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Presidential Address during National Executive Meeting, Jaipur, 14 – 15<sup>th</sup> May, 2016:

## Strengthening Human Rights Movement and Democracy

Prabhakar Sinha, President, PUCL National

The National Executive and the National Council at their meetings held in February, 2015 and September, 2015 respectively held in Delhi and Allahabad had decided to launch a nationwide campaign for securing the dignity of the individual in practice, meaningful and effective reform of the Criminal Justice System and also a campaign against the grave threat posed by the divisive and fascist politics of the RSS and BJP. For reasons beyond our control, the campaign could not be launched. Our topmost priority now is to implement the decision of the National Council.

The background of the decision to launch the campaign on the first two issues was the growing attack on human rights and the general apathy to them. The rich and the media were expectedly apathetic, but even the middle class displayed a shocking indifference. The masses, too, did not show any concern. It was noticed with concern that during the long campaign of the Parliamentary election of 2014, human rights were not even mentioned despite growing attack on them. All these led us to the conclusion, that human rights like any other right, could not be protected without the support of the people, and that support could come only from the masses because it is they, who suffered most and had maximum stake in the protection of human rights. They also remained indifferent despite their high stakes because they were not aware of their stakes in their protection. One major cause of this phenomenon was that the human rights issues which had been taken up by the human rights organisations were not common to all. They were issues which were very important and deserving of the topmost priority but not necessarily to the exclusion of the issues which concerned all, specially the masses. It was in this context that the measure to create consciousness about the value and relevance of human rights to all, but specially the masses, were decided. The dignity of the individual and the Criminal Justice System were identified as issues (there may be others also) which are relevant to all regardless of where one lives and what he /she may be doing.

*Continued on page no. 2*

### Announcement of Next National Council Meeting will be held on 17<sup>th</sup>-18<sup>th</sup> September 2016 in Delhi

**Attention** - All National/State Office Bearers and National Council Members,

The next PUCL National Council Meeting will be held on 17<sup>th</sup> and 18<sup>th</sup> September, 2016 at Gandhi Peace Foundation, Delhi. Members are requested to make advance travel arrangements to attend the meeting.

**V. Suresh**, General Secretary, PUCL ☐

Continued from page no. 1

There is lack of clarity about what the equal dignity of the individuals means. Many people understand it as equality of the individuals in all respects and rightly find it untrue. They point out that individuals are unequal not only in respect of external acquisitions like, wealth, education and various commodities but also in intelligence, physical strength and other natural properties. But the principle of equal dignity of the individual accepts that individuals are unequal in many respects but asserts that as a human being they are equal to all other human beings in their dignity. It means that a man of genius or a Prime Minister or someone who is richer or more accomplished does not have the right to treat anyone less accomplished as an inferior person and nobody has an obligation to accept such a treatment. The value of the principle becomes clear if each of us asks ourselves whether we would accept being treated as inferior by someone who is a greater achiever or is superior to us in some respect. We would never accept it because we do not accept that we are lesser than anyone in our dignity. What we resent as an attack on our self respect from someone in a superior position is an assertion of our equal dignity as a person - the dignity of the individual. In practical terms, we have to create the same consciousness in the weakest of persons - Mahatma Gandhi's *'Antim Aadmi'*.

The principle is universally accepted. In fact, it is the very foundation of human rights and democracy. It is on the basis of this cardinal principle that racialism, caste system, communalism and

many such discriminatory pernicious principles have been discarded. It is again on the basis of this principle that a genius and an illiterate person have only one vote or the Prime Minister and a beggar have not only one vote each, but have the same fundamental rights and are also equal before the law. Thus, our campaign is not to fight for acceptance of a new principle, but to educate the people about their right to dignity and inspire them to fight for it. It is to tell them how they have been cheated of their most valuable right as a human being.

Persons devoid of or deprived of self esteem cannot fight. They accept injustice as their lot. The inhuman caste system lasted for centuries because its victims believed their plight to be their destiny. The masses in our democracy, too, have accepted their deprivations as their destiny. They have been alienated from the democratic process and look at the political leaders or parties not as their servants but benefactors. They have accepted to be nothing more than supplicants and are swayed in favour of the one whose offer appears more attractive. It has led not only to vote for a party promising gold, TV, laptop, etc if elected, but even to sell their votes for money. Parliamentary debates, judicial verdicts and the proceedings of other constitutional bodies are of no interest to them. At the root of this unfortunate development is the loss of self esteem due to denial of dignity as a human being. Making them conscious of their dignity as a human being and inspiring them to fight for it is an indispensable step

to fight for democracy and human rights.

The challenge lies in discovering the way to carry the message to the masses. We do not have the experience to work with the masses and have to learn the ways to do it. The two pronged approach to be adopted may be to meet people in small groups and speak to them about their dignity and rights of which they have been cheated and also to approach the government to remove practices and conduct which are inconsistent with the dignity of the individual. For example, if the language used for the poor by public servants is derogatory, it should be stopped and declared a misconduct. To give recognition to the dignity of those denied it so far, everyone visiting a government office should be offered a chair without discrimination. Wherever the form of greeting is hierarchical denoting a citizen's inferior position *vis-a-vis* the public servant, it should be replaced by a form denoting equality and mutual respect. The people should be mobilised to demand these reforms.

Considering the scale of the challenge and the smallness of our organisation, other organisations working among the masses may be approached with the message of our campaign? They are bound to adopt them, as the issue of the dignity of the individual is not in conflict with any political ideology not inimical to democracy. The details have to be worked out, and we have to learn from experience. The issue is not only indispensable for the protection of democracy and human rights but has the potentiality to spread like a wild fire. □

### **Arunji (Paani Baba) is No More**

Dear Vijay and other friends,

I am shocked to learn about the demise of Arunji Paani Baba (9<sup>th</sup> May 2016). Please pass on our condolences to his family. I will pass the message in Rajasthan as he was Paani Baba because of his work here.

Will let you know if any condolence meeting happens here. Maybe Patrika may want to do one.

regards,

**Kavita, Secretary, PUCL National & President, Rajasthan PUCL** □

**Letter for NE Meeting held at Jaipur on 14-15<sup>th</sup> May 2016 from Justice Rajindar Sachar, Former President, PUCL National**

Dear Prabhakar Ji, Suresh, Kavita, Ravi Kiran, Sanjay Parikh, and Friends,

Please accept my apology for not being with you at the conference. I had all the plans and had my bookings and was to leave for Jaipur on Friday 6<sup>th</sup> evening. But will not be able to come as I have had suddenly to be admitted to the Hospital. Please excuse my absence.

The country is passing through critical times and therefore responsibility of PUCL becomes even more. I wish I could have been with you all, but my health does not permit me at present. I am just sharing some random thoughts with you for our future programme – of course all of you know much better than me about the various aspects.

I feel that a very calculated mischievous attack on the democratic values is being consciously launched by BJP Governments. Apart from the immediate current violations that are taking place (of course PUCL must continue its efforts for withdrawal of all anti human right violation legislation that are current). But I was thinking that we concentrate immediately against sedition law as we had already taken the lead. We may not necessarily call a conference (as before). But somehow our reiteration of it publicly is quite urgent.

The reason is that because of Hyderabad and JNU, almost all opposition parties have publically demanded its repeal. I feel it is necessary to call their bluff and ask them not for any public debate (there has been sufficient debate at our meeting in 2012 proceeding; that could be sent to them). I would also suggest that PUCL alone take the initiative in writing to all political

parties especially to leaders of parties in the parliament especially in Rajya Sabha (where opposition has a majority) to move a private bill (D Raja of CPI has done it in the case of abolition of death penalty). They could certainly pass it in Rajya Sabha. That would certainly embarrass the government before Public. More ever because these parties have fully used self advantage in speaking against sedition law they must be tested of their sincerity in carrying it through by legislation. This way we could stall the attempt of the government to delay on the excuse of the matter being examined by Law Commission as mentioned by newly appointed Chair Person Justice Chauhan, which will inevitably delay the matter. I had written 2 articles on this matter which I am sending as an elaboration.

Another issue which needs immediate attention is Panchayat Bills passed by Rajasthan and Haryana assemblies under BJP. I feel very strongly at the horrible unsustainable judgment by the Supreme Court. I have mentioned it to Kavita and Sanjay Parikh that we should get another elector who could not contest the election to move the petition in the Supreme Court hoping that we will get better response and have it heard by a constitution bench. If required I could talk to Fali Nariman to appear for us.

This judgment is being used by some undesirable politicians for indirect suggestions to make such laws for assembly and Parliament Election I am seriously worried at the undemocratic sentiment in the country as shown by various political parties. I suggest we use pressure by writing to Rajya Sabha Member asking them to reiterate principle of

adult franchise in Rajya Sabha and asking the States to withdraw this legislation.

We may also as a strategy, use the adverse international public opinion as shown by an article by regular commentator Christophe Jaffrelot in Indian Express of 10<sup>th</sup> of May 2016. I am also sending my article written prior to the holding of recent elections.

We can also comment on the silence of all the political parties to such undemocratic legislation. It is worth noting that those who claim kudos for Indian judiciary, be made to publicly feel embarrassed by knowing that 7 Judge Bench of Pakistan Supreme Court has unanimously rejected the legislation requiring literacy qualification. It has even pointed out that nowhere in the world in democratic countries does this law exist. Ravi Kiran, Sanjay Parikh along with Suresh could prepare a small write up on this topic and send it to all political parties asking them to move it in Rajya Sabha immediately.

I also feel that we should concentrate on Municipal Councillors to tell them their rights and power to share in finances of the States as mandated by 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments. This will I believe be attractive to councillors as it will be for increasing their power and advantage. I know there are possibly other more urgent matters which require your priority.

I am sorry for taking your time. But I am feeling so bad at my absence that I had to write to you asking pardon for my absence. Please convey my good wishes to other members.

With best wishes,  
Yours,  
Rajindar Sachar □

**Letter for NE Meeting held at Jaipur on 14-15<sup>th</sup> May 2016 from Binayak Sen, Vice-President, PUCL National:**

Dear Suresh and colleagues,

I greatly regret that I am unable to attend this important meeting. You have my assurance that i will be with you in spirit and will undertake to carry forward the collective decisions.

Regarding the agenda, I agree with all the issues that have been flagged. In addition, I feel that the rapid widening of militarisation across the country needs to be addressed.

Our earlier stress on routine low key issues such as the observance of the DK Basu protocol need to be re emphasized.

My greetings to all and best wishes for the success of the meeting.

Binayak □

Submitted at the National Executive Meeting of PUCL Held at Jaipur on 14<sup>th</sup> & 15<sup>th</sup> May, 2016:

## Brief Report of the Punjab, Haryana & Chandigarh Chapter of the PUCL

To,  
The President of PUCL National,  
The National General Secretary &  
National Executive Members,  
Respected Comrades,

This is to inform you that due to Elections of Bar Council of the Punjab & Haryana High Court; our State President Shri Roshan Lal Batta, who was the Chairman & Election-In-Charge could not come to Jaipur. Our State General Secretary, Shri Rajender Mohan Kashyap also could not come to Jaipur due to Family Circumstances.

However, we are glad that our request was accepted by the National President to allow our State Organizing Secretary & Spokesman, Shri ARJUN Sheoran to attend National Executive Meeting of the PUCL. Hence, this report is being submitted to be read at the National Executive Meeting by Shri Arjun Sheoran.

After the PUCL National Council Meeting at Allahabad, UP on 19th & 20th September, 2015; where our 6 Delegates took part in the

deliberations, we found lot of enthusiasm & dedication among our respected Comrades to achieve goals of the PUCL in the best interest of the Common People, Poor & Marginalized.

Regarding humble demand of the PUCL National Head Office for a Sum of Rs. 20,000= our Comrades by liberal donations have Voluntarily raised the amount, which is being handed over today to the National President, Prof. Prabhakar Sinha & Dr. V. Suresh by Shri Arjun Sheoran.

Further, we may inform you that our General Secretary, Shri Rajender Mohan Kashyap is encouraging new initiatives in the fields of Public Distribution System, which PUCL Headquarter New Delhi; Since 2001 have filed a PIL # 196 in the Hon'ble Supreme Court of India had then constituted Justice D. P. Wadhwa Commission to Monitor PDS in all States & UT's of India. Our Life Member, Shri Rajinder Kumar Gupta has been made Head of the Consumer Affairs & PDS Cell for the States of Punjab, Haryana & Chandigarh (UT) Chapter. Shri

Rajinder Kumar Gupta had been a RTI Activist in this field working for a long time; and now he's being supported by all of us to help people to raise their voice against Callus Policies of the Administration on Food Bill, PDS & DBT.

We have constituted a FREE LEGAL AID CELL under our Life Member, Shri Mandeep Kumar Sajaan (Advocate of the Punjab & Haryana High Court) to Head; and Shri Arjun Sheoran (Advocate) with our Vice President Shri Ravi Kant Sharma (Advocate) to help in framing the modalities to make its Draft Constitution, Rules & Regulations shall be adopted by the State Executive of PUCL.

On recent PIL by Shri Ravi Kant Sharma & other matters before courts:

Shri Arjun Sheoran is fully competent & authorized to speak before Hon'ble Members of the PUCL National Executive Meeting at Jaipur (Rajasthan).

With best wishes & kind regards,  
**Roshan Lal Batta**, President;  
**Rajender Mohan Kashyap**, General Secretary, Punjab PUCL □

## Attacks on Meat Traders in Karnataka and Discrimination against Muslim Meat Traders and Transporters Amount to Human Rights Abuse

Robin Christopher and N Jayaram

There has been a spate of attacks in Dakshina Kannada region in south-western Karnataka on transporters of meat, especially beef, by sections of the Bajrang Dal and other allied militant Hindu fanatic organisations. In many of these incidents, vehicles transporting cattle to and from farms and cattle melas (fairs) for various purposes are attacked on the road and people in them assaulted brutally, resulting in injuries and even deaths of Muslim drivers. The militant Hindu fanatic organisations' claim is that the cattle are being led to slaughter houses. In fact, many of these cattle are not cows and calves of

cows, nor are they she-buffaloes (whose slaughter is expressly prohibited under the Cow Slaughter Act, 1964) but are oxen and buffaloes and bulls.

It is not accidental that these attacks assumed a virulent dimension after the coming to power of the Bharatiya Janata Party in Karnataka in 2007 and the saffron wave that has swept the Dakshina Kannada region since then. These are organised attacks carried out by sections of the Bajrang Dal, Sri Rama Sene and *Hindu Jagarana Vedike*, all of whom act in concert to plan and carry out these attacks. The attacks are therefore a part of the political

strategy of the *Sangh Parivar* to subdue and demoralise Muslim traders and establish their political domination in the region.

Equally, it is important to note that the police deliberately turn a blind eye to these incidents even when they take place in the vicinity of police stations. In a few cases, the traders are assaulted; their vehicles are overturned, damaged, burnt and destroyed the police all the while watching without intervening in such blatantly criminal acts. Often, the police offer passive support to the militant Hindu fanatics and act as informers about cattle being transported so that the Muslim traders are set up

and assaulted. In some rare instances, when the police do file cases, they face a huge backlash from the *Sangh Parivar* in the form of protests and demonstrations. Typically, the Muslim traders are not protected from these communal attacks by the police but are instead prosecuted on technical grounds of minor violations pertaining to transporting cattle. On the other hand, the Hindu fanatic attackers get away with unbridled violence under the every eye of the police and no action is taken against them. All this has led to an atmosphere of total impunity for *Sangh Parivar* activists to pursue their nefarious agenda in the Dakshina Kannada region.

Traditionally, the beef trade in Dakshina Kannada has been carried out by a large section of Muslims whose profession involves collecting dead cattle and skinning them, buying and selling all kinds of meat, and facilitating easy transactions in the meat trade, due to their extensive contacts and mobility in the region. Statistics show that there has been a boom in the export of beef in the recent years (\$4.8 billion annual export trade in 2015) because of abundant availability of farm cattle in rural areas, which has led to India cornering a major portion of international meat trade. This boom in trade has hugely benefited the meat trading community which includes not only Muslims but also Jains and Hindus, many of whom also happen to be members of the *Sangh Parivar*.

In fact, BJP MLA Sangeet Singh Som, an accused in the Muzaffarnagar riots case was reported to be the owner of a company that runs an abattoir cum beef processing unit. Members of the BJP in Gujarat, Prime Minister Narendra Modi's own state, have been exposed to have been transporting cow meat. And there have been more than once instance in Madhya Pradesh of BJP members being engaged in the beef trade and transportation. Yet despite the presence of members of other communities

such as Jains and Hindus in the profession, it is a fact that Muslims' larger numbers in the beef trade has made them vulnerable to attacks by the *Sangh Parivar*. While a section of rich Muslims benefits from the profits of the meat trade, it is the poorer sections of the Muslim community who are engaged in transporting cattle across the state and become easy targets of the vicious *Sangh Parivar*. Besides, this targeting achieves the *Sangh Parivar's* grander political strategy of communal polarisation in Dakshina Kannada which has been rightly identified as the laboratory of the Hindutva. Here it needs to be mentioned that in addition to Muslims, the targets of the attacks have also been Hindus and Christians engaged in transporting cattle.

In addition to the discrimination against Muslim traders mentioned above, discrimination is practised by state agencies with regard to the consumption of beef not only in Karnataka but in most parts of India. While beef eating and transportation of cattle are permitted in Goa, beef is now completely banned in Maharashtra. Transportation in cattle in Karnataka, while not prohibited by law, is criminalised through unlawful restrictions imposed by the police and non-state actors. Similarly, in Rajasthan, which draws a major influx of foreign tourists, consumption of beef is permitted.

However, in all these areas, while beef eating is permitted for foreign tourists, Muslims and Dalits who consume beef because of its affordability are prohibited from doing so and thereby discriminated against. In a recent and widely reported instance of double standards with regard to beef consumption, in Dadri, Uttar Pradesh (close to New Delhi) Mohammed Akhlaq was murdered by activists of the *Sangh Parivar* (as part of their strategy of communal polarisation), merely because of a baseless rumour that he had been storing beef at home. Meanwhile the prominent journalist

Swaminathan S. Aiyar (brother of former Congress party union minister Mani Shankar Aiyar) has openly boasted of being Brahmin who loves eating beef but has not incurred the wrath of the *Sangh Parivar*.

The following are a mere three of dozens of instances of attacks on people engaged in entirely legitimate cattle trade and transportation:

**Mangalore, 07.04.2012:** A cattle seller trapped underneath a vehicle fallen on its side at Kottara was lethally attacked by activists of the Bajrang Dal. The incident occurred early in the morning. As a tempo carrying 30 cattle approached Mangalore, activists of Bajrang Dal began following it. Upon this the driver of the tempo tried to speed away. But the vehicle went out of control and fell on its side at Kottara. Nineteen cattle died on the spot and the cattle seller Hussain alias Cheriyanu (53) was trapped underneath the tempo. According to Hussain's son Nazir, the incident took place at around 6 a.m. Hussain's leg was trapped under the vehicle. But the Bajrang Dal men instead of helping him attacked with swords and wooden planks. This happened in front of the police (Urwa Station). By this time a crane arrived, the tempo was righted and Hussain rescued. He has been admitted to a hospital for treatment of his injuries. The other occupants of the vehicle, though wounded, ran away when they saw the attackers with lethal weapons. (Source: *Vartha Bharathi* Kannada daily)

**Udupi, 06.10.2013:** Three persons transporting the cattle they had purchased from one Puttanna at Kenji hamlet in Heroor village were lethally attacked by a group of up to 30 people near Bhimanapare at around 10p.m. The members of the group, said to be members of a certain organization beat Samiulla (33), Rizwan (25) and Mansoor (20) with wooden clubs. All three have been admitted to a hospital at Kundapur. Three others including Shahil and Junaid managed to escape. Two cars and a motorcycle were badly damaged. The victims

have accused the attackers of stealing their ATM cards, ID cards, mobiles and cash worth Rs 90,000. The Baindur police have seized the five cattle along with the vehicles and registered cases against Samiullah and five of his associates and also against 16 of the attackers, eight of whom were granted bail. (Source: *Vartha Bharathi*)

**Sringeri, Mangalore, 19.04.2014:**

A youth from Mangalore was shot dead reportedly by the Anti-Naxal Force (ANF) personnel at Tanikodu check-post on the Sringeri-Karkala Road around 4 a.m. While police said the ANF personnel mistook him for a Maoist, his family and an MLA alleged that the youth was shot dead without any provocation and demanded an inquiry. According to the police, four people in Mangalore were transporting 21 head of cattle purchased from Tirthahalli and Sringeri in a goods carrier. Chikmagalur Superintendent of Police R. Chethan told *The Hindu* that as the vehicle reached the check-post — located nearly 100 km away from

Mangalore — ANF personnel signalled it to stop.

“The passengers got out and started running... Their behaviour prompted the ANF men to open fire... The ANF men thought they were Naxals,” he said. While Kabir (24), a resident of Krishnapura in Mangalore, died on the spot, ANF personnel took Umar Farooq (27) into their custody. Two others, Kabir's cousin Rafiq and the driver, Pramod, fled from the spot. The family claimed that the fourth person, Sarafaraz, is missing. The Sringeri police have registered a case under Sections of 143 (unlawful assembly), 147 (rioting), 148 (rioting with deadly weapon), and 379 (theft) of the Indian Penal Code against the cattle transporters.

Tension prevailed in Sringeri town later in the day when some people allegedly associated with the Bajrang Dal, stopped vehicles of Kabir's relatives and tried to attack them. The police resorted to lathi-charge to disperse the mob. A case of attempt to murder has been registered against this group.

Rafiq, who reached Mangalore later in the day, said he got out of the vehicle to show documents pertaining to transport of cattle. At the same time, two ANF personnel went to check the vehicle's carriage, he said. “I then heard the sound of bullets being fired and fled from the spot along with the driver”, Rafiq said.

The attack on Kabir's relatives in Sringeri town triggered tension in Chokkabettu and Krishnapura in Mangalore. Additional police personnel went to the spot and brought the situation under control. In Mangalore, Congress MLA Mohiuddin Bava said an “innocent” person was shot dead without any provocation. He sought an impartial inquiry into the incident. Kabir's cousin Serajuddin alleged that ANF personnel opened fire without provocation.

“They killed an innocent youth”, he said. (Source: *The Hindu*)

*Note: Robin Christopher is an advocate with Alternate Law Forum and Jayaram is a senior independent journalist and member of PUCL Bengaluru. □*

**Chhattisgarh PUCL: Press Statement: 9<sup>th</sup> May, 2016**

A team of activists from Women against Sexual Violence and State Repression (WSS) and independent women activists and reporters visited villages in Bijapur following a series of recent reports of mass sexual violence and assault on adivasi women by security forces and police in the area.

The team visited a few villages in the Gangalur thana area, following reports of violence during a search and combing operation carried out by police and security forces.

The team found that there has been a history of rampant looting and violence in these villages. Villagers reported several instances of loot, plunder, arrests and violence over the last couple of years. In two recent such operations, one young man was shot dead and then falsely declared a Naxal. Two young

women were stripped and abducted, and a young mother was raped. Details of these instances are given below.

**Abduction and sexual assault:** In late November 2015, a large search and combing operation was carried out in the area. A few hundred troops entered village Itaavar from the surrounding hills where they camped at the house of Sukku Kunjam. They took the fish and chickens and 1 quintal of rice stored at the house and started cooking there. On the 23<sup>rd</sup> of November the forces picked Sukki Kunjam, one of Sukku's sisters, and dragged her away. Her sister Jamli followed to save her, and was taken by the forces as well. The women were dragged into the surrounding forests - they were stripped and beaten. For two days, they were kept in the jungle and

later dropped off at the neighbouring village of Dowal Nendra.

**Fake encounter:** Sukku Kunjam was also forcibly picked up by the forces as a guide. He was taken to Korcholi from where he tried to flee along with other men of the village. However he was shot and killed. His body was wrapped and taken to Bijapur Thana where he was falsely declared a Naxal. Women of Itaavar traveled to Bijapur to recover his body. They were accompanied by Sukku's 13-year old nephew Lakku Kunjam who was beaten badly at the thana when they demanded Sukku's body. Sukku's body was finally released and his funeral was held on the 27<sup>th</sup> of November, 2015.

While in Korcholi, some of the troops tried to seize Mangli Pottam of Gaytapara while she was coming

down the hill. Other women from the village intervened till they had to let her go.

In a separate incident in Korcholi, the police came to the house of Roni Pottam, smashed the utensils, burnt her school books and her new clothes which had been bought for an upcoming wedding. Her sister Muni, was then visiting their grandmother. Accusing her of being a Naxal, the police and security forces picked up a photo of Muni and left with it.

**Sexual Assault and Rape:** In January 2016, another search and combing operation was carried out in the area. The same young girl, Mangli Pottam, who was out grazing cattle with her sister and friend, was attacked once again. Mangli's clothes were torn and they threatened to kill her. They also threatened to kill Tulsi, her friend. Mangli's sister, Somli's blouse was ripped off. She was dragged by the hair and flung to the ground. They hit her on the stomach with a rifle butt. While they were dragging her away, an older woman, also Mangli Pottam by name, came to her rescue and prevented the troops from assaulting her further.

During the same operation, the troops also attacked a young mother from Korcholi while she was on her way to fetch fire wood. They dragged her into a forested patch and hurled her to the ground. She repeatedly asked them to let go of her since her young child was crying. Instead, one member of the police and security forces dragged her. She was held down and raped by two men in uniform.

Apart from these incidents, there was much looting and plunder - rations, poultry, money were taken. New clothes were torn and burnt, property such as vessels were broken and destroyed.

The fact-finding team met with the survivors of physical and sexual violence and recorded several of their testimonies. We also recorded statements about incidents in villages surrounding Korcholi.

On the 7th of May, 2016, over a hundred villagers from Korcholi, Doval Nendra and Saonar traveled to testify. While some had to return, around 70 villagers made their way to the district headquarters of Bijapur. They testified in front of a three-member team comprising of former D.G, Border Security Force (BSF) Mr. Ram Mohan, Director of Tata Institute of Social Sciences Guwahati, Dr. Virginius Xaxa and Sunil Kuksal of HRD Alert. They also held a press conference. Following this, villagers went to Kotwali thana, Bijapur to register an FIR. The three-member team accompanied them to the thana and were assured that an FIR would be registered. However, despite this assurance, after a complaint was drafted, Mr. Nitin Upadhyay, thana-in-charge at Kotwali thana, Bijapur finally refused to lodge an FIR, saying that since the incidents were from November 2015 and January 2016, the matter seemed suspect and they would therefore need to investigate the claims before registering and FIR. Section 154 of the CrPC, however, makes it mandatory for a police officer to file an FIR on receipt of any information of a cognizable offense such as rape, molestation, or disrobing. Further, no preliminary inquiry is permissible in such a case. By refusing to file an FIR, any public servant, is himself culpable under the IPC.

Despite citing the law to the police, an FIR was not registered. Mr. Upadhyay finally admitted that he himself was in a difficult position as the order to refuse an FIR had come from his superiors. Finally, a complaint letter was submitted which was accepted as received by the police, but there was no FIR.

1. Together with this pattern of loot and sexual violence that seems to recur in search and combing operations carried out by the police and security forces in South Chhattisgarh, the police also continues to

blatantly violate the law by repeatedly refusing to file FIRs. The villagers for Korcholi and around strongly argued with the police and are determined to fight for justice. As Mr. Ram Mohan stated in their press conference held in Raipur on the 8th of May, 2016, the State is comlicit in this blatant disregard for the law and the consistent violations of the rights of its citizens. We demand an end to this impunity – the State must be accountable to its own people. In addition, we also demand the following:

2. Villagers from Korcholi, Itaavar, Doval Nendra and surrounding villages be adequately compensated for the loss they suffered by the loot and plunder carried out by the police and security forces.
3. An independent inquiry into the fake encounter of Sukku Kunjam
4. A swift and independent inquiry into the rape of the young woman at Korcholi with stringent action to be taken immediately
5. Immediate action to be taken on those who sexually assaulted the three young girls in Korcholi.
6. Swift and immediate action on members of the police and security forces in all such cases that have been reported and filed before this – including the case of Peddagellur and surrounding villages and Bellam Nendra.

A withdrawal of security forces in South Chhattisgarh and the repeal of the Chhattisgarh Special Public Security Act (CSPSA)

**WSS - Women Against Sexual Violence and State Repression (WSS)** is a non funded network of women's rights, dalit rights, human rights and civil liberties organizations and individuals across India. (For more information visit [wssnet.org](http://wssnet.org)-Contact 8435442650/8179542651). □

## Don't allow self-styled leaders to oppose resettlement of Kashmiri Pandits<sup>1</sup> Full text

The Scroll, 6<sup>th</sup> May, 2016

A couple of days ago, the pro-Pakistan faction of Hurriyat issued a press statement in which it (once again) opposed the resettlement of the minority Pandit community of Kashmir in composite colonies. The same faction has been consistently opposing such proposals seeking to resettle the internally displaced Pandits in the valley. We are a group of Kashmiri Muslims (and there are many like us) on whose behalf any faction of Hurriyat – which portrays itself as the representative voice of all Kashmiris – does not speak.

We are distressed that the minorities are being treated insensitively by self-styled leaders in the name of secularism. If the separatists really wish to remove their taint of communal intolerance, nothing could be more counter-productive than opposing the return of Pandits. In fact, this obstructionism only provides the definitive confirmation that the "tehrak" is indeed what it is alleged to be. Through this open letter, we wish to make an appeal to Kashmiris of all denominations, including separatists, to support the resettlement of Pandits and leave the modalities of return for the Pandits to decide.

The fact is, before the start of their exodus in 1989, the Pandit population was already cloistered in certain localities and *mohallas* in Kashmir. Where 1-3 families used live in a joint household, now they have become 3-9 families. To make the Pandits relocate to their native places means to squeeze them in a suffocating atmosphere, thereby ensuring the quality of life remains dismal for them. The vicious propaganda against the colonies is exposed when we consider that there is no land available in the city, at least not at the scale required to settle the displaced. Any large scale resettlement *has to be* done though new colonies. This perhaps

is the only pragmatic way, considering that mostly Muslims are now occupying – legally and rightfully – the properties that Pandits sold to them.

During the decade that followed 1989, Kashmir witnessed unspeakable violence, the brunt of which was faced by ordinary people who paid with their lives. Under such circumstances, the minorities were left with no option but to flee from their homeland. This was also a time when members of the majority community fell short of assuring the Pandits safety, even as the administration itself proved ineffectual in assuring security to anybody who needed it. 1989-90 is a dark chapter in the history of Kashmir when the entire fabric of the society was torn. If Kashmiriyat ever existed, it died in 1990. We regret that not many of us came to the rescue of Pandits in 1990 because we were also afraid of the gun or were ignorant of their plight. We have witnessed and shared in the suffering that common Kashmiri people went through in these years of incessant armed conflict. As such, we have only empathy for the pain the displaced minority community has suffered.

### **A shrinking window of opportunity**

However, now, 26 years later we, the Kashmiri Muslims, are being offered an opportunity to set things right, and all we have to do is *not oppose* any resettlement plan of Pandits. No one has the right to dictate anyone's return to their own home. Pandits are as much Kashmiris as we, the Muslims, are. In any case, the Pandits, being the state subjects, have every right to live in any part of the Jammu and Kashmir state. On the other hand, if this time too the "silent Muslim majority" allows self-styled leaders to speak and act on our behalf, we will be stereotyped in the eyes of the world as intolerant people who

not just drove away a religious minority but also resisted their return, thereby adding one more taint on our secular character. In that case, history will never remember our generation in a positive light. Indeed, over this issue of return of Pandits, we Muslims have only our own reputation at stake. We must act sensibly and facilitate their return rather than create hindrances.

As for our Pandits friends, they *should return* to Kashmir – not because they are being welcomed (or not), but because it is their right that no one can take away. Pandits too have a shrinking window of opportunity to return, as the new generations, who never grew up in the valley, exhibit less interest and nostalgia associated with Kashmir. This is a chance to infuse a new life into the Kashmiri Pandit culture that got diluted in the diaspora.

Of course, we would love it if Pandits were to choose to live amongst us with full dignity, as our neighbours, in their erstwhile addresses, like in the days prior to the dawn of the 90s. This indeed is what most of us want. However, we will understand if the Pandits choose to resettle elsewhere – what with their houses having been sold or destroyed, and the situation still being volatile in the valley. We wish for them to settle wherever they feel comfortable – the whole of Kashmir is their home. They are free to settle in separate townships, if that is what will make them feel secure. We will understand that and accept it as a start, hoping someday we will all live together.

**Signatories:** Aamir Ahmad Amin, Medical student; Abid Mushtaq Wani, Scholar; Abrar Mustafa, Self-employed; Arshia Malik, Teacher; Ausifa Munshi, Management Professional; Haroon Rashid, Doctor; Ifra, Student; Khalid, student; Khalid Baig, Entrepreneur; Mushtaq Dar, Salesman; Sabahat Malik, Learning and Development Professional; Sadaf

Munshi, Artist and Academic; Safeena Malik, Homemaker; Shabir Magami, Assistant professor; Shafi Wani, Doctor; Shahid Hussain, Procurement Professional; Shakir, Environmental

Journalist; Shamim Qaisar, Doctor; Sualeh Keen, Cultural critic; Yavar Khan Qadri, Aviator; Zainab, Doctor  
<sup>1</sup><http://scroll.in/article/807697/full->

text-dont-allow-self-styled-leaders-to-oppose-resettlement-of-kashmiri-pandits @ 8.5.2016  
Courtesy: Scroll ☐

PUDR Press Release: 10<sup>th</sup> May 2016

## PUDR Condemns Police Apathy in the Case of Brutal Caste and Gender based Violence against Dalit Law Student in Kerala

PUDR strongly condemns the gruesome rape and murder of the Dalit law student in Kerala's Perumbavoor district on 28th April 2016, and the appalling indifference demonstrated by the police in securing justice for her. The mutilation of her body is symptomatic of the brutal physical and sexual violence inhering in a caste-based patriarchal society, which is routinely inflicted on Dalit women to deny them dignity even in death.

Reports have surfaced narrating a long history of caste- and gender-based discrimination faced by the victim and her mother. As a household comprising only women, who work and support themselves, belonging to the so-called lower castes living in a predominantly upper-caste neighbourhood, the victim and her mother were constantly subjected to atrocities such as stoning, ostracization, cutting off water supply and sexual harassment. That the police refused to take any action on the repeated complaints of the victim and her mother reflects the bias in the police and administration, which willingly perpetuates and breeds impunity for crimes against Dalit women by turning a blind eye. Even after the brutal rape and murder, the police refused to file an FIR based on the complaint of the victim's mother. It took five days, and significant mobilization by Dalit activists, to finally register the FIR, by which time crucial evidence was lost forever.

This, despite S.166A of the Indian Penal Code, which prohibits the police from refusing to file an FIR in cases of sexual violence. The

provision was introduced as part of the major reforms in sexual violence laws in 2013, based on the recommendations of the Justice Verma Committee. Earlier in 2016, the amendments to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were also notified. The new law, under S.4, reiterates this directive, by punishing a police officer for refusing to file an FIR in cases of atrocities against Scheduled Castes and Scheduled Tribes. These measures were crucial to end impunity for sexual violence, specially against Dalit women, and enable them to access justice.

It would appear that the welcome reforms triggered by another brutal rape and murder, in Delhi in 2012, has scarcely changed the culture of impunity in cases of sexual violence against Dalit women. From Bhanwari Devi in Rajasthan in 1992, to the Khairlanji massacres in 2006, from the Bhagana rapes and abduction to the Badaun rapes and lynching of young Dalit girls in 2014, and the rape and murder of a 17-year old schoolgirl in Rajasthan last month, the story of police inaction and lack of proper investigations and trials remains common in cases of violence against Dalit women.

Response by the public and the media to this incident of sexual violence has also been disquieting. While the 2012 Delhi gang-rape and murder led to massive outrage, protests and demands for justice, nothing of that magnitude materialized in this case. Simultaneously, the print, television and social media have contributed to making a spectacle of the

violence, by disclosing the name of the victim in contravention of the law, and sensationalizing the heinous nature of the assault. Overtly and covertly, there has been an attempt to either detract from or completely erase the *Dalit* identity of the victim. At this juncture, it bears emphasizing that ending violence against women requires a recognition of the structural causes that breed such violence along different axes of marginalization of caste and gender, and the state apathy, including the police's care and gender prejudices, that prevent women of backward and dalit castes from securing redress.

PUDR therefore demands that:

1. Proceedings be initiated against the perpetrators under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as well as the Indian Penal Code, as amended in 2013.
2. A speedy trial be ensured in this case, and the mother of the victim be granted adequate compensation under the Kerala Victim Compensation Scheme.
3. Police officers who refused to file the FIR should also be punished with offences under S.4, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and S.166A, IPC.

**Moushumi Basu and Deepika Tandon**, Secretaries, PUDR

**Source:**

<http://pudr.org/?q=content/pudr-condemns-police-apathy-case-brutal-caste-and-gender-based-violence-against-dalit-law-st> ☐

**Note: Jisha, a young law student of Kerala was found murdered after being brutally raped. The incident sparked outrage across India at the lack of security women face. We carry a letter written by Shehla Rashid of JNU published in the Kafila.**

## **Do Not Rest in Peace, Jisha: Shehla Rashid<sup>1</sup>**

Dear Jisha, I never knew you, nor did you know me.

You were probably a “usual” student, pursuing your studies, dreaming of a better future for yourself and your country. You were probably someone like Rohith Vemula, who dreamed of stars and skies. I learnt that you were a Law student, but I regret to tell you that the Law of this country fails us miserably.

It is because a Bhanwari Devi does not get justice that Bhagana happens. It's because no one in Bhagana gets justice that a Delta Meghwal happens. It is because a Delta Meghwal does not get justice that a Jisha happens. And most painfully, I can predict that you may not get justice either.

This is because the Law that you studied is not the law that actually runs this country- this country runs according to a parallel law which is called Manusmriti. It is routinely quoted by judges in their judgments, but perhaps you wouldn't have studied that in Law school. It is the law of Manusmriti that prescribes limits for women and limits for Dalits.

That women should not go out after a certain time, that women should not study and become independent, that Dalits should not study or acquire skills, is embedded in the law that actually runs this country.

You probably loved this country, but I regret to tell you that this is no country for women. On the contrary, if you had ever questioned patriarchy or caste or class, they would have shoved a slogan or two down your throat. “Bolo Bharat Mata ki Jai”, “Bolo Vande Mataram” are the two favorite responses of our government to anyone who complains of injustice.

I am guessing you were a patriot and loved your country, but alas, declaration of Bharat Mata ki Jai wouldn't come to your help when you were being murdered and

raped. I shudder to think about the brutal details of your rape that have emerged. They make me wonder if all the people who kill their daughters in infancy do the correct thing. Such a desperate thought to occur to someone like me, who is supposed to be strong and calm! But it could have been me, it could have been anyone. I didn't know you, but I can think about the terror that you must have felt.

Whatever has been done with you has been said to me in threats by BJP supporters on Twitter. Where does this thinking come from? How is there such a tremendous uniformity in the actions of your rapists and the words of the Sanghi trolls? It is the ideology of Manu, the ideology of hatred and caste patriarchy that drives both sets of criminals to do and say such things.

You will not get justice because we are quick to blame the rape on everything, but its real cause. We are ready to blame the rape on the dress and choices of women, on poverty, on alcohol, on chowmein, on mobile phone and other absurd things, but not on patriarchy, feudalism, commodification of women by capitalism, on caste, on our society.

We are told not to do politics and focus on studies, when we raise issues of justice for women like you, women like survivors of Bhagana mass rapes, the women getting raped at gun point in Kashmir and Northeast and for women like Soni Sori, whose rapist is given the gallantry award because she is labelled as a Maoist for opposing corporate onslaught on the tribals of this country.

You were probably one such student, among millions of others, who was studying and not doing politics. But the brutality of this society did not spare you. The brutality that you've faced did not result from a personal hatred against you, I believe, but from deep-seated biases against

women, from rampant misogyny, from the treatment of women as commodities, as things to be used and discarded.

The violence that you've faced is only a manifestation of the hatred that prevails against all women, against me, against my friends, against all thinking, speaking, working, studying, questioning, politically active women, especially since we are not the traditional social elites. How dare they trespass their gender? How dare they trespass their second class minority status? How dare they trespass their lower caste status?

We are told not to “divide” people when we raise issues of caste, class, gender, race, disability and so on. We are told that, since it has been written down in Law, equality has been achieved!

But the ugly realities of caste will dawn upon us pretty soon, when we demand justice for you, when despite your case being as brutal as that of the young woman everyone called Nirbhaya, it will not shake the national conscience, when, perhaps, no one in your case will be punished hard enough, except if they are poor.

How I wish, as a fellow woman, I could say to you, Rest in Peace, sister. But the times we are living in, do not allow me to say that.

I am forced to say, DO NOT REST IN PEACE, JISHA. And don't let anyone in this country rest in peace.

Enrage this country, this world. Awaken it from complacency.

Yours,  
Shehla\*

3<sup>rd</sup> May, 2016

<sup>1</sup><https://kafila.org/2016/05/03/do-not-rest-in-peace-jisha-shehla-rashid/> @ 21.5.2016

*\*Shehla Rashid is a student at the Centre for Studies in Law & Governance, JNU, an activist with the All India Students Association (AISA), and Vice President of the Jawaharlal Nehru University Students Union.*

Courtesy: Kafila □

# Growing Intolerance in a Tolerant Society

Ram Puniyani

Towards the end of 2015 many writers and eminent citizens returned their national honors; protesting against the growing atmosphere of intolerance. The list was long and this acted as a process where some introspection took place in society. Still the ruling dispensation and its associates in Hindu right wing politics, the RSS combine, began criticizing those who returned their awards, accusing them of being politically motivated. They were also criticized for doing so to influence the forthcoming state assembly elections in Bihar.

Most of the awardees stood their ground as the perceptions about tolerance; freedom of expression had crossed the threshold and had undergone qualitative change. This gets confirmed in a 2015 report by US Commission for International Religious Freedom. This USCIRF is a bipartisan US Federal Government Commission. This is first of its kind in the World and is aiming at defending the universal right to freedom of religion or belief in the World. The report is scathing and points out the state of religious freedom in India. As per the report, freedom in India is on a negative trajectory, religious tolerance deteriorated and 'religious freedom' violations increased during 2015.

The report points out, "In 2015, religious tolerance deteriorated and religious freedom violations increased in India...minority communities especially Christians, Muslims and Sikhs experienced numerous incidents of intimidation, harassment and violence, largely at the hands of Hindu nationalist groups." The report outlines the violations and points that USCIRF will continue to monitor the situation and may have to recommend to the state department that India should be kept under 'the country with particular concern'. It is a significant report which goes on say that US Government should keep this in

mind while shaping the bilateral contacts with India and future of 'strategic dialogues' should be determined according to that.

The report suggests that the Indian Government publicly rebut officials and religious leaders who make derogatory statements about religious communities. This is the crux of the matter. Those understanding Indian politics know by now more clearly than before that the leaders making derogatory comments are either directly part of the ruling party, like Sadhvi Niranjana Jyoti, Giriraj Singh (both ministers at the center) or leading members of Parliament like Yogi Adityanath or Sakshi Maharaj. Then there are others who belong to the affiliate organizations like VHP, Bajrang Dal, which again are part of the broader Sangh Privar or more precisely RSS Combine.

When these statements derogatory to religious minorities are made some from the ruling party will come forward to say that this is not the official position of the party and stop at that. There is neither a reprimand nor demotion of the person concerned. Many have made these derogatory comments even before coming to power like Giriraj Singh but despite that they have been given the positions of power. At these times Narendra Modi, who is presented as a powerful Prime Minister keeps silent for weeks and later comes out with some lame unconvincing statement, which does not take away from the impunity of those indulging in such hate speech.

As such it seems to be a coordinated game. Someone makes the provocative statement, and some others from the RSS stable come to defend/justify him/her and some other say it is not official while the PM maintains a deliberate silence. Interestingly some statements need not sound derogatory to begin with. Hindutva's patriarch RSS Chief

Mohan Bhagwat's statement about shouting Bharat Mata ki Jai (Hail mother India) is very revealing. First, he said that we should teach the younger generation to say this. Then he took a step back saying it should not be compulsory. In response to this Asaduddin Owaisi of MIM gave an unwarranted statement that he will not say so even if a knife is put to his throat. To take the story further Maharashtra Chief minister Devendra Fadnis said it is a must for all those who want to stay in India. As a matter of fact this is a subtle intimidation of the religious minorities who don't worship anybody but Allah as per Bharat Mata ki Jai, it becomes like hailing mother Goddess, which they say is not permitted by Islam.

The RSS fellow traveler Yoga guru and entrepreneur Ramdev said that had the Constitution not been there by now lakhs would have been beheaded. These are comments from the top rungs of the political establishment these days. The writers of the report in their naivety may have given this suggestion, not knowing that currently the protection for such divisiveness is coming from the top echelons.

This is not an enviable situation for democracy in India. The quality of democracy is to be judged by the degree of safety and security of the religious minorities. True, even earlier also anti minority violence was part of the Indian political landscape there but now with the BJP Government at centre the intolerance and divisiveness has undergone a sea change. What the awardees were feeling has lots of truth; the feeling of insecurity is accompanied by the gag on freedom of expression, which is going together with the intolerance. The report has come out at a time Modi is packing his bags for a major trip to the US. But at best it will probably be another document for the libraries. □

## PUDR Condemns the Deplaning of Gladson Dungdung

*"I started travelling to the Red Corridor in order to collect evidence that this is not a war against terrorism, the so-called Naxalite insurgency by the CPI-Maoists but a war against the Adivasis. The hidden goal is to snatch their resources i.e. their lands, their forests, their water and hills. I believe that my mission to Saranda Forest proves this to be the case. I have taken great care in my researches and I am convinced that the war is actually, fundamentally, a war for control over mineral resource and that it threatens the security of all the common people in the Red Corridor and is wrecking their peaceful existence, their good governance, development and prosperity.*

**Gladson Dungdung** cited in Felix Padal's review of *Mission Saranda: A War for Natural Resources in India* PUDR strongly condemns the deplaning of Ranchi based human rights activist, journalist and writer Gladson Dungdung from his flight to London on 10<sup>th</sup> May, when he was travelling to participate in a workshop on environmental politics and history of South Asia at the University of Sussex's Centre for World Environmental History. Dungdung's views couldn't be clearer; nor the motive behind his deplaning more transparent, than from the passage cited above.

Gladson Dungdung has for a long time been a very vocal critic of the

government's development and land acquisition policies in Jharkhand, of multinational corporations, and the attack on Adivasi peoples' rights. He was actively involved in the struggles against Arcelor Mittal, and the Nagri (Jharkhand) protest movement against acquisition of agricultural land in a fifth schedule area for a law University and IIM, in connection with which Dayamani Barla too had been arrested.

It should therefore come as no surprise that this is not the first time that Gladson has attracted the ire of the government. His passport had been impounded in January 2014 as well, after he had spoken against the government's land acquisition policy in tribal areas, at conferences in Germany and Thailand in 2013. The airport authorities have cited the 2013 withdrawal of his passport as the reason behind the deplaning, which is absurd as he has travelled to Denmark and London in 2014 and 2015, the last to release his book *Mission Saranda*. His passport had been returned in July 2014.

The restrictions on travel are clearly directed at preventing the exposing at international fora, the ugly side of the Indian government's mining

policies, and its genocidal war against Adivasis in the name of fighting Maoism, especially at a time when India Inc is going all out to attract foreign capital. The present instance is of a piece with Greenpeace activist Priya Pillai's offloading in January 2015 when she was going to address British legislators about rights violations in the coal producing area of Mahan in MP.

The present incident assumes added significance in the immediate context where the government has been advocating the watering down of the Forest Rights Act in tribal areas, with the Chattisgarh government having already summarily set aside some of its provisions. The restriction on travel in Gladson's case is part and parcel of preventing the dissemination of uncomfortable truths through restrictions on freedoms of speech expression and movement, and must be resisted at all costs.

**Moushumi Basu, Deepika Tandon,**  
Secretaries, PUDR

Share:

<http://pudr.org/?q=content/pudr-condemns-deplaning-gladson-dungdung> □

## "I Am Not Masood Azhar" Says Chinese Dissident Isa As India Comes Under Chinese Pressure Seema Mustafa

New Delhi: "I am not.. what is his name... Azhar... i am so upset (about this comparison) as mine is a completely different case," said Chinese dissident Dolkun Isa in an exclusive interview with The Citizen from Munich.

Isa said that though he has been issued a visa by India for the meeting being organised by Chinese dissidents---and expected to be attended by delegates from different parts of the world---"this has come under a question mark now." He said he will be taking a final decision on Monday, but admitted that India seemed to be succumbing to Chinese pressure

on this issue that made his possible visit now, uncertain. He did hint later on in the interview that this was probably off the cards altogether as India was now not in a position to "guarantee" his security.

"India is a democratic country, it should have some responsibility to Asia, it should stand up against pressure, even pressure from China. India has the responsibility to speak out against human rights, I think India should not listen to China," Isa said.

Isa has been designated a "terrorist" by China that has Red Notice by Interpol out against him. His visit to India is possible if New

Delhi is able to ensure that he is not arrested, and now that Beijing has taken a strong position against this meeting, clearly the government here is backing off from its initial attempts at a 'tit for tat' policy.

Isa was well aware of New Delhi's interest in him being linked to its anger with China for blocking the proposal to declare Jaish e Mohammad chief Masood Azhar a terrorist and bring him under sanctions in the United Nations. China exercised what India described as a "hidden veto" to block this, maintaining that New Delhi needed to bring in more evidence to justify the proposal.

China of course has denied using a veto of any sorts maintaining that it has just placed the proposal under a "technical hold".

Asked about this Isa immediately said that this comparison, in any manner, was so unfortunate. "I am not a terrorist, I do not believe in violence, my struggle for democracy and rights for Uyghurs in China has been entirely non-violent, I am not a militant," he said rather passionately. "It is so sad and of course it is very unfair," he added.

New Delhi had come up with the bright idea of facilitating Isa's visit to India for the political meeting of Chinese dissidents, as a tit for tat against Beijing's position on Azhar. Isa, who feels clearly that he is a pawn in the middle of this diplomacy, is particularly unhappy about the comparison being drawn, as a result, between him and the JeM chief who has mentored terrorist attacks and taken responsibility for the same. Isa, as he points out, has been carrying out political campaign against the human rights violations, enforced disappearances as he put it, of the Uyghur community, and has never been a practitioner of violence, "in fact I believe in a peaceful campaign".

"I thought India is a democratic country, not like China. That it cares

about human rights violations, that it has a free media. I have not got a guarantee from India till now but clearly there is big pressure from China", Isa said. "There is a question mark on my visit now," he added, "the pressure from China has made it all very complicated".

Isa said that he had received the Indian visa early April, clearly after the Azhar controversy had both India and China at loggerheads in the UN. Recently Ministers Sushma Swaraj, Manohar Parrikar and National Security Advisor Ajit Doval all took up the Masood Azhar issue at their levels with the Chinese, but to an avail. Beijing has refused to budge, and instead made clear its strong disapproval of the proposed meeting of Chinese dissidents and the invitation issued to its "terrorist" Isa.

The dissident's meet was finalised about two months ago. It is being organised under the aegis of a US based Citizen Power for China under the title "Strengthening Our Alliance to Advance the Peoples' Dream: Freedom, Justice, Equality and Peace". This is the first time that the World Uyghur Congress is being invited for a meeting in Delhi. Isa is the founder of this organisation although for China he remains a terrorist and the "vice-president of separatist East Turkestan Liberation

Organisation".

Interestingly, Isa said that he had led a students movement in the mid 1980's and been thrown out of the University. He made his way to Munich where he got asylum later and has been there since. He says that the real pressure on Uyghurs came after 9/11 when China's policy turned into a harsh crackdown. Uyghurs are a Turkic ethnic group found mainly in Xinjiang in China, but also in other parts of the world as in Central Asia and Turkey. It has a long history and distinct culture.

Isa says that very few know what has happened to his community within China. "The Chinese are very unhappy with me, because I speak out, I am very active, I have been holding meetings, attending world conferences and have been successful in raising public opinion. That is why they call me a terrorist," he said. He said that the Chinese had put pressure on the US and on Japan earlier for not allowing him to attend conferences there, but in both cases they could not succeed.

<http://www.thecitizen.in/index.php/NewsDetail/index/1/7504/I-Am-Not-Masood-Azhar-Says-Chinese-Dissident-Isa-As-India-Comes-Under-Chinese-Pressure>  
*Published in The Citizen, April 24, 2016* □

A statement from India Climate Justice on 14 May 2016

## "Why are the Himalayan Forests Burning"?

The India Climate Justice collective expresses its deep concern over the extensive forest fires that have been devastating large tracts across the western Himalayas. More than two thousand separate incidents of fires have been reported from Uttarakhand and adjoining Himachal Pradesh. Initial reports suggest that over 7,500 hectares – 4,500 thousand hectares in Himachal and about 3,200 hectares in Uttarakhand – have been affected, well over double the area put out by the central government's MoEFCC. At least a dozen people have lost their lives, probably more. Access to forest resources and livelihoods seriously eroded, and people face respiratory and other health

hazards. Black carbon from these forest fires will over time settle on mountain snow and glaciers, hastening their melting. Forest fires on this scale are also devastating for birds, insects, mammals and a range of other fauna, all of which form an integral part of the rich biodiversity of these forests.

Multiple factors explain these forest fires. Commercial interests in timber, which first penetrated these areas 150 years ago with the colonial demand for railway sleepers, has intensified over the past few decades, reflecting capitalism's spreading ethic of profiting from anything, and in any which way. Though fires are sometimes started by local farmers with the objective of fertilizing the

soil or helping fresh grass grow, these fires are most commonly triggered by those acting on behalf of timber contractors and real estate agents, often in cahoots with functionaries of the Forest Department. Burning trees also improves the flow of resin from chir/pine trees, profitable for the turpentine industry. This desire for quick profits from Nature entices some small sections of the local communities, who are exploited by commercial interests to undermine older societal relations of communities with the forest commons.

The extensive plantation of chir pine worsens the situation. Whereas pine trees are more fire-resistant, its pine needles on the

forest floor are more flammable. The Forest Department practice of so-called 'controlled burning' to remove forest floor litter often gets out of hand and cause fires to spread far and wide. Regrettably, Forest Departments have drastically reduced clearing and maintaining fire-lines in the forests – artificial clearings in foliage dug to contain fires – which need to be at least ten metres wide, thereby enabling the fires to spread.

The situation is worsened by global warming. Average temperatures across the Indian Himalayas have risen by 1.5 degrees Celsius in the last 25 years, three times as much as India's average and over three times the world's average rise. The rise in temperatures is even higher in winters. According to the Himachal State Action Plan on Climate Change, temperatures across the state have risen by 1.7-2.2 degrees Celsius since the 1970s. Maximum temperatures have also risen across the

Northwest Himalayas. This may actually result in precipitation falling more as rain than snow, greater rainfall, and generally greater humidity. But this winter, there was far less snow and rain than usual. The forests have been dry since September 2015. When conditions are dry, the situation is ripe for a disaster. The forest floor has been bone dry with less rainfall, less meltwater to percolate, and higher temperatures that prevail.

At this very time, let us not forget, 400 million people across thirteen states of India are facing acute drought conditions. 2014 and 2015 have broken temperature records worldwide. Every single month in 2016 has broken temperature records by huge margins. The ongoing El Nino worsens the situation but the background reason for these higher temperatures is human-caused global warming. Like in every instance of climate change in recent years in India – the

Uttarakhand floods in June 2013, Kashmir in 2014, Chennai in December 2015, yet again global warming's impacts have interlocked with our trajectory of maldevelopment and the desire for reckless profits. Ordinary people and other species pay the price.

India Climate Justice demands:

1. A judicial enquiry, including independent experts, to probe the causes and extent of damage caused by these forest fires, including the number of those dead.
2. A longer-term regeneration to what might be ecologically more appropriate vegetation in the western Himalayas.
3. The timber contractors and others guilty of organizing the arson be charged.

Given the likelihood of similar occurrences of widespread fires in the future, a comprehensive mitigation and response strategy be devised by the state and district administrations, after open public consultations. □

#### **Environmental Issues in the North East: Conflict over dam in Arunachal Pradesh**

*Lama Lobsang Gyatso discusses the sequence of events that led to his arrest twice last week and the killing of two people in police firing against Tawang Dam protestors.*

## **Long Shadow over Arunachal's Sensitive Tawang Region<sup>1</sup>**

**Sangeeta Barooah Pisharoty, 03.05.2016**

Public protests against the construction of dams in the Tawang district of Arunachal Pradesh have been going on for some years now. However, on May 2, things took a deadly turn, with two protesters losing their lives in police firing and 10 others reportedly seriously injured. By mid-afternoon, prohibitory orders under Section 144 were clamped on Tawang town and the army was called in to stage a flag march.

Home to the Monpa community, Tawang is the last Indian district bordering China, a quaint, serene 2085 square km patch that had experienced a threat to the life and property of its residents in 1962 when the Chinese army came trooping in. Since 2011, Tawang, which otherwise attracts attention for being an important seat of Tibetan Buddhism, has been witness to public protests against the state government's decision to set up multiple dams across the district. The protests are being

driven by environmental and religious concerns, and by the sheer inability of the hydel projects to generate promised results.

Reportedly, 13 of the over 150 hydel projects planned by the state since 2005 are in Tawang. To stall this spree of dam construction, people from the Monpa community joined hands with local Buddhist monks in 2011 to form the Save Mon Region Federation (SMRF).

On April 7, the SMRF saw its first significant achievement. In response to its petition filed in 2012, the National Green Tribunal (NGT) suspended the environmental clearance granted by the Union environment ministry for the Rs. 6,400 crore Nyamjang Chhu hydropower project in Tawang's Zemingthang area. The NGT noted that the project – promoted by the Noida-based steel conglomerate LNJ Bhilwara Group – did not consider its impact on the habitat of the endangered black-necked

crane, which is endemic to the region. The bird is rated "vulnerable in the International Union for Conservation of Nature's list of endangered species and is listed in schedule 1 of the Wildlife (Prohibition) Act 1972.

Speaking to *The Wire* from Tawang, SMRF general secretary Lama Lobsang Gyatso said, "The NGT's decision to suspend work on the project has led those with vested interest in the state to suddenly look at us as a powerful enemy." This past week, Gyatso was arrested twice for reasons he said are "linked to not only the NGT decision but also our plan to take legal recourse for other hydel projects."

The death of two protestors in front of the Tawang police station were triggered by agitators protesting his arrest. Out on bail, Gyatso relates here the sequence of events that led to the police firing.

*Excerpts:*

**What happened on 02<sup>nd</sup> May?**

I was in the lock-up of the Tawang police station since my re-arrest on April 28. On May 2, I was to be produced at the court of the district magistrate for hearing on my bail application. Since morning, a large number of villagers and lamas assembled in front of the police station seeking my release. I was taken to the court for the hearing and was denied bail. I was brought back to the station from the back door, bypassing the crowd. Many villagers and lamas have already been angry at the biased attitude of the district administration towards me. While I was kept in the lock-up, a local leader, Lobsang Youten, who was arrested on my complaint, was granted bail the same evening even though the charges against him were serious.

On knowing about the denial of bail to me, the crowd began moving towards the police station. They were then fired upon with live bullets. No tear gas and no rubber bullets were used. One of the deceased was hit on the forehead. Among the dead, a woman is yet to be identified. The other deceased was a class seven student of the Tawang monastery, Lama Nima Wangde.

As per the latest reports, eight of our supporters have been severely injured, some of whom have been admitted in the army hospital in Tenga Valley.

**So how are you out of police lock-up now?**

After the firing, the district administration suddenly decided to grant me bail.

**How many times were you arrested last week and why?**

I was first arrested on April 26, based on an FIR lodged by the security officer of Mukto MLA and former state minister Pema Khandu for allegedly disrupting peace by leading a group of people from the Gongkhar village where the six-megawatt Mukto Shakangchu hydel project is coming up. I was let out on bail the same day.

On April 28, I was re-arrested. The Zilla Parishad Chairman, Jambey Tsering, invited the public to a panchayat development committee meeting in Tawang. Instead of talking about panchayat work, local political leaders used the platform

to provoke people against me. As planned, a 2012 audio clip was soon circulated on social media. The clip showed me asking Guru Rincpoche, the abbot of the revered Tawang monastery, to stay away from the hydropower politics of the district since he was an outsider. I made that comment during an SMRF rally in 2012 when the abbot had allegedly asked the lamas to stay away from the anti-dam protests. I commented then that since he was from Bhutan he would not be able to identify with the local issues and therefore should stay away from it. Some local leaders referred to that old clip in the meeting to accuse me of hurting people's sentiments and defaming the abbot.

Subsequently, an FIR was lodged against me at the Twang police station by the zilla parishad chairman. Since a local leader, Youten, also threatened publicly to kill me in that meeting, I lodged an FIR against him and sought police protection. While both of us were arrested based on the FIRs, Youten was granted bail the same evening, while I was not.

**Local media quotes sources in your organisation as saying your arrests were politically motivated.**

Yes, the motive was very clear. The SMRF is preparing to file a public interest litigation in the Supreme Court against the Mukto Shakangchu hydel project. Even though over 90 crore rupees were officially spent by the state government on the project, most of what was constructed has been washed away by the river waters within three-and-a-half months of completion of work for use of sub-standard material. I don't want to name anyone here but those who minted money from the project are now certainly afraid of us. They want to intimidate us this way.

**Do these arrests anything to do with the recent decision of the NGT to suspend the environment clearance of the Nyamjang Chhu project in response to the SMRF's appeal?**

Of course, it is linked to my arrests. Many would have made a tidy sum had this project become a reality. The NGT has asked for fresh impact assessment studies, public hearings for local people, etc. The earlier assessment report hid the fact that the project planned in

Zemingthang is also the wintering habitat of the black-necked crane, a bird considered sacred by the Monpas. We connect it with the sixth Dalai Lama who was from Tawang. He wrote poems on the bird. Apart from local sentiments, the bird has been labeled endangered by law. The Bombay Natural History Society selected Zemingthang as an important bird area for this reason.

After the NGT verdict, those with vested interest are suddenly afraid of us because we have also been supporting the villagers in recording their objections to the other hydel projects in the district.

**Apart from stating environment and religious reasons, the SMRF has also been raising the futility of these mini and micro dams in solving the power supply problem of the district.**

While work on 13 hydel projects in Tawang is currently going on, the government has planned a total of 28 mini and micro dams in the district. Even though the power requirement of the district is 6.5 megawatts, if all these mini and micro projects produce electricity as shown on paper, it would be more than 20 megawatts. However, even after many of these projects have been declared completed, they have failed to produce electricity, so much so that there are long hours of power cut even in sub-zero temperatures in Tawang. So it is clear to the local people now that while somebody powerful is making money on these projects, they have not only been unable to provide electricity but are also degrading the environment they live in.

**After the firing that led to the deaths, Union minister of state for home Kiren Rijju suggested to the district deputy commissioner to immediately form a high level peace committee to bring normalcy in the district. Did you or any representative of your organisation take part in it?**

We were informed about the peace committee by the deputy commissioner's office. Though it was meant to take place at 6 p.m. on May 2, our representatives kept waiting for the others to arrive at the venue till 7.30 pm but no one came.

<sup>1</sup><http://thewire.in/2016/05/03/arrested-over-green-tribunals-suspension-of-hydel-project-says-arunachal-anti-dam-activist-33410/> @ 6.5.2016 □

## Letter written by Rajindar Sachar, former President, PUCL to Chief Minister of Delhi regarding controversy over renaming Akbar Road in New Delhi as Maharana Pratap Singh Road:

May 19, 2016 1:37 PM

Dear Chief Minister,

You must have read the atrocious statement of V. K. Singh minister of State in the Modi Government, namely that Akbar Road at New Delhi should instead be named Maharana Pratap Singh Road. Only a Warped communal mind could have suggested it, though Maharana Pratap Singh's bravery is fully accepted.

Even the thought of renaming Akbar Road is totally unacceptable --as it is a product of an atrociously communal mind set up. UN development report 2004 links Ashoka The Great, and Akbar The Great as epitomes of religious tolerance. Press reports have reported that the decision to change a name is done by a Sub- Committee of New Delhi Municipal Committee in which there are 2 or 3 of AAP MLA's. I understand that this committee is headed by you as the Chief Minister of Delhi. I understand that the last time the change of name of Aurangzeb Road to Abdul Kalam Road, was done under your chairmanship. Of course Maharana Pratap Singh should have a road named after him. But to me changing the name of Akbar Road is trying to rewrite history, which to me is Blasphemy.

I would therefore suggest that in order to avoid further communal passions you should publically announce that your Government is against renaming of Akbar Road and will not accept any such recommendation even if it was received. I hope your Government will realize the urgency of issuing this statement.

Offhand as a suggestion, you could consider changing the name of "Raj Niwas Marg" to Maharana Pratap Singh Marg.

Your's, Rajindar Sachar ☐

## Chennai Floods

**December 2015:** *Citizen's Platform launched as an initiative of PUCL Greater Chennai*

In November-December 2015, the massive floods devastated Chennai, Thiruvallur, Kanchipuram, Cuddalore and several other districts in Tamil Nadu triggered an outpouring of humanitarian efforts by autonomously organised people's groups of both affected and other areas, transcending boundaries of class, caste and religion.

Recognizing this as a rare awakening of the collective consciousness, **PUCL-Greater Chennai** resolved to harness the positive energy of this historic moment – especially among the youth – through a **Citizens Platform** to support the dispersed, autonomous, collective actions of civil society groups around our right to determine how the resources that secure our lives and livelihoods – namely Water, Forest, Land & Information – are governed.

The **Citizens Platform** placed the 'Lessons and Demands' emerging from grassroots level discussions before political parties during the Assembly elections in May, 2016 for inclusion in their manifestoes.

### Lessons & Demands

In the aftermath of the Floods, a little over 1000 citizens representing diverse sections of society from various parts of Chennai, Kanchipuram and Thiruvallur districts gathered on 27<sup>th</sup> December 2015. Many of them were from among the

affected or involved in flood relief and rehabilitation work. They met to celebrate the spirit of community, share what had happened, discover why it did and how they could work together to ensure a more secure world for themselves, their children and future generations. **Citizens Platform** was born on that day.

Several meetings followed the launch of the **Citizens Platform** in which members examined the key lessons from the floods, the insights and experiences of victims and volunteers and interactions with other concerned groups and individuals. The following statement distills and represents the broad canvas of views which emerged during those meetings.

### Lessons from the Floods

1. The floods of November-December 2015 that caused havoc in Chennai and surrounding districts was not the result of unprecedented rains (heaviest rains in a century) that can be blamed on nature. The major floods and damage were caused by a combination of factors the most important of which are the rate and scale of growth, the serious failure of the governance of water resources in Tamil Nadu, the degraded state of its rivers and the poor maintenance of its water bodies, obstruction of the drainage of flood waters caused by huge constructions encroaching on its

water ways and flood plains and the failure of disaster mitigation measures.

2. The Chennai-Thiruvallur-Kanchipuram region is drained by five non-perennial rivers – the Araniyar and Kosasthalaiyar in the north, the Cooum and Adayar centrally and the Palar in the south. Even over the limited gradient available in this landscape, Nature has created hundreds of pathways through which flood waters pass to eventually empty into the Bay of Bengal. People living in the region have assiduously built thousands of tanks and channels – including the Buckingham Canal – over the last 1000 years to harvest the monsoon rainfall for use around the year. Numerous wetlands such as in Velachery, Pallikaranai, Perumbakkam and Thoraipakkam are natural holding areas for flood waters to drain via underground streams.
3. The most severe flooding and destruction has been caused wherever the paths draining flood waters have been blocked and obstructed by large-scale construction, forcing flood waters to 'back up' and consequently enter with great force into areas normally not prone to flooding like KK Nagar, Ashok Nagar, Saidapet, T Nagar and so on. On the other hand, the

- temporary structures that go to make the majority of dwellings in slums on the banks of rivers or canals and which are often washed away in a flood, are the first and often only buildings targeted by the authorities for eviction and demolition because they are the weakest and most convenient scapegoats in the community. However, there is little discussion about the major encroachments by way of huge and permanent structures erected on the water courses or on their margins – especially on the four main rivers/canals draining Chennai, namely Kosasthalaiyar, Cooum, Adayar and Buckingham Canal – which not only obstruct the natural flows of water but work to change the direction of flood waters, heavily inundating densely populated areas in their vicinity.
4. Besides blocking and obstructing the natural flows of water, many large-scale government institutional and infrastructure projects, private educational institutions including universities, warehouses, factories and IT complexes often comprised in SEZs, shopping malls, commercial complexes and large marriage halls, as well as mammoth residential layouts and high-rises, have been built on water bodies, marsh lands, grazing lands, catchments, flood plains, sand dunes, inter-tidal zones and other water-related commons, displacing massive amounts of water even in seasons of moderate rainfall and preventing natural recharge of ground water, leading to floods during the monsoons and droughts during the summer.
  5. Further, many of these mega-projects promoted by government or wealthy and powerful private interests are known to be illegally extracting huge amounts of water from the rivers, streams, canals, tanks, wetlands and other associated common lands they are built on, are in enjoyment of or which are in close proximity to these projects, while also surreptitiously releasing sewage, industrial effluents and other toxic wastes into these water bodies or wetlands and dumping garbage or other scrap on these common lands.
  6. Rarely is any official action taken to remove or demolish these large-scale encroachments on common lands, that grossly violate planning and building regulations as well as environmental protection and pollution control laws, despite clear evidence that they have obstructed the natural drainage of flood waters, have covered or are in enjoyment of common lands and resources and have 'enclosed' the surrounding natural environment through their acts of releasing pollutants into it.
  7. The scale of the flood points to the scale of encroachment, abuse and destruction of water courses, water bodies and associated common lands and resources, which could not have occurred without the active support of the coercive apparatus of the State and State policy, the tacit involvement and abdication of responsibility on the part of its officials, monitoring agencies and other state bodies, colluding directly and indirectly, with wealthy local, national and multi-national private corporate and commercial interests, confederations of industry, real estate groups and builders, professional consultants and domain experts.
  8. But the official treatment of dwellings constructed by the socially and economically weaker sections of the community, on the banks of rivers, canals and in low-lying areas, in the form of temporary, non-permanent structures like thatched huts and sheet-roofed houses, which are prone to be washed away during floods and whose footprint on the environment is characteristically minimal, is by and large swift and brutal: Eviction and demolition, with little concern for due process, human rights or sensitive relocation and rehabilitation. More telling is the fact that many of these communities are victims of earlier floods who have been resettled by government itself on the banks of canals or in low-lying areas, or who have put up structures in these places so that they could eke out a livelihood and survive this inhuman exclusion.
  9. Thus it is clear that floods in urban areas are directly linked to the consequences of the mindless growth and destructive development priorities pursued over the last 40 years. This growth has snatched away agricultural lands and grazing and water commons from the people. It has occupied and destroyed hills, forests and water-related commons such as marsh lands, sand dunes, tanks, channels, streams and rivers, especially in large cities – like Chennai – and their peripheries.
  10. Urban growth and industrial expansion have turned Tamil Nadu into state with one of the highest rates of urbanization in the country. However, this has been achieved on the basis of forcible appropriation of various types of lands, forests, common resources and water bodies in the state by local, national and multinational private business interests. The State has actively supported and colluded in these processes and in many instances led extraction and dispossession, violating its own laws.
  11. These destructive development processes have resulted in the
    - a. Loss of the aquifer due to extensive sand mining;
    - b. Severe depletion of surface and ground water storage due to indiscriminate conversion of agricultural lands, grazing lands, wetlands, tanks, channels, catchments and flood plains to urban use and the rampant extraction and diversion of scarce fresh water resources to the manufacturing sector;
    - c. Fall in vegetative cover, desertification of critically water-stressed areas and degradation of coastal and estuarine wetlands and mangrove forests;
    - d. Proliferation of industrial and municipal wastes and widespread contamination of the water, soil and air in the vicinity of these mega-developments and
    - e. Increased warming and frequency and severity of floods and droughts.
  12. On the brighter side, common people have demonstrated their ability to set aside their self-

interest and overcome class, caste and community divisions and are awakened to their potential to take control of their collective future.

#### Key Demands

1. **Frame a visionary, climate-change adaptive, regenerative water security policy and enact a law to enable the sensitive implementation of this policy with retrospective effect**, prioritising the retrieval, rehabilitation, protection, creation and maintenance of all water resources, associated common lands and resources and existing water management structures and appurtenances built by the people over vast periods of time, recognizing the deleterious and life-threatening impact of large-scale extraction, encroachment, construction, abuse and waste disposal by public and private sector projects on these essential, life-supporting resources and formulating a scaled series of time-bound interventions to achieve its objectives in the broader interests of the community and future generations, based on a series of hydro-ecological studies that map the present condition and current use of all water and coastal resources in the state of Tamil Nadu and commissioned to yield real-time inputs to inform all programs to reclaim and rehabilitate these resources.
2. **Halt immediately the forced eviction of slum dwellers**, until a comprehensive relocation and rehabilitation policy for these groups is detailed in consultation with them, such that wherever relocation is necessary for reasons of safety, the community concerned is rehabilitated within a radius of 2-3 kms. from the place of original residence and provided with tenure security, basic services and housing assistance, to their satisfaction, before resettlement is undertaken.
3. **Free all water resources and associated common lands of large-scale encroachment by permanent structures of public and private sector projects** that block and obstruct the drainage of water, prevent recharge of ground water or displace flood waters, without fear or favour.
4. **Fix responsibility for large-scale encroachment by permanent structures of public and private sector projects** constructed in water bodies, water courses, their catchments, flood plains or associated common lands and other prohibited areas, on all officials under whose watch these violations have taken place, including the heads of the departments and/or ministries up the concerned chain of command, regardless of their current position and initiate appropriate departmental and criminal action against them for dereliction of duty, commission of offences and related illegal acts.
5. **Implement an immediate ban on river sand mining across the state of Tamil Nadu** and give effect to the recommendations contained in the Report of the PUCL-Greater Chennai Fact Finding Team on River Sand Mining in the Palar and Cheyyar Basins in Kanchipuram District, dated 14-11-2013.
6. **Clear all obstructions such as accumulated construction debris or garbage and weeds from all types of water bodies and waterways**, de-silt them and dredge the mouths of rivers periodically and repair bunds, sluices, overflow weirs and other control structures to rehabilitate traditional water management systems, to enable the free flow of water, enhance ground water recharge and increase their storage capacity.
7. **Undertake a review of all large-scale public and private sector projects such as power plants, ports, desalination units and coastal SEZs**, existing, under-construction or proposed to be sited in inter-tidal zones, sand dunes or other coastal common lands, for their contribution to coastal erosion and other adverse environmental impacts including the threat to water security from pollution and the loss of biodiversity and remove or remedy these man-made causes of coastal erosion, pollution and biodiversity attrition while implementing measures to prevent further erosion and assist in natural repair and recovery.
8. **Immediately halt all illegal dumping of solid and liquid wastes by sewage treatment plants, public and private sector industrial, commercial and residential complexes**, into water bodies and water ways and facilitate the construction of ecologically sound sanitation facilities where absent, ensure serviceability of existing sewage collection, treatment and disposal systems and their separation from storm water drainage networks besides vigorously enforcing the existing ban on manual scavenging.
9. **Impose an immediate ban on the production and use of plastics in packaging, banners, advertisement hoardings and other temporary uses**, make compulsory the segregation and recycling-processing of municipal/solid wastes at source or locally and facilitate the composting of food and other bio-degradable wastes at source or locally.
10. **Revive and expand rain water harvesting to harness run-off from paved surfaces of roads**, restore feeder channels and link storm-water drains to temple or other tanks and strictly implement rain water harvesting in all government buildings and campuses throughout the state of Tamil Nadu.
11. **Review and prioritize the use of water especially by cities, towns, industry, power plants, sports and tourist facilities and entertainment parks**, to yield a graded scale of water consumption that sets limits and imposes obligations on these mega-consumers, without compromising on the essential water needs of the general population for drinking, cooking, washing and agriculture or animal husbandry.
12. **Set up disaster management infrastructure from state level down to local nodes at village and neighbourhood level**, build real-time monitoring systems that are integrated with the relevant national and international networks and deploy necessary early-warning systems, develop risk and vulnerability assessment

capabilities, mapping and location-specific guides/manuals and train communities settled in vulnerable locations in risk reduction and disaster rescue and relief skills.

13. **Initiate a review of all existing development priorities and processes** – including urban, rural, socio-economic and socio-cultural – **involving the concerned citizens at various levels**, in as wide and sustained a discussion as practically feasible, to evolve a broad consensus on a framework for sustainable development and disaster mitigation.
14. **Enact a law to obligate the time-bound digitization and**

**placement of all information relating to land and the commons across the state of Tamil Nadu, in the public domain**, including maps, survey records, information on current and proposed use, status and other relevant revenue records at state, district, block and village/ward level and compile and publish a directory of all information relating to land and the commons across the state of Tamil Nadu, available with various departments at all levels of government, including the contact details of the concerned Public Information Officers.

15. **Enact the transfer of power and provide the necessary resources to Gram Sabhas**

**and equivalent people's assemblies in urban areas, to govern themselves locally, beginning with their local and regional water, forest, land and information commons** and enabling them to reclaim and rehabilitate these natural ecosystems such that they secure each community's right to clean drinking water, water for animals and farms, safe sanitation, food, fodder and fuel needs, secure places to live and sustainable building materials, meaningful livelihoods and provide protection from floods and droughts.

**Contact: Charu Govindan, Convenor, Sudhir, Co-convenor.**  
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*Continued from page no. 20*

assured by law of a proportionate share of public works and government.

The same would be justified on the ground of reasonable classification inasmuch as it was to give benefits to a class or society which have been deprived of opportunity for hundreds of years and which can only be redeemed by providing them special provisions.

A similar situation arose before the United States Supreme Court. There was a "minority business enterprises" clause in the Public Works Employment Act of 1977 which contained a provision that 10% of the federal funds granted for local public works projects must be used by state and local grantees to procure services or supplies from businesses owned and controlled by "minority group members", amongst being defined in the Act as United States citizens i.e. who are "from Negroes". The Court upheld the validity of the legislation as it contained provisions designed to uplift those socially and economically disadvantaged persons to a level where they may effectively participate in the business mainstream of the U.S. economy.

The Court said that it was necessary to ensure that the minorities were not denied equal opportunity to participate in federal grants to state and local governments, which is one aspect of the equal protection of the laws.

Thus it is fallacious to say that if a similar law was made in India, non-Dalits will thereby be thus discriminated because as the US Court said "it is not a constitutional defect in this program that it may disappoint the expectations of non-minority firms. When effectuating a limited and properly tailored remedy to cure the effects of prior discrimination, such "a sharing of the burden" by innocent parties is not impermissible".

The Court ended with ringing words "if we are ever to become a fully integrated society, one in which the colour of a person's skin will not determine the opportunities available to him or her, we must be willing to take steps to open those doors".

These like steps need to be followed immediately if we wish to avoid the grim warning given by Dr. Ambedkar at the conclusion of the finalization of the constitution when he said; "We are going to enter a life of contradictions. In politics, we will have equality and in social and economic life, we will have inequality... We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this assembly has so laboriously constructed."

I humbly submit that the above warning continues to have the same relevance and urgency today. □

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## Caste Abolition is the Only Remedy Rajindar Sachar

I feel that Justice has been vindicated when parties united to celebrate 125<sup>th</sup> Birthday anniversary (on 14<sup>th</sup> April, 2016) of Dr. Ambedkar. But the question that needs to be asked: is "whether that is genuine sentiment of these parties who reviled him in his life time". Dr. Ambedkar however was made of sterner stuff and carried on vehemently his campaign against Caste System. He specifically said "I have never been Anti Brahmin but I have always been anti Caste. To stop taking about Caste is to shut ones eyes to the most important single reality of Indian situation". Fortunately, in all fairness and deference Dr. Rammanohar Lohia Socialist Party leader (though much younger to him) openly recognized the greatness of Dr. Ambedkar when he said publically in 1955, "Dr Ambedkar to me was a great man in Indian politics and apart from Gandhiji as the greatest of the Caste Hindus this fact has given me a solace and confidence that the caste system of Hinduism could one day be destroyed. I have always been trying to communicate to the Harijans an idea which is basic with me". It was in pursuance of this basic philosophy that Dr. Lohia corresponded with Dr. Ambedkar the need for both the Socialist party and Dr. Ambedkars party and jointly contesting the forthcoming Parliaments elections. Dr. Ambedkar and Dr. Lohia had agreed on a date to discuss this mutually. Unfortunately Dr Ambedkar died before the meeting could take place. But Dr. Lohia's regard for the view expressed by Dr. Ambedkar in his book on "Annihilation of Castes" expressed by Dr. Ambedkar, was on the same wave length that enabled Dr. Lohia to continue his fight against the Caste system which he expressed so vehemently thus; "Caste is the most overwhelming factor in Indian life. Those who deny it in principle also accept it in practice. Life moves within the frontiers of caste and cultured men speak in soft tones against the system of caste, while its rejection in action just does not occur to them".

Dr. Ambedkar was for giving special opportunity to those who had been deprived for Centuries in all walks of life: But the false friends of the deprived castes take cover by suggesting that solution lies in raising everybody economically, give everybody an equal opportunity. But these so called false advocates of destruction of caste, wrongly presume as though rising standards and opportunities would be restricted to the low-caste only. When everybody has an equal opportunity, castes with the five thousand year old traditions of liberal education would be on top. Only the exceptionally gifted from the lower-castes would be able to break through this tradition. Some of the so called secular parties however seek to maintain reservation in a cast-moulded measure while they are themselves viciously caste-ridden, perhaps unknowingly. They denounce caste by birth, but in enthroning the principle of merit, they keep secured their privileged positions. It is to the credit of Dr. Ambedkar philosophy and vision that this perverted view of history is now being viewed differently. Notwithstanding the universal acclaim for Dr. Ambedkar (obviously for taking political advantage) no government has yet tried to take effective steps to increase the participation of Dalits in the field of economic development – without which the chain of stratified caste system cannot be destroyed. In the matter of alleviation of any misery a country with limited resources has necessarily to evolve priorities in each sector. Our social system has, it must be remembered to live down the centuries of caste exploitation and sub-human existence to which this large chunk of our population, i.e., Dalits were condemned. It is for this purpose that many of us maintain that to see fruition of Dr. Ambedkar philosophy completely, it is now necessary to go beyond mere provision of reservation in education and service sector. To do further leveling Dalits need to be

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