident, was insensitive.

**The following demands are raised by the Fact Finding Team**

1. From the statements of the families of those killed in the encounter and independent citizens, the FIR, and the facts and circumstances at the site of the incident, this encounter appears to be a fake one. Hence we fully support the demands made by Reshma Khatoon and Soni Devi to the Hon'ble Governor Jharkhand, Chief Minister Jharkhand and other senior officials; and demand a high powered Judicial Enquiry/ CBI Enquiry into the incident.
2. Taking into consideration the circumstances of the four minor youth of the Scheduled Tribes killed in the encounter, a

separate enquiry needs to be held into their killing. Hence a separate enquiry should be conducted in this regard.

3. Their families should be compensated under the SC, ST (Prevention of Atrocities) Act.
4. Providing basic facilities in the far flung Naxal-affected rural areas should be a priority for the government. The Government must pay attention to this.
5. The families of the other innocent youth killed in the encounter should be paid adequate compensation.
6. The Government should take responsibility for the upbringing of the small children of the youth killed in the encounter.
7. After the enquiry, appropriate action should be taken against the guilty police personnel.

**Stan Swamy**, Vice President, State Committee; **Ashok Jha**, General Secretary, State Committee; **Arvind Avinash**, General Secretary, State Committee; **SN Vernwal**, Member State Council □

**Odisha PUCL Report:** 12th December, 2015

## **Spilling Innocent Blood: A Fact-Finding Report by PUCL Odisha on Nisanguda Killing**

In the recent past, reports of killing of innocent people by 'security forces' deployed to combat Maoists have been coming out of many parts of Odisha, specifically from its forested region largely inhabited by adivasis and dalits. For example, in July this year a dalit couple was killed in Kotagarh, Kandhamal; a youth in Nuapada was beaten to death in August. Although not all incidents of killings by security forces get investigated by independent agencies, investigations into some cases by the State Human Rights Commission have found that innocent villagers have been killed. The killings of Junesh Badaraita of Gajapati district in 2011 and Srimajhi Paleka of Rayagada district in 2008 are two such cases. Another such incident happened on

15th November in Nisanguda forest area of Kalahandi district in which two adivasis and one dalit were killed and two adivasis were injured in the firing reportedly by the SOG (Special Operation Group) personnel. Of the five victims, three belonged to Upar Panchkul village and two to Nisanguda. The incident was widely reported in the local media. The media also reported about the claim of the police that people were killed and injured in the crossfire between the Maoists and the security forces; on the other hand, villagers strongly denied it. Besides, the manner in which the post mortem was conducted in keeping the relatives of the deceased in the dark was also questioned by local activists. There have been protests by various adivasi/ dalit organisations of Kalahandi

condemning the killings. Considering the seriousness of the issue, PUCL Odisha decided to do a fact-finding into the incident. During a period of five days, from 27th November to 1st December, the PUCL team met the villagers and family members of the victims of Upar Panchkul village. It spoke to a number of local journalists and activists, met the ADMO, the IIC of Sadar PS and SP Kalahandi, visited the spot where the firing took place, went to the VSS Medical College and Hospital, Burla where the two injured were admitted but couldn't meet them as they were already discharged. The team also went through newspaper reports.

**A glimpse of the locality and the people**

Nisanguda and Upar Panchkul are

two small villages deep inside the forest in Jugsaipatna Gram Panchayat under Bhawanipatna Sadar Block in Kalahandi district. They are at a distance of about 25 km from Bhawanipatna, the Block and District headquarters. However, one has to walk a distance of about 10 kms on a rough forest road to reach there. The villages fall under the Karlapat Wildlife Sanctuary, which also is the area presently being considered for Bauxite Mining to be given to Vedanta for its Lanjigarh Alumina Plant.

Upar Panchkul village has only 14 households belonging to Adivasi and dalit communities. They are mostly landless. Only two families have got entitlements over some forest land under the Forest Rights Act. Forest is the primary source of their livelihood. They not only collect minor forest produces and firewood from the forest but also use it for rearing goat. Some grow millets and other crops on the dangar land during the monsoon months. Though they have job cards, availability of wage work under the MGNREGA is occasional for being located in the forest area. Anant Nayak, brother of one of the deceased, Harishankar Naik, told the PUCL team, "There are days when we get only one meal and go to bed without food". Since the last four to five years, some of the village youths have started migrating out to other places like Kerala and Bombay, in search of wage work. The nearest primary school and health centre are located, across a hill, at a distance of about six kms in the jungle route, at Jugsaipatna. There is not even an Anganwadi centre in the village.

After the firing incident, people are afraid to go to the jungle for their daily livelihood activities. The few children who used to attend school walking through the long forest road are afraid to go to school now. During last one year or so, combing operations have been intensified in the area in the name of anti-Maoist operation. There are reports about interior villages often being subjected to search, raids and harassment of

people by the security forces. About a month ago, people of Mundguda petitioned before the District Collector about security forces searching their houses during night and harassing them. In Kiapadar village, women complained about security forces making lewd remarks while they were taking bath in the nallah.

#### **Losing life in search of missing goats: the incident of killing**

Twelve days past the incident, when the PUCL team visited the village, there was still an uneasy silence all around. Fear and grief was palpable; people were yet to come to terms with what happened to them. They took time to open up:

On the morning of 15th Nov. a group of people of Nisanguda and Upar Panchkul village had gone to the forest, around one Km from villages, to search for goats, belonging to their Ward Member, Jaya Majhi. Goats had gone missing the previous evening. It was something usual for them. But, at about 9 o'clock, those who were in the village heard something like of gun shots coming from a particular direction of the forest. They got apprehensive. After some time, the two injured men, Ichhu Majhi and Arju (Arjun) Majhi returned to the village. They narrated that while they were busy in searching goats and about to cross a nallah, all of a sudden they were fired upon behind their back. Three of them - Sukru Majhi, Jay Majhi and Hari Shankar Naik - fell on the ground and the injured ones hid themselves under the nearby bushes. The security forces dragged the dead bodies towards the nallah and carried them away. After the departure of the security forces, they came to Nisanguda. On hearing this account, villagers tried to send messages to the nearby villages and took time to gather some people together. Then they went to the spot as described by the two injured men. There they saw the blood stains on the ground as well as other signs of firing. They saw the signs of gun shots on the trees as well as of bodies being dragged. The PUCL

team while visiting the spot noticed that there were still marks of gun shots on the trees. These marks seemed all from one direction. There were also a number of yellow colour cartridge cases strewn around the spot. The team also noticed a patch of blood soaked earth (what villagers say the place of firing) and the signs of bodies being dragged for about 20 feet towards the nallah flowing nearby. A red colour sleeper - probably worn by one of the men killed - was still lying forlorn on the very spot.

Meanwhile, the message spread and more people came to the village. With the help of some local representatives, they took the two injured to Bhawanipatna and admitted them in the Dist. Headquarters Hospital at about 5.30 PM. They were referred to Burla around 11 PM. According to the ADMO, Bhawanipatna, the two were referred to Burla as the surgery specialist as well as the anaesthetist didn't feel confident of doing operation on them.

As regards the deceased, people had no idea where the bodies were kept. They complained that the bodies were handed over to them wrapped in polythene sheets after the inquest and post mortem was over. According to the ADMO, the Post mortem was done in the presence of the BDO by a team of three doctors between 11PM and 2AM - as per the order of the Collector. It is important to note that the relatives and co-villagers were present in Bhawanipatna and the district police and the administration had the knowledge of their presence, still the police officials didn't feel it appropriate to ensure the presence of the relatives or co-villagers at the time of the inquest or post-mortem. "We were asked whether we would cremate the bodies or bury it or it would be thrown away. We said that we would cremate the bodies according to our own rituals in our village", said one of the villagers. The bodies were brought at night in a govt. ambulance and dropped near Rapangpadar village and from there

the villagers carried these to the village and cremated the next day morning. Along with the bodies, the police also gave Rs.40000/- each to the families of the three deceased. The injured ones were given Rs.15000/- each at the time of sending them to the Burla Hospital. The local journalists allege that the relatives of the deceased and injured were made to sign on blank paper. It is important to note that people had not asked for money. Rather, they felt insulted by this behaviour of the police as Samudra Naik, widow of Hari Shankar Naik, angrily asked, "Would the wife of SP be happy, if we killed her husband and gave her Rs.40,000/-?"

#### **The story of the Crossfire: the police vs. the victims**

After the incident, responses of the district police officials have been marked by secrecy and evasiveness. The concerned IIC of Sadar Police station, though agreed to meet the PUCL team, refused to say anything on the plea that the SDPO is the investigating officer in this case and there has been ordered a magisterial enquiry by the BDO. On the other hand, the SDPO refused to meet taking the alibi that he was busy. The team could manage to meet the SP. His account is as follows: 'The police had received intelligence inputs about the movements of Maoists in the area, so the forces had gone for combing operation. On the day of the incident it was the SOG unit (23 members) which was sent to the area. While searching the area the SOG team saw about 15 to 20 Maoists. The Maoists first opened fire upon the SOG personnel and in self defence the latter retaliated. Whether the three people killed and the two injured were Maoists or had links with the Maoists or ordinary villagers would be ascertained once the investigation is complete. Arms and ammunitions including .303 rifles and 'tiffin bomb' have been recovered from the area. A case under section 302 of the IPC has been registered by the police. No SOG personnel have been injured from firing by the Maoists.' (The PUCL team asked

for a copy of the FIR and seizure list but the SP refused.)

On the allegations of not informing the victims' relatives to identify the bodies and handing over these only after the post-mortem was complete the response of the SP was most evasive when he said, 'the concerned police officers would have done everything required by the law'. It is not easily believable that the highest police official of the district did not know what the concerned police officers did exactly on the matter.

The most hush-hush act of the district police is evident in the case of the injured who were referred to Burla Hospital for treatment guarded by the police. When the PUCL team visited the Burla Hospital on 1.12.15 it was found that the two injured persons were already discharged. Hospital records show that Arju Majhi was discharged on 21.11.15 and Ichhu Majhi on 28.11.15. But, none of them had returned to their village till 2.12.15. It was only when the local journalists came to know of it, published the news in the local media and began to make inquiries from the police, the two were promptly brought to the village on 3.12.15.

While the police tried to hush up the matter in various ways, the victims' families and the villagers slowly gathered courage to question the police's version. On 30-11-2012, Laxmi Majhi, wife of Ward Member Jaya Majhi, lodged an FIR in the Sadar PS narrating the indiscriminating firing of police force resulting in the death of three men and injury of two. The SI of police of the same PS received the FIR, but didn't register a criminal case. Till date the police have not registered a case on the strength of the said FIR and have initiated no investigation in the light of the FIR given by the wife of one of the victims.

Arju and Ichhu - the two key witnesses to the firing - gave their eye witness account in a press meet in Bhawanipatna on 8th Dec. (published in The Samaj and The Sambad on 9th Dec.). Their account is: the firing was sudden and one sided firing; Ichhu got the shot on

his back and he managed to hide behind bushes; Arju was shot on his back and he too hid behind bushes but he could see how the other three were killed; when the other three fell to the bullets on the ground and were writhing in pain five/six jawans came near them and again shot at them till they died; then the jawans carried away the bodies wrapping it up in polythene sheets.

They also talked about the threats given to them by the police while they were in Burla and even after they returned to Bhawanipatna. Arju Majhi was kept in a lodge in Burla till Ichhu was discharged on 28th under the watch and ward of the police and was threatened. Both of them were brought to Bhawanipatna and kept again under the watch and ward of the police till 2nd. During this period of confinement they were threatened by the police to say that 'they had gone to the forest for hunting and the three were killed by Maoists who were wearing black clothes', and if they said anything different there would be police cases against them, they would be jailed and they wouldn't get any financial help from the government.

#### **Observations**

On the basis of the above accounts, the PUCL Team makes the following observations:

1. The version of the police that three people were killed and two injured in the crossfire and that the SOG personnel opened fire in self defence is not credible. Rather, there is preponderance of probability that innocent people were killed and injured in an unprovoked, indiscriminate and one-sided firing by the SOG.
2. There are clear violations of the guidelines issued by the Supreme Court of India in the matters of investigating deaths in police encounters. Neither the concerned police officers nor the executive magistrate, ensured the presence of family members or their relatives/co-villagers during inquest or post mortem of the dead bodies. The post mortem was conducted at the dead of

- night and the reason is best known to the administration.
3. The team further observes that the mysterious confinement of the two injured, threats and inducement by the police, and subsequently their statements in the press create a reasonable doubt that the district police are trying to push up the truth and influence the investigation.
  4. The Team has reasons to believe that the investigation into the incident by the SDPO may not be free, fair, and independent as the Investigating Officer is subordinate to the SP and the SOG units deployed in the district work under the control, command and supervision of the SP and are accountable to him.
  5. The Team further believes that the investigation by SDPO on the basis of FIR lodged by the police will go in a direction that the police want it go as the concerned police official did not register criminal cases in the light

of the FIR lodged by Laxmi Majhi, widow of the deceased Ward Member, Jaya Majhi.

#### **Demands**

1. The PUCL demands that compensation to the tune of Rs.25 lakhs at least be given to the next of the kin of each deceased victims and to the tune of Rs.10 lakhs to each of the injured victims, though the loss sustained by them is irreparable. The government should take steps for providing all assistance to the victims' families for their proper rehabilitation but also for their physical security.
2. The govt. should institute a criminal case on the strength of the FIR lodged by Laxmi Majhi, wife of Jay Majhi, and provide her a free copy of the FIR as required under the law.
3. The government should put the entire SOG team, involved in the killing, under suspension and draw disciplinary proceedings for major punishment against them.

4. The incumbent SP and the executive magistrate should be transferred for an independent and impartial investigation into the incident.
5. The state government should constitute a Special Investigation Team headed by a former High Court or Supreme Court Judge and this SIT should be constituted under Section-37 of Protection of Human Rights Act 1993.

Finally, we in PUCL are concerned at the killings of innocent adivasis and dalits in the name of combating Maoists. It seems as if the Right to Life, guaranteed under the Indian Constitution, has no meaning when it comes to the lives of most vulnerable sections of our society. We appeal to all concerned to put pressure on the government to ensure that human rights of people living in the concerned areas are respected.

**Ms. Pramodini Pradhan**, Convenor, PUCL Odisha (Mob. 09439200989; Email: pramodinip@gmail.com) □

## **Letter of Admiral Ramdas to President and Prime Minister**

Honourable President and Honourable Prime Minister, It is with a heavy heart, that I write this open letter to you at a time when our beloved country and people are facing severe challenges and threats to our shared heritage.

I have served in the Armed Forces of India - joining soon after Independence as a 14 year old, to end up 45 years later Chief] of the Indian Navy [1990 to 1993] I have witnessed many transitions in India - from the horrors of partition in 1947 to the very different world of digital connectivity that we see today.

I also write to you as one who was brought up in the Hindu faith. However, the Hinduism I knew and experienced was gentle, inclusive, and filled with extraordinary diversity. My religion taught me values of love and respect for all beings. My brand of Hinduism was not filled with the kind of violence, intolerance

represented by the current brand of "Hindutva" that seems to be fanning the flames of division and fear across the country.

Today, as a veteran in my eighties, I am forced to hang my head in shame as I witness a series of incidents and assaults on our fellow citizens, especially minorities and dalits. Our armed forces which I have had the honour to serve for 45 years, have been an exemplar of India's secular ethos. Be it in ships and submarines, or in planes and battle formations, we do not discriminate on the basis of caste or religion - we train, we fight, we live, we eat and we die together.

So why are we bearing witness to increasing attacks on minorities across the country, ever since the present government came to power in May 2014? It appears that certain communities are being singled out for special attention - for instance

Muslims . Today a Muslim has to prove his or her loyalty, and they are being repeatedly put in a situation where their places of worship are under attack, as indeed their eating habits, and other basic freedoms. The instances of completely unacceptable and unilateral mob behaviour leading to many deaths as well as direct insinuations being made by senior leaders, are too numerous and well known to be repeated.

There seems to be a systematic and well orchestrated attempt to impose a majoritarian single point agenda of creating a Hindu Rashtra in India - led by the RSS and their network of groups, which is disturbing to say the least. This in turn has resulted in a dangerous pattern of mob behaviour including intimidating and lynching people merely on the basis of rumours - in total disregard for the established rule of law. In many

cases those responsible for implementing the law, have themselves displayed blatant partisan tendencies and behaviour. Most shocking of all is the fact there has been no unambiguous condemnation of such actions and behaviour by those at the helm of affairs in the country. Sadly, time and time again, the response of the government seems to indicate an almost studied, but certainly not benign, indifference. The co-ordinated response of those in government seems to be to downplay the serious and vicious nature of these allegations and attacks - by terming them 'sad' and 'unfortunate' - whereas there should be outrage and a demonstrated will to ensure that this society will not tolerate such behaviour. That there are MPs, Cabinet ministers and elected Chief Ministers who are in the forefront of these comments and actions, leads one to believe that the ruling party and its satellite organisations are working to a plan. I do not need to point out to the top leadership today, that this is playing with fire in a nation where minorities - especially Muslims and Christians, as also dalits and adivasis, are already feeling discriminated and marginalised. Instead of treating this amazing diversity as our strength,

today we are being seen by the international community as increasingly insular, parochial, intolerant, racist and even fascist. The violence visited upon vulnerable sections reinforces the image of India as an imperfect democracy where all forms of dissent are discouraged and human rights trampled upon with impunity.

The Prime Minister and his ministers in the government are sworn in by the President of India, and they take an oath pledging to uphold the Indian Constitution. Their failure to do so, as evidenced in the foregoing, is a serious matter and does not augur well either for national security or national integrity. The Central and State Governments must act swiftly, unequivocally condemn all such incidents and ensure that justice will be done and the guilty are punished. Such action alone will have a salutary deterrent effect on all those, be they fringe or mainstream, who are speaking and acting in many voices that are totally against and inimical to, our traditional ethos and the syncretic culture of our country and its people.

India represents a unique blend of peoples and cultures which have evolved over 5000 plus years in a constantly changing and dynamic process. This diversity and unique

nature of our society and people can probably never be replicated anywhere on this earth - and for this reason alone, the concept of a single religious identity or mono culture represents an insult to this ancient civilisational heritage.

Honourable Mr President, Honourable Mr Prime Minister, you have both sworn to honour the right of every single citizen to freedom of speech, worship, association as brilliantly articulated in the Indian Constitution. As a former serviceman and a veteran, like you, I too have promised to uphold the same constitution. It is our bounden duty that the elected Government of this nation must honour the rights of every citizen of this land as amply spelled out in the Preamble of the Constitution and further elaborated in the Directive Principles of state policy. As Supreme Commander and the Chief Executive - this is what you must ensure and implement by all the powers vested in you by the people of India.

If we do not stem the rot now - it might be too late. Indeed we the people of India look to you to take all steps necessary to restore faith in our democracy and in the promise of bringing dignity, fraternity and equality to each of our citizens.

**Admiral L. Ramdas**  
23rd October, 2015 □

## What it's like to be the Person who puts Prisoners to Death

Selene Nelson

When it comes to capital punishment, we already know the fiscal cost: studies have found that a death sentence is up to ten times more expensive than life without parole, often at a cost of around \$300 million per head.

### But what about the moral cost?

The death penalty is often justified on the grounds that it brings peace to the families of victims; that the act of ending a life may mark an end to their pain. But for those who impose

the death penalty, the truth about the emotional trauma of killing another human being belies this logic.

“You can’t tell me I can take the life of people and go home and be normal. If I had known what I’d have to go through as an executioner, I wouldn’t have done it. It took a lot out of me to do it.”

These are the words of Jerry Givens, former state executioner for the Virginia Department of Corrections.

Givens executed 62 people over 17 years in a state that ranks third in the nation for number of executions.

The emotional toll of his former job is something he can’t escape. “You have to transform yourself into that person that will take a life. Every time an execution was announced, it meant that I had to prepare myself mentally to kill.”

### Confessions of an Executioner

It’s rare to find a former executioner

willing to speak openly about their experiences. The nature of the job causes many to conceal their real occupation like a shameful secret. But Givens is one of the few executioners who speaks candidly about his past career, and he provides a unique insight into a world that few people ever venture into.

It's clear from speaking to Givens that he is a compassionate man. He talks often of being able to look past the crime to see the human being underneath. "We degrade people and call them animals," he told ThinkProgress. "But when I worked on death row, I didn't see that animal. I saw a human being. When you call people an animal and treat them like that, that's the behavior they'll show you. But they can also show you that they're not like that; that everybody can change."

An executioner seems a curious job for a person to whom empathy comes easily. How did this compassionate man become an enforcer of the death penalty? What did it take for him to kill another human being? For Givens, it was a steadfast faith in the justice system. This faith meant that doubts were suppressed and fears were tolerated. Any gnawing unease was overpowered by the notion that it must be the right thing to do – it was state-certified, after all.

"I always ask myself, would I have agreed to participate in executions if I knew then what I do now?" Steve J. Martin, an execution witness for the Texas Department of Corrections, told ThinkProgress. "We do these things that we would normally never be involved in because they're sanctioned by the government. And then we start walking through them in a mechanical fashion. We become detached. We lose our humanity."

Givens agrees. "The people who pass these bills, they don't have to

do it. The people who do the executions, they're the ones who suffer through it," he said.

Flashbacks, nightmares and other post-traumatic stress related symptoms are frequently seen in prison wardens, executioners, and corrections officers, according to the National Coalition to Abolish the Death Penalty. Research has shown that 31% of prison staff who carry out executions will suffer from PTSD. This is an unusually high proportion; for Iraq war veterans, the same statistic is 20%.

Deliberately killing another human being goes against all normal societal standards, and many individuals must go to unusual and harmful measures to accomplish such an act. A 2005 Stanford University psychology study by Michael Osofsky highlighted the tactics employed by prison staff to absolve themselves from feelings of guilt and despondency.

"Individuals must morally disengage in order to perform actions and behaviors that run opposite to individual values and personal moral standards," Osofsky explained in the study. "Capital punishment is an example of this type of moral dilemma, where everyday people are forced to perform the legal and state-sanctioned action of ending the life of another human being, which poses an inherent moral conflict to human values."

For many people involved in enforcing the death penalty, the subsequent trauma would never dissipate. California Governor Edmund Brown was responsible for deciding whether death sentences would ensue or be commuted to life without parole. Though he granted clemency to 23 out of his 59 cases, the weight of these decisions still overwhelms him.

"The longer I live, the larger loom those 59 decisions about justice and

mercy that I had to make as governor," Brown said. "It was an ultimate power over the lives of others that no person or government should have. And looking back over their names and files now, I realize that each decision took something out of me that nothing – not family or work or hope for the future – has ever been able to replace."

Needless to say, the enforcers of the death penalty aren't the only ones to suffer. Fully accepting the imminent end to your life, against your will and at the hands of another is a bizarre reality that many prisoners just couldn't face, as Givens recounts.

"This one guy...was sort of moderately retarded. He'd ordered McDonald's and a chocolate nut sundae for his last meal. But he couldn't swallow it. So he said to me, 'I can't finish it so I'll put it in the fridge for tomorrow.' Here he is, three hours away for being executed and he's thinking about putting his sundae away for tomorrow. But there was no tomorrow for him. He hadn't realized this was his last day."

Givens' experiences in the death chamber have led him to campaign for the abolition of capital punishment, even driving him to write a book, *Confessions of an Executioner*. His motivation is deep-seated. "There are things I want the public to know that they don't. I need to expose things that should be exposed. I don't want to leave anyone in the dark, because America is still putting innocent people on death row. And people don't know about it. People don't understand."

### **A Lethal Dose**

The botched execution of Clayton Lockett in Oklahoma last year is one example of the realities of the death penalty, which Givens believes all people should know about. "He strained and struggled violently, his body twisting, his head reaching up

from the gurney,” journalist Katie Fretland wrote. “Sixteen minutes after the execution began, Lockett said “Man,” and the blinds were lowered... It would be a full 43 minutes after the drug was administered before Lockett died – and only after he had thrashed on the gurney, writhing and groaning.”

Lockett was killed using a new combination of experimental drugs and the consequences were nightmarish. The doctor was sprayed with blood when an artery was hit; Lockett was in “some pain” as he was pricked at least 16 times in the attempts to find a vein; the scene was described by prison wardens as “a bloody mess” and the prisoner’s multiple attempts to talk like something from “a horror movie.”

The emotional repercussions of this blood-splattered scene were harrowing. Witnesses to the execution spoke of their distress and recounted not being able to sleep for days after. It is the quiet nature of lethal injections that is their selling point, after all — state-sanctioned homicides veiled with a clinical serenity. As Givens knows all too well, no one wants to see actual blood spilled, or face the unwelcome reminder that, murderer or not, there is a human being dying in front of them.

After Europe blocked sales of the lethal drug sodium thiopental to the US, the Department of Corrections were forced to look elsewhere for such a powerful anaesthetic. But global pharmaceutical companies didn’t like the idea of their drugs being used to kill people, and so drugs were sourced, purchased, but then again quickly blocked. Soon, the departments of corrections hit a wall. There were simply no anaesthetics strong enough.

But there *were* other drugs. Not anaesthetics, but sedatives like midazolam, usually administered in

conjunction with an anaesthetic to relax a patient. Despite the warnings that midazolam is simply not powerful enough to produce the same coma-like state as sodium thiopental – a state absolutely necessary to ensure the subject feels no pain and the execution is ‘humane’ – midazolam became the drug of choice and the fatal experimentations began.

This unyielding desire to purchase and use barely-tested lethal drugs on prisoners doesn’t surprise Givens. “The criminal justice system is corrupted and we don’t want to own up to it. They think they can get any drugs they want. Where they got so much power from, I don’t know. The drugs should be disclosed to the lawyer and to the condemned – he should know what he’s going to die from.”

As many expected, the first midazolam executions were riddled with red flags. Pastor Laurence Hummer’s account of the execution of Dennis McGuire is just one of them: “His stomach swelled up in an unusual way. He struggled and gasped audibly for air. I was aghast. Over 11 minutes or more he was gasping for breath, his fists clenched the entire time. His gasps could be heard through the glass wall that separated us. There is no question in my mind that Dennis McGuire suffered greatly over many minutes. I consider that inhumane.”

Despite these reports, midazolam was recommended for use by the Oklahoma Department of Corrections, and correctional facilities across the country jumped aboard. Last week, despite significant condemnation the Supreme Court rejected the idea that midazolam is a cruel and unusual punishment and sanctioned its use, clearing the way for deferred executions to ensue.

“The drugs they’re using, who

approved it? What doctor approved it?” asks Givens. “You can’t judge pain. You can’t measure the pain that a person is going through, physical or psychological. The guy receiving the drug can’t tell you, because he’s gone. You’ve never died before, so you can’t say. Even myself, I don’t know. I can’t tell you what a guy on the other end is feeling when I’m pushing drugs into his body.”

#### The Baseline of Morality

The botched executions didn’t end in Oklahoma. Sentenced to death in Arizona for a 1989 double murder, in July 2014 Joseph Wood took two hours to die. Journalist Mauricio Marin had never witnessed an execution before; prison staff had told him the process “lasts about 10 minutes” and would be “very clinical”. Instead:

“I saw a man who was supposed to be dead, coughing – or choking, possibly even gasping for air. What seemed like an eternity passed... Finally, the warden pronounced the killer dead, at 3:49 pm, one hour and 57 minutes after the execution began. I thought: Is this how long it’s supposed to take a man to die?”

Republican Senator John McCain was outspoken in terming Wood’s protracted execution as “torture”, but the governor of Arizona Jan Brewer disagreed. “Wood died in a lawful manner and by eyewitness and medical accounts he did not suffer,” she said. “This is in stark comparison to the gruesome, vicious suffering that he inflicted on his two victims.”

The argument that a convict’s crime was so heinous that it negates any qualms about their execution is popular with death penalty supporters. The incongruity of using the actions of a convicted killer to determine the baseline for what’s morally acceptable is not lost on Givens, who views this as a dire

expression of our most base and ugly thirst for revenge.

"It is revenge – you can't put it any other way," he said. "We want revenge and we want it right away. Death is going to occur anyway, but we're so impatient we have to execute someone. That's the mentality people have. America was built on killing and there's hatred in our hearts. But it shouldn't be that way."

While most supporters of the death penalty refute the idea that it's about revenge, District Attorney Dale Cox — responsible for one third of the death sentences in Louisiana since 2011 — readily agrees. "I'm a believer that the death penalty serves society's interest in revenge. I know it's a hard word to say and people run from it, but I don't run from it because I think there is a very strong societal interest," Cox recently told a local reporter. "I think we need to kill more people."

A death sentence is also no quick way to closure, as Bill and Denise Richard, parents of the 8-year-old boy killed in the Boston Marathon bombings took pains to point out. Publishing a personal appeal in the *Boston Globe* titled 'To end the anguish, drop the death penalty,' the Richards implored prosecutors to sentence Dzhokhar Tsarnaev to life without parole instead of death.

"The continued pursuit of that punishment could bring years of appeals and prolong reliving the most painful day of our lives," they wrote. "We hope our two remaining children do not have to grow up with the lingering, painful reminder of what the defendant took from them, which years of appeals would undoubtedly bring."

The Richards are not alone. Marietta

Jaeger, whose seven-year-old daughter was kidnapped and murdered by a mentally ill man, requested that prosecutors seek a mandatory life sentence instead of the death penalty. Jaeger has been vocal in her opposition to capital punishment, asserting that in reality, the death penalty only creates more grieving families and turns the victims into that which they deplore — people who kill people:

"To say that the death of another person would be just retribution is to insult the immeasurable worth of our loved ones. That kind of justice would only dehumanize and degrade us because it legitimates an animal instinct for gut-level, blood-thirsty revenge. My daughter was such a gift that to kill someone in her name would have been to violate the goodness of her life; the idea is offensive and repulsive to me."

#### **Where To Go From Here**

Studies have shown time and again that the death penalty is no deterrent for criminals and in fact, states with the death penalty have much higher murder rates than states without. Capital punishment is used unduly against non-whites (a disproportionate 55% of death row inmates are people of color) and the awareness of judicial incompetence and racial bias is felt keenly by Jerry Givens.

Givens recalled the case of Earl Washington Jr., a 22-year-old black man wrongfully convicted of rape and murder, as one example that made him lose faith in the justice system. Washington's execution was stayed nine days before Givens was scheduled to kill him. Years later, new DNA evidence led Virginia's governor to pardon Washington, who was released in 2001.

"I knew the system was corrupted when we exonerated Earl Washington Jr. from death row. Days later, I would have executed him," Givens said. "You have two types of people on death row: the guilty and the innocent. And when you have the guilty and the innocent, you shouldn't have death row."

But even if the law has not yet caught up, attitudes are starting to change on the death penalty. Support for the death penalty is at historic lows, and abolitionists remain optimistic even after the most recent Supreme Court ruling.

"We have to look at the big picture," Givens explained. "Everyone on Earth has a death day: you, me, everyone. We can't stop death, but we can stop killing... We have to think about the generation that's coming up. We can't let them go through what we had to go through. We tried it; we tried it, and it didn't work. Now let's get them going in a different direction from us."

*Selene Nelson is an British-American freelance writer. She writes about criminal justice and current affairs. Her Twitter handle is @Selene\_Nelson.*

The National Coalition to Abolish the Death Penalty has created the [90 Million Strong Campaign](#) to unite the voices of those who believe the death penalty is wrong. We need to demonstrate that the broad public support to end this practice is already here in America, and 90 million people speaking up can make a difference.

*Courtesy: <http://www.ncadp.org/blog/entry/what-its-like-to-be-the-person-who-puts-prisoners-to-death> @ 16.7.2015* □

## Denial of Right to 'NOTA' in scheduled elections to the Local Civic Bodies in Gujarat

To,  
The State Election Commissioner  
State Election Commission,  
Sardar Patel Bhavan, Sector No. 10,  
Block 9, 6th Floor, Gandhinagar,  
Gujarat 382010

**Subject: Denial of Right to 'NOTA' in scheduled elections to the local civic bodies in Gujarat**

Ref: 1. Press Release of State Election Commission, dated 23 October 2015.

2. Judgment of Supreme Court of India in People's Union For Civil Liberties V/s Union of India dated 27th September, 2013 in Writ Petition (Civil) No. 161 of 2004 recognising citizen's Right to 'NOTA', enforced by the Election Commission of India (ECI) across the country during the 2014 general elections.

Sirs,

Gujarat State is an integral part of Indian state. We are shocked to learn from the Press Note dated 23.10.2015 of the SEC (referred above) that the SEC has in effect decided to deny the citizen the right to exercise NOTA thereby denying in effect denied the citizen's the right of NOTA during the forthcoming civic polls to take place in November 2015. The State Election Commissioner has taken away the right to exercise 'NOTA' referring to the legal proceedings in the High Court of Gujarat - Special Civil Application No. 13552 of 2015. It is clear that there are two possibilities in this scenario. Firstly, either the Gujarat State Election Commission has willfully misinterpreted the Gujarat High court's order 21 August 2015 and decided to remove the right to exercise NOTA. Or secondly, that High Court of Gujarat has granted the stay to the Supreme Court's larger bench judgment dated 27 September 2013 in Writ Petition (Civil) No. 161 of 2004 on right to exercise the NOTA option, which is equally

surprising.

The Right to 'exercise NOTA' voting option is the outcome of the Public Interest Litigation - Writ Petition (Civil) No. 161 of 2004 by order dated 27 September 2013. In the order dated 27 September 2013 the Supreme Court of India (Justice Mr. P. SATHASIVAM, Justice Mr. RANJANA PRAKASH DESAI, and Justice Mr. RANJAN GOGOI) clearly mentioned that

*"60) Taking note of the submissions of Election Commission, we are of the view that the implementation of the NOTA button will not require much effort except for allotting the last panel in the EVM for the same.*

*61) In the light of the above discussion, we hold that Rules 41(2) & (3) and 49-O of the Rules are ultra vires Section 128 of the R P Act and Article 19(1) (a) of the Constitution to the extent they violate secrecy of voting.*

*In view of our conclusion, we direct the Election Commission to provide necessary provision in the ballot papers/EVMs and another button called "None of the Above" (NOTA) may be provided in EVMs so that the voters, who come to the polling booth and decide not to vote for any of the candidates in the fray, are able to exercise their right not to vote while maintaining their right of secrecy. Inasmuch as the Election Commission itself is in favour of the provision for NOTA in EVMs, we direct the Election Commission to implement the same either in a phased manner or at a time with the assistance of the Government of India. We also direct the Government of India to provide necessary help for implementation of the above*

*direction. Besides, we also direct the Election Commission to undertake awareness programmes to educate the masses." (emphasis ours)*

In the light of this order during the Lok Sabha Elections, 2014 'NOTA' button in the EVM was provided. This Supreme Court order has become the law of the land and has become the norm in elections. This order is also applicable to all the election and the State Election Commissioner of Gujarat State cannot take away the right to 'NOTA' given by the Supreme Court of India.

We would like to emphasise that one of the most important aspects of the ruling of the Supreme Court was the consideration of the voter who decides to exercise his/her right and duty to vote and actually goes to the voting booth. The Supreme Court held that the right of the choice NOTA is an important part of the voter's right to vote as shown in the extract of the judgment carried above, and that the right to vote includes the right not to vote, to express which NOTA was directed be provided..

In face of this Supreme Court judgement and the subsequent action of the Election Commission of India, the action of the State Election Commissioner of Gujarat State to take away the right to 'NOTA' is arbitrary and illegal and in violation of fundamental rights guaranteed by the apex court of the country. Such action of the State Election Commissioner of Gujarat State is illegal and without power and is also in contempt of the Supreme Court of India's order dated 27 September 2013 in 'PUCL vs Union of India' (Writ Petition (Civil) No. 161 of 2004).

We request the State Election Commissioner of Gujarat State to restore the citizen's right to exercise 'NOTA' in coming local civic elections and to issue circulars in this regard

to all election officers as also the general public so that they may know about the correct reading of the law and their rights.

We look forward to quick positive action considering that the elections

are to be held shortly. Otherwise we will be left with no choice but to take legal action for reinstatement of the right to exercise NOTA in coming local civic elections in Gujarat to be held in November 2015.

**Rohit Prajapati**, Organising Secretary, PUCL National; Dipti Bhatt, General Secretary, Vadodara Dist. Unit;

**Krishnakant C.**, Member of PUCL Surat Dist. Unit □

**Obituary:**

### **Arun Kumar Singh is No More**

On 15th November, 2015, People's Union for Civil Liberties (PUCL) condoled the demise of Mr. Arun Kumar Singh, an eminent Journalist, Activist and Editor ('Human Rights' Magazine & 'Sam-Samajik'). Arun Kumar retired from Times of India in 2013. He was the chairman of 'Sramjeevi Patrakar Union' for several Years and also the Vice-President of People's Union for Civil Liberties for 8 years and during his involvement with PUCL, he was part of many fact-finding enquiry committees. He was member of 'Press Council of India'. In his early days he was involved with AISF. He was quite a known figure in political and social groups in Bihar.

**R N Jha** □

**Chhattisgarh PUCL:**

## **Report of Activities of Chhattisgarh PUCL: Jan. 2015- Sep. 2015**

**1 Overall Review of the Organisation** - There has been a positive impact of holding monthly meetings in different districts, both in terms of new members, better understanding and concretising tasks and follow up. Meetings were held in Raigarh, Jashpur, Durg, Raipur, Mahasamund, and Bilaspur. District units of Durg, Bilaspur and Raigarh are developing well. Particularly students, lawyers and members of the minority community have shown interest in associating. Some of our member Human Right Defenders have faced serious situations of threat in this period. This includes Soni Sori and Lingaram Kodopi (Bastar), Jagdish Kurre (Raigarh), Jagdalpur Legal Aid Group (Bastar), Kanhai Patel and Shivpal Bhagat (Raigarh), Degree Chouhan (Raigarh). Several fact findings and a public hearing were conducted and reports brought out. Several press releases were issued though they were not carried in the local press. PUCL participated actively in organizing meetings of secular democratic organisations in Raipur, Raigarh, Bilaspur and Durg. Several complaints were made with the NHRC and its HRD cell, though they

did not have much result. Members of PUCL assisted victims in Judicial Enquiries into Sterilisation Deaths and Fake Encounter at Sarkeguda. There has been an improvement in our contributions to the PUCL Bulletin. Some of the activities carried out are described below.

**2. Human Trafficking** - One of the main issues taken up by PUCL in this period was of human trafficking, particularly in the Kapu area of Raigarh adjoining Jashpur. This issue is being taken up as an ongoing and deeper intervention rather than a one-time investigation. A fact finding was held and efforts were made to file FIRs. This was followed up further when an effort was made to kidnap and intimidate witnesses. Following the understanding that a large number of trafficking cases existed in the area, PUCL also conducted a public hearing in which more cases came to light. A Kapu Sangharsh Samiti has been formed by villagers and victims in the area. PUCL also took up this issue with the Human Trafficking Cell, State Legal Services Authority, police personnel and the High Court LSA during its human trafficking conference, but without

much concrete success. It was also noticed that even when, after our efforts, 11 persons including local traffickers and placement agents were arrested, the charges were weak and they were easily bailed out in a few months. Charges under POCSO and SC/ST POA Act were usually not framed. PUCL members assisted media in highlighting these issues and also made efforts to raise them in a Vidhan Sabha session. It was probably this coverage which prompted the High Court to organize a conference on human trafficking.

**3. Communal attacks on minorities and dalits** - PUCL has been regularly reporting attacks on minorities. Recently Hindutva organisations like VHP and Bajrang Dal have conducted systematic programs to socially boycott Christian adivasis in Bastar, attack and terrorise them, and deprive them from rations and other government amenities. Pastors have been arrested on flimsy grounds. PUCL has documented these attacks in Madhota and Sirisguda and made a complaint to the National Commission of Minorities, however with no result. PUCL, along with Christian groups has also

participated actively in the efforts of secular democratic movements and political parties to develop regional support groups. Unity conventions and smaller meetings and workshops have been held in Raipur, Raigarh, Bilaspur, Durg and Jagdalpur.

When a missionary nurse was gang raped in Raipur, womens organizations and secular democratic groups including PUCL, supported Christian organisations in demanding strict police action. Demonstrations were held in Raipur, Jashpur and Durg with a wide participation of civil society.

PUCL made a complaint to the Election Commission also regarding communal propaganda in municipal elections in Jashpur.

Another issue which has taken communal colour is misuse of the State cow slaughter law. In Raigarh when cattle had been electrocuted along the railway line and members of the dalit community had been summoned by the Railway authorities to remove them, Hindutva organisations got these dalits arrested under false claims of cow slaughter. Even though the charges were only under Sec151 Cr PC, they were detained for a week and even after granting bail, release was delayed by the SDM under pressure of the Hindutva organisations through a discriminatory procedure by demanding that the solvency of the surety be checked. In Jashpur, Kondagaon and Dantewada, adivasis buying draught cattle were arrested, claiming that the cattle were being purchased for slaughter. There appears to be a vested interest by various "Cow Protection" agencies, which then get custody of the animals. The law itself is draconian in that the burden of the proof that the cattle was not being taken for slaughter lies on the accused. We need to explore the possibility of challenging this law.

**4. Atrocities against ordinary adivasis in Bastar** - a) Chhattisgarh PUCL carried out a fact finding into the killing of Nuppo Bhima in a fake encounter in Village Rewali, in which

villagers were actively protesting and demanding that a proper FIR be filed. (The police had recorded that Bhima was killed by Naxalites.) The report was also submitted in the Magisterial Enquiry.

b) We have filed several complaints in the NHRC, such as for compensation and FIR in the killings and arson in Village Kondasawali during the Salwa Judum period, and false implication of villagers of Village Burgum in Naxal cases. Unfortunately none have materialized, rather one witness, the widow of one of those killed at Kondasawali, was also killed by SPOs and the complainant in the Burgum case Harim Markam was being harassed. There has not been any strong direction from the NHRC on this account.

c) One Bhimac Madkamchad been injured in a police firing and Jagdalpur Legal Aid Group and PUCL were attempting to get him proper medical treatment as well as get an FIR filed. However after his admission into the hospital, the police virtually took him into their custody, and restricted access totally to him.

d) Our member Soni Sori helped villagers to peacefully protest against illegal detentions and police beating by police of PS Kukanar and Tongapal. Particularly in the case of Hemla Sukdi, it was possible to get her released because of large number of phone calls made by civil libertarians from all over the country. She also investigated killing of Podium Hemla in Village Nahadi by an SPO (surrendered Naxalite) owing to which she subsequently faced threat of "social boycott" from IG Kalluri. We have registered a complaint against harassment of this HRD before the NHRC which is pending.

e) Brave efforts to raise issues of custodial torture and illegal detention before the Magistrate courts by the Jagdalpur Legal Aid Group have faced hostility and had disappointing results. Similarly efforts to establish implication in false cases has also failed when faced with hostile

administration and judiciary. PUCL has documented several cases where dissenters such as Anjali Chauhan or Badri Gawde have been foisted with Naxal cases out of political vendetta.

f) Chhattisgarh PUCL issued a statement condemning killing of 4 constables (ex Salwa Judum) by the Maoists. It was sent to all the leading daily newspapers but none of them carried the statement. In the statement we have also expressed concern at the proposal of Salwa Judum II, after Salwa Judum was declared unconstitutional by the Supreme Court.

g) There have been mass agitations against the recent proposals of Dilmilli Ultra Mega Steel Plant, Bailadila Expansion, Polavaram Dam, Nagarnar- Vishakhapatnam Slurry Pipe Line, and Rowghat Mine in Bastar, however the government is not negotiating with the people regarding their grievances, as PUCL has demanded, rather dissenters are facing the threat of false Naxal cases.

h) Jagdalpur Legal Aid Group is following up the Magisterial Enquiries such as into deaths in Kanker Jail and extra -judicial killing in Village Rewali, and the Judicial Enquiry into the Sarkeguda Fake Encounter Case.

**5. Sundergarh Fact Finding** - On the request of the Sundergarh Zila Adivasi Moolvasi Bachao Manch, a team of PUCL members from Chhattisgarh, Odisha and Jharkhand conducted a fact finding into the struggle of the adivasis of Sundergarh district against the forcible inclusion of their Gram Sabhas into the Rourkela Municipal Corporation, and the consequent repression on the villagers and their leaders. This report has also been carried in our Bulletin.

**6. Bonded Labour Issues** - PUCL members have been following up the issues of rehabilitation of rescued bonded labour in districts Janjgir, Mungeli and Raigarh. In certain cases, the absence of a properly worded Release Certificate was the cause of not being provided the statutory rehabilitation. In one

shocking case in Sarangarh it has transpired that released bonded labour have not reached back to their village. The more important issue is to understand the underlying causes why these dalit labourers (mostly marginal farmers or landless) are forced to migrate. The failure to start MNREGA work and also the inordinate delay in payment of MNREGA wages is a major factor regarding which we are trying to gather more information.

**7. Conflict Areas Group** - PUCL members and other concerned citizens from Chhattisgarh, Jharkhand and Odisha have together formed a group to document human right violations in Central India. The first meeting of this group is planned on 3rd -4th October. We shall regularly report on activities of this group to the National Executive committee.

**8. Sterilisation Deaths** - Lawyers associated with PUCL helped Kanooni Marg Darshan Kendra to represent the survivors of the botched sterilisations before the Judicial Enquiry Commission. The Report of the Commission has been submitted, and we have reason to believe that it has concluded that gross medical negligence had occurred.

### 9. Defending journalists -

Recognising the importance of a free media, PUCL has always defended journalists under threat. Our own member Kamal Shukla was being attacked and harassed because of his fearless reporting in Bastar, which issue we took up. We managed to obtain a direction for CBI enquiry into the murder of journalist Umesh Rajput in Chhura, district Gariaband. PUCL has been documenting threats to journalists in conflict areas like the cases of Santosh Yadav and Prakash Singh.

**10. Human Rights Defenders** - We have been trying to make maximum use of the provisions for HRDs in the NHRC or internationally by raising the issues of not only the well-known HRDs like Soni Sori, but also lesser known local persons like Harim Markam or Jagdish Kurre who are taking extraordinary risk to raise human rights violations. We have however not got concrete results.

**11. Funds** - PUCL's most severe constraint is undoubtedly lack of funds. We are trying more pro-active ways to gather funds from a more widely dispersed group of people.

**Sudha Bharadwaj**, General Secretary, Chhattisgarh PUCL □

**Regd. Office :**  
270-A, Patparganj  
Opp. Anandlok Apartments  
Mayur Vihar-I, Delhi-110091  
**Tel.:** 22750014  
**Fax:(PP)** 42151459  
**E-mail :** puclnat@gmail.com  
pucl.natgensec@gmail.com  
**Website :** www.pucl.org

### PEOPLE'S UNION FOR CIVIL LIBERTIES

**Founder :** Jaya Prakash Narayan

**President :** Prabhakar Sinha

**General Secretary :** V. Suresh

**Treasurer :** Surendra Kumar

**Vice Presidents :** Binayak Sen;

P.B. D'Sa, Ravi Kiran Jain;

Sanjay Parikh, Vinay Kumar Kanth,  
V. Saraswathi

**Secretaries:** Chittaranjan Singh;  
Dinanath Pente, Kavita Srivastava,  
Sudha Bhardwaj, V. Lakshminarayan

**Organising Secretaries:**

Nishat Hussein, Ramashray Prasad  
Singh, Rohit Prajapati

### PUCL BULLETIN

**Editor :** V. Suresh

**Editorial Board :** Rajindar Sachar

**Assistance :** Babita Garg

**Printed and Published by:**

V. Suresh, General Secretary, PUCL,  
270-A, Patparganj, Opp. Anandlok  
Apartments, Mayur Vihar-I, Delhi-110091  
for People's Union for Civil Liberties

**Printed at:** Dixit Printers, 108, Basement  
Patparganj Indl. Area, Delhi-110092

**Press Statement:** 26.10.2015

### Mr. Rajindar Sachar former President of PUCL has issued the following statement:

I have always maintained that India and Pakistan are like Siamese twins, where pain inflicted on one automatically gets reflected in the other. But devious considerations by hard liners both governments make them behave aggressively towards each other.

Nature has given a warning. Earth Quake tremor in Hindu Kush 50 miles in North of Pakistan has shaken that country - at the same the tremors in Punjab, Delhi and both sides of Kashmir made people run for cover. With the mad caps in Shiv Sena, Vishwa Hindu Parishad and RSS extremists now act with control and moderation. Those who believe in God, should they not treat it as a sign of Gods Anger at the extremists in both our countries.

**Rajindar Sachar** □