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Indira to Modi: from Authoritarianism towards Fascism Prabhakar Sinha

Indira Gandhi clamped the emergency on June 25/26, 1975 to protect her throne and put thousands behind the bar .To throw dust in the eyes of the people , she declared that the country's security was in grave danger .She told the nation that the nation -wide agitation led by JP in which almost all major political parties except the C.P.I. were participants was an attempt at the takeover by Fascist forces in the country with links to forces outside .Several anti-Fascist conferences were held in the country at different levels. Indira Gandhi herself participated in the important such conferences. Innocent persons were arrested and sent to jail for no fault. Since fundamental right to life and personal liberty was suspended one could not get any relief from the court. Everybody was in panic. Many of us who were teachers in a university were arrested for opposing the emergency and were kept under suspension even after release on bail or otherwise.

While Indira Gandhi tried to whip up mass hysteria against her opponents by branding them as fascists , Narendra Modi and Co .are trying to do it by branding his opponents as 'anti-national.' While Indira Gandhi indulged in character assassination of her opponents and tried to create mass frenzy in the country to protect her Prime Ministership, Narendra Modi is doing it to foist his ideology on the country by misusing the power of the government .While the threat to her throne was grave and real (a nationwide agitation was going to be launched demanding her resignation , as the High Court had held her guilty of corrupt electoral practice and nullified her election to the Lok Sabha), Narendra Modi has launched an attack on JNU on the flimsy and ridiculous ground that anti-India and Pro-Pakistan slogans shouted by a handful of JNU students posed a grave threat to the security and integrity of the country. In the estimation of his government, 50 or 100 anti-India slogan -shouting students pose a grave threat to a nation of 120 crore people with million strong armed forces and larger number of other security forces!

It is a typical fascist strategy to give a bad name to the dog before shooting him. Hitler had arranged to have the Parliament house set on fire, and then launched an attack on the opposition and destroyed them holding them responsible for the arson. There is no clinching evidence to believe that the anti-India slogans were shouted by the members of the ABVP. But it is undoubtedly clear that the government moved post haste to take advantage of the slogan shouting to advance its fascist agenda.

There can be no other explanation for making a local issue free from violence into a national issue. Modiji has no problem in embracing the P.M. of Pakistan, when Pakistan's ISI has been running scores of camps to train terrorists to attack India. He has no problem in rushing to Pakistan

on an informal invite as if Pakistan is his bosom friend's country house .He has no problem with showering affection through gifts to Pak P.M.'s family. This is not to suggest that he is wrong in his conduct in dealing with Pakistan, but to underscore that a PM who has so much patience and tolerance with an inimical Pakistan has so much intolerance for some youngsters shouting pro-Pak slogans , as if they pose a greater threat than ISI and Pakistan -based terrorists who have been attacking us periodically at Gurdaspur, Pathankot and J&K. The disproportionate highlighting of the JNU incident as an attack on the nation's integrity and security is nothing but a ploy to attack democracy under the garb of

saving national interest . There is a very disturbing difference between the emergency and now. Indira's government was ruthlessly authoritarian, but was not fascist. Modi government is not yet authoritarian because it does not have the power of emergency, but it is fascist in its conduct. During the Emergency, we feared the government agencies like the police etc, but not the Congressmen or the organisations affiliated to it. There was no fear that they would beat us up or insult us. Unlike in the fascist system, the difference between the government and party was maintained. Under Modi's government, as under a fascist

regime, that difference has disappeared. The beating up of JNU students in the court in Delhi by BJP supporting advocates, ABVP members and a BJP MLA present irrefutable evidence of the fascist character of the Modi government.

The only convincing denial would be to deal with his fascist colleagues as sternly as his government has done with the undeserving JNU students and to keep in check his fascist brigades. Prabhakar Sinha, National President of PUCL was imprisoned during the Emergency period in Bihar. A university teacher at that time, he led a popular movement of teachers and students against the Emergency. □

Press Statement, 12 Feb. 2016

PUCL Delhi Condemns the Action of Delhi Police in Arresting JNUSU President on Charges of Sedition.

It is shocking that the Delhi Police has arrested the President of the Jawahar Lal Nehru University Students Union (JNUSU) on the charges of 'sedition' –a provision of law about which Jawahar Lal Nehru, the first Prime Minister of India, had said in 1951, “Now, as far as I am concerned, that particular Section is highly objectionable and obnoxious and it should have no place...in any body of laws that we might pass. The sooner we get rid of it the better”.

The provision of section 124-A of the Indian Penal Code, which provide punishment for 'sedition' was enacted by the British to silence all opposition to its autocratic rule. This provision had been used by the British against Bal

Gangadhar Tilak, Mahatma Gandhi, M.N. Roy, Maulana Hasrat Mohani, and many other freedom fighters. It is unfortunate that the governments in free India have been misusing this anachronistic colonial era law from time to time in order to silence the voices of dissent. The human rights organizations, especially PUCL, have for many years been campaigning for the repeal of sec. 124AIPC.

The action of the Delhi Police is in violation of the law laid down by the Hon'ble Supreme Court in the celebrated case '*Kedar Nath Das Vs. State of Bihar*' (AIR 1962 SC 955) which held that “...comments, however strongly worded expressing, disapprobation of the

actions of Government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal.” It appears that there was no intention on the part of the President of JNUSU to incite violence and therefore the action of the Delhi Police in arresting him is condemnable.

PUCL appeals to the Home Minister (Central Government) to instruct Delhi Police to release the arrested leader immediately.

The governments should remember what Gandhi said in 1922 in his trial for sedition, “Affection cannot be manufactured or regulated by law”.

N.D. Pancholi, President, PUCL (Delhi) □

Note: The arrest by the Delhi Police of Kanhaiya Kumar, President, JNU Students Union (JNUSU) on sedition charges for a speech allegedly made by him in the campus, was followed by a well choreographed hate campaign being launched on numerous left-affiliated and progressive student leaders as `anti-nationals' and traitors. The hate campaign became very vicious and violent and included a cascading set of violent incidents inside the campus, in courts and outside it. The orchestrated attacks by lawyers claiming to be members of ruling BJP on Kanhaiya Kumar, other students, faculty members and lawyers appearing to help them were all committed openly in the full glare of media and included a BJP MLA who beat up a CPI leader in full media glare with the police conveniently playing a supportive role as bystanders to the attacks. We carry the English Transcript of the speech given by Kanhaiya Kumar in the campus which was the basis of the personalised attack on him. We thank the Telegraph, Calcutta for publishing the transcript thus making it accessible for non-Hindi speaking people in rest of India. We leave it to the reader as to whether the speech makes out a case of sedition or

whether the allegation of sedition was a ruse to order a crackdown on JNU, a politically active and vibrant educational institution with the potential to continually challenge the fascist politics being unleashed by the ruling NDA dispensation at the centre.

“If Anti-National Means This, God Save Our Country”

The following is the near-complete Hindi speech Kumar delivered on Thursday, translated by JP Yadav of The Telegraph from a recording uploaded on YouTube. The recording does not feature the beginning of the speech. Other than that, the translation below reproduces the speech in full.

“They are the ones who burnt the Tricolour. They are followers of Savarkar who apologised to the British. They are the ones who, in Haryana, have changed the name of one airport. There was one airport named after Bhagat Singh. The Khattar government has now named it after one Sanghi (a person associated with the RSS).

What I mean to say is that we don't need the certificate of patriotism from the RSS. We don't need a nationalist certificate from the RSS. We belong to this country. We love this country. We fight for the 80 per cent of the poor population of this country. For us, this is nation worship.

We have full faith in Babasahab (Ambedkar). We have full faith in the Constitution of India. We want to say this very forcefully that if anyone tries to challenge the Constitution, be it the Sanghis, we will not tolerate.

We have faith in the Constitution. But we don't have faith in the Constitution that is taught in Jhandewalan (RSS headquarters in Delhi) and Nagpur. We don't have faith in Manusmriti, we don't have faith in the caste system in this country.

The Constitution and Babasahab Ambedkar talk about corrective measures. The same Babasahab Ambedkar talks about abolishing capital punishment. The same Babasahab Ambedkar talks about freedom of expression. And we want to uphold the Constitution, we want to uphold our right.

But it's shameful and sad that the ABVP, in association with their

media friends, is running an orchestrated campaign.

Yesterday, the ABVP joint secretary said that we fight for fellowships. How ridiculous it sounds! Their government, Madam ManuSmriti Irani is ending fellowship and they accuse us of fighting for fellowships. Their government has reduced the higher education budget by 17 per cent.

Our hostel has not been built for the past four years, there is no Wi-fi. BHEL gave us one bus but the administration has no money for oil. And ABVP people stand like Dev Anand claiming that they will get hostels built, they will get Wi-fi and they will get fellowships.

They will be exposed if there is a debate on the basic issues in this country. We are proud of being JNU-ites because we discuss and debate the basic issues concerning this country. We raise issues related to the dignity of women, Dalits, tribals and minorities in this country. And so, their Swamy (Subramanian Swamy) says that *jihadis* live in JNU, that JNU students spread violence.

On behalf of JNU, I want to challenge RSS ideologues. Call us and hold a debate. We want to debate the concept of violence. We want to raise questions about the frenzied ABVP's slogans, their slogan that they will do *tilak* with blood and aarti with bullets. Whose blood do they want to spill? They aligned with the British and fired bullets on the freedom fighters of this country. They fired bullets when poor people demanded bread; they fired bullets when people dying of hunger talked about their rights; they have fired bullets on Muslims; they have fired bullets on women when they demand equal rights.

They say that five fingers are not equal. They advocate that women should emulate Sita and give *agnipariksha*. There is democracy

in this country, and democracy gives equal rights to all - be it a student, a worker, the poor or the rich, Ambani or Adani. And when we talk about equal rights of women, they accuse us of destroying Indian culture.

We want to destroy the culture of exploitation, the culture of caste, the culture of Manuwad and Brahminism. Till now, the definition of culture has not been resolved. They have a problem when people of this country talk about democracy, when they give blue salute along with red salute, when people talk about Ambedkar along with Marx, when people talk about Asfaqulla Khan (*the freedom fighter*). They can't tolerate. It is their conspiracy. They were British stooges. I dare them to file a defamation case against me. I say that the RSS's history is of siding with the British. These traitors today are distributing certificates of nationalism.

Check my mobile phone, friends. Dirty abuses are being hurled at my mother and sister. Which Mother India are you talking about? If my mother is not part of your Mother India, your concept of Mother India is not acceptable to me.

My mother is an Anganwadi *sewika*, my family runs with the Rs 3,000 she earns and they are abusing her. I'm ashamed that in this country, the mothers of the poor, Dalit farmers are not part of Mother India. I will hail the mothers of this country, I will hail the fathers of this country, I will hail the mothers and sisters of this country, I will hail the poor farmers, Dalits, tribals and labourers. I will tell them that if they have courage, then say '*Inquilab zindabad*', say '*Bhagat Singh zindabad*', say '*Sukhdev zindabad*', say '*Asfaqulla Khan zindabad*', say '*Babasahab Ambedkar zindabad*'. Only then will I believe that you have faith in this country.

They are enacting the drama of

celebrating Ambedkar's 125th birth anniversary. If they have courage, they should raise the issues Ambedkar raised. Caste system is one of the biggest problems in this country. Talk about caste system, bring reservation in every sector, bring reservation in the private sector. Raise these questions, then I will believe that you have faith in this country.

This nation had never been yours and will never be yours. A nation is made by its people and if there is no place for hungry and poor people in your idea of the nation, then it is no nation.

Yesterday, I said in one TV debate that we are in difficult times. The way fascism is coming in the country, even the media would not be spared. The media would be provided with written scripts from the RSS office, just as written scripts came from the Congress office during the Emergency.

Some media friends told me that JNU runs on taxpayers' money, on subsidy. Yes, it is right that JNU runs on subsidy. But I want to raise the question: what are universities for? Universities are there for critical analysis of the society's collective conscience. Critical analysis should be promoted. If universities fail in their duty, there would be no nation. If people are not part of a nation, it will turn into a grazing ground for the rich, for exploitation and looting.

If we don't assimilate people's culture, beliefs and rights, a nation would not be formed. We stand firmly with the country, we stand for the dreams of Bhagat Singh and Babasahab Ambedkar. We stand for equal rights. We stand for the right to live. Rohith (Vemula) had to lose his life to stand for these rights. But we want to tell these Sanghis - "shame on your government". We challenge the central government - we will not allow in JNU whatever it did in the case of Rohith. Rohith will not lose his life here. We will not forget Rohith's sacrifice. We will stand for freedom of expression.

Leave aside Pakistan and Bangladesh, we call for unity of the poor and the toiling masses of the

world. We hail the humanity of this world, we hail the humanity of India. We have identified those who are against humanity. This is the biggest issue before us today. We have identified that face of casteism, the face of Manuwad, the face of the nexus between Brahminism and capitalism. And we have to expose these faces. We have to usher in real freedom, and that freedom will come through the Constitution, through Parliament. And we will achieve it.

I want to appeal to you friends that despite all the differences, we have to safeguard this freedom of expression, we have to safeguard our Constitution, we have to safeguard the unity and integrity of this country. For this, we have to remain united and fight the forces trying to divide our country, the forces that give shelter to terrorists. One last question before I end my speech. Who is Kasab? Who is Afzal Guru? Who are these people, who are in a state to wrap bombs around their body and kill? If these questions are not raised in universities, the existence of universities becomes pointless. If we don't define justice, if we don't define violence and how we see violence? Violence is not only about killing somebody with a gun. There is violence when the JNU administration denies the constitutional rights guaranteed to Dalits. This is institutional violence. They talk about justice. Who will decide what justice is? Brahminism did not allow Dalits to enter temples. The British did not allow dogs and Indians to enter restaurants. That was justice then. We challenged that justice and today we challenge the justice of the ABVP and the RSS because their justice does not accommodate justice for us. If their justice doesn't accommodate justice for us, we will not accept their justice and this freedom. We will accept this freedom when every person gets his constitutional right. We will accept justice when there is equal rights for all.

Friends, the situation is very serious. Under no circumstances does the JNUSU (the JNU

students' union) support any violence, any terrorist, any terror incident and any anti-India activity. I want to reiterate that the JNUSU strongly condemns slogans of "Pakistanzindabad" raised by some unidentified people.

I want to share one thing with you, friends. It is a question related to the JNU administration and the ABVP. Thousands of things take place on this JNU campus. Listen carefully to the slogans being raised by the ABVP now. They are calling us 'communist dogs'. They are calling us 'Afzal Guru's dogs'. They are calling us 'children of jihadis'. If the Constitution gives us the right to be citizens, then is it not an attack on our constitutional right when they call our parents dogs? We want to ask this question to the ABVP and the JNU administration. We want to ask the JNU administration for whom, with whom and on what basis it works. It is now clear that the JNU administration first gives permission and then withdraws it on receiving a call from Nagpur. This thing of first giving permission and then withdrawing, it has intensified. First, they will announce fellowship and then tell that it has been withdrawn. This is the RSS and ABVP pattern with which they want to run this country. We want to ask the JNU administration. Permission (for the February 9 programme where eventually the anti-India slogans were shouted) was granted despite the fact that posters had been put up and pamphlets distributed. When it gave permission, on whose directive was it withdrawn? We want to ask this to the JNU administration.

At the same time, understand the truth of these (ABVP) people. Don't hate them. I feel sad for them. They are jumping today because they feel that the way they got Gajendra Chauhan (in the FTII), they would get people like him in every institution. They feel that with people like Chauhan everywhere, they would get jobs. Once they get jobs, they will forget nation worship and Bharat Mata. What to tell of the Tricolour, which they have never

respected? They will also forget the saffron flag.

I want to know what kind of nation worship they are talking about? If an owner doesn't behave properly with his employees, if a farmer doesn't do justice with his workers, if a highly paid CEO of a media house doesn't behave properly with the meagrely paid reporters, then what is this nation worship?

Their nation worship ends with an India-Pakistan cricket match. After that when they go out on the road, they misbehave with the person selling bananas. When the person selling bananas tells them that a dozen comes for Rs 40, they abuse him and accuse him of looting customers. They demand a dozen for Rs 30.

The day the person selling bananas turns and tells them that you are the real looters, they will term the poor fellow anti-national. Nation worship begins and ends with wealth and facilities. I know a number of ABVP people and I ask them whether the fervour of nationalism moves them? They tell me: "What to do, brother, this government is for five years and two years are already over. Three years' talktime is left and whatever has to be done,

should be done in this period".

But I ask them what will happen if, tomorrow, one of their own members, who is going around in trains checking for beef, holds them by the collar and accuses them of being anti-national since they are from JNU? They could be lynched. I ask them whether they realise this danger?

They tell me that they realise this danger and so are opposing #JNUShutdown (a Twitter hashtag). First, they build an atmosphere against JNU and, then, oppose it when they realise that ultimately they have to live in JNU only.

This is why I want to tell all JNU-ites that elections are coming in March. The ABVP people will seek your votes with the "Om" flag. Ask them: "We are jihadis, we are terrorists, we are anti-nationals and by taking our votes, will they also become anti-national?" Do ask them these questions. I know when you ask them these questions, they will tell you, "not you but a few people are anti-nationals". Then ask them, "why did they not tell this in the media then"? Ask them why their vice-chancellor and registrar too did not tell then?

Tell them that those few people too are saying that they did not raise slogans of "Pakistan zindabad", nor did they support terrorism. Those few people are asking why at first permission was granted and then withdrawn and this is an attack on their democratic right? These few people are saying that if somewhere a democratic struggle is being fought, they will stand for it.

They will never understand this. But the people, who have gathered here on short notice, understand the issue. They will go around the campus and tell the students that the ABVP is not only breaking this country but also JNU and we will not allow this to happen.

Long live JNU. JNU will continue to actively participate in all democratic struggles taking place across the country, continue to strengthen the voice of democracy, the voice of freedom and freedom of expression. We will struggle and win and defeat the traitors of this country. With these words, I thank you all and appeal for unity.

Jai Bhim, Lal Salaam.

http://www.telegraphindia.com/1160216/jsp/frontpage/story_69576.jsp#.Vsrlwj31971V

Published in the Telegraph, 16.2.2016 □

PUDR Press Statement: 15th February, 2016

Condemning the Vigilante Action at the Patiala House Courts, Delhi

PUDR strongly condemns the shocking acts of physical violence and abuse perpetrated by 40 advocates and BJP MLA OP Sharma against students and faculty of the Jawaharlal Nehru University and media persons today, at the Patiala House court, in full presence of the police. Students, teachers and media persons had gathered as arrested JNUSU President Kanhaiya Kumar was to be produced in court.

An hour before Kanhaiya was to be produced, a mob of 40 lawyers descended on those present, threatening them to leave, or risk facing violence. Following this, the mob then proceeded to assault, molest and abuse the faculty, students and media persons.

Outside the court premises, BJP MLA OP Sharma was also found mercilessly beating up an unidentified man. The incidents have been recorded on camera.

Furthermore, personnel from the Delhi police present at the scene added their weight behind the vigilantes asking the students, faculty and media-persons to leave, and later standing by as the hooliganism unfolded. Subsequently, the IG Delhi Police has passed the incidents off as minor scuffles, despite video evidence to the contrary. PUDR strongly condemns this partisan behaviour of the Delhi Police, and its dereliction of duty in not maintaining law and order and protecting peacefully assembled

people against hooliganism.

The outcome of these events has been that Kanhaiya Kumar's remand has been extended by two days- a fact that has been overtaken by the fracas at the Court. Media reports suggest that this attack was pre-planned, with messages having been circulated among Patiala House Bar Association members on WhatsApp the previous day, to teach those from JNU 'a lesson in nationalism'. The same day, the Home Minister linked the JNU incidents with the Lashkar-e-Toiba based on a fake Twitter account of Hafeez Sayeed, thus using the authority of his office to vitiate the atmosphere, and load it against Kanhaiya. The arrest of Kanhaiya,

the hounding of students on allegations of sedition, the blatant militarization of the JNU campus, and the patently partisan attitude of the Delhi police, is an abuse of law and constitutional freedoms of all citizens. PUDR stands firm in its opposition to the criminalization of dissent through the colonial-era law on sedition.

PUDR Press Statement: 16th February, 2016

How Democracy 'Uses' a Colonial Law

PUDR has continually critiqued the existence of the colonial law of sedition and its unconstitutional application at the behest of those who hold state power, in cases that do not stand the test of law. The arrest of SAR Geelani, Professor at the University of Delhi, on charges of sedition on 16th February 2016, is yet again a case of the misuse of law as part of political vendetta. SAR Geelani had been booked under Sections 124A (sedition), 120B (criminal conspiracy) and 149 (unlawful assembly) on 12th February, in relation to the raising of 'anti-national' slogans at an event organized in the Press Club on 10th February. There was no complaint- the police registered the case after taking suo moto cognizance of the media clips of the event. Last night on 15th February, Geelani had been called in for interrogation by the Delhi police and subsequently arrested around 3 am in the morning. He was produced in court this afternoon, and has been sent to two day police custody. It needs to be stated that Geelani was falsely implicated in the 2001 Parliament attack case; arrested, tortured, and later acquitted by the Delhi High Court as no evidence was found to support his involvement in the attack. He has been a prominent voice in support of the right to self-determination for people in Kashmir and his fresh arrest under sedition is yet another attack by majoritarian nationalism on dissident voices.

It needs to be recalled that the use of sedition against Muslims in general and Kashmiris in particular

While looking to the Courts to stand by the Constitution and safeguard the rights of citizens, and stop this undeclared emergency, we demand that:

1. All those involved in the act of violence be prosecuted as per law.
2. Kanhaiya Kumar be released immediately and

unconditionally.

3. FIRs against students alleging sedition be quashed immediately.
4. Police and other armed forces be immediately removed from JNU campus.

Moushumi Basu, Deepika Tandon Secretaries, PUDR (puodr@puodr.org) □

is not sporadic but a part of a long chain of events that have unfolded in recent times. In March 2014, the Meerut Police had registered a case of sedition against 67 Kashmiri students of Meerut's Swami Vivekanand Subharti University (SVSU) under pressure from the BJP party workers for cheering Pakistan's victory in a cricket match. In November 2014, 10 school going boys in the Kushinagar district of Uttar Pradesh, were charged for sedition, for wearing T-shirts of the Pakistani cricket team during a Muharram procession. In the past, there have been popular demands to prosecute figures like Arundhati Roy and Prashant Bhushan under the section on sedition, for voicing their opinion in support of plebiscite in Kashmir. Geelani's arrest is the latest in a long running thread of cases that cannot legally sustain the charge of sedition yet empowers police to endlessly detain people as under-trials.

PUDR apprehends that the Delhi police may implicate more people in the sedition case among individuals who were present at the meeting at Press Club. Respected academicians and rights activists like Ali Javed, Nirmalangshu Mukherjee, Tripta Wahi and Vijay Singh, who participated in the meeting have been facing harassment on account of continual summoning and interrogation by the police at odd hours for the last five days. We fear this is part of the witch hunt that began in JNU following the event on 9th February, to deter people from using their freedom of

expression in any way that displeases the right wing political establishment.

At this hour it needs to be remembered that, acknowledging that the colonial law of sedition truncates the fundamental right to freedom of expression, the Supreme Court in the Kedar Nath Singh vs State of Bihar verdict (1962), established that the charge of sedition can only be sustained in the instance of incitement to violence in a speech, not for advocacy. In another progressive judgement, the Supreme Court in 1995 in the Balwant Singh vs State of Punjab case set aside the charge of sedition in relation to anti-India slogans raised - 'Khalistan Zindabad...Hindustan Murdabad'. The Verdict opined that mere casual slogans having no effect on public order in terms of provocation to violence, do not constitute sedition. Despite the attempts made by the higher judiciary to restrict the understanding of sedition to an act of incitement to violence, the use of the law in the hands of the state executive narrates a story of the misuse of law, of which the case against Geelani is a putrid kind.

PUDR reiterates that laws like sedition would be subjected to misuse for the very fact that they exist on the statute books. We affirm that the Constituent Assembly deemed the sedition law to be repealed, because it considered it to be an anathema for a Constitutional Republic. Nevertheless, it was retained to protect the nascent democratic state. With its continual use,

however, towards constricting democratic rights, PUDR strongly denounce its existence and demands immediate repeal. We also express grave concern at the degenerating political climate of a democracy in which the people are being denied the right to freely exist in public spaces, let alone the right

to free expression, and the right to dissent. We caution the Delhi police against unrestrained use of coercive power of the state to the detriment of democratic values. PUDR demands:

1. Withdraw cases of sedition against JNUSU president Kanhaiya Kumar and SAR

Geelani.

2. Stop harassment of individuals for their participation in the Kashmir meeting at Press Club.
 3. Repeal the law of sedition
- M o u s h u m i B a s u ,
DeepikaTandon** Secretaries,
PUDR (pudr@pudr.org) □

36th JP Memorial Lecture to be delivered by Ramachandra Guha

PUCL invites members and readers to the *JP Memorial Lecture* at 6 pm on 23rd March, 2016 at Chennai. The 36th JP Memorial Lecture will be delivered by Prof. Ramachandra Guha on **Tragedy of the Adivasis in Independent India**

“This lecture shall argue that Adivasis as a whole have gained least and lost most from six decades of democracy and development in India. They are even more deprived than the Dalits, yet, unlike, the Dalits, they have been unable to effectively articulate their grievances through the democratic and electoral process. The failures of the state and of the formal political system have provided a space for Maoist revolutionaries to move into. The first tragedy of the Adivasis is that the state has treated them with contempt and condescension. The second tragedy is that their presumed protectors, the Maoists, offer no long-term solution either”.

The venue details will be shared later. Those interested could write to puc1.natgensec@gmail.com.

Note about the JP Memorial Lecture

23rd March, 1977 is the date when Emergency was withdrawn as a result of the people's struggle launched by Jayaprakash Narayan and other stalwarts. Since 1980 PUCL has celebrated 23rd March each year as JP Memorial Day during which day the JP Memorial Lecture is delivered. Each year the lecture is held in a different place. The day is not changed.

We will inform the venue by the first week of March, 2016.

The full speech will be uploaded in Youtube after the Lecture

Dr. V. Suresh, National General Secretary.

Farmers Suicides in Karnataka, 2015 Kishor Govind

In 2015, over 600 farmers were reported to have committed suicide in Karnataka. Reports of suicide started in large numbers in July and continued at a high rate through September. The rate was alarming affecting even the richest districts of the state reaching even epidemic proportions. In response to the crisis, a study was undertaken as part of the “Farmers' Agitation Campaign” to look into the underlying causes of farmer suicides. The campaign was initiated by Karnataka Jana Shakti, a regional progressive organization with the support of farmers' groups and other organizations. As part of the study, some members of the PUCL Karnataka volunteered to take part in conducting the study. The study looked into social,

political, personal and economic factors in the suicide with the aim of trying to understand what caused the spike in suicides in 2015.

This year three things stood out in note that the study tried to look into. First, while in previous years farmers who committed suicide tended to be older, this year a substantial numbers of suicide victims were young people in their 20s and 30s. This showed that the agrarian crisis has completely shifted to the next generation of farmers. These farmers' lives have been shaped by the period where farmer suicides have become a staple of the agrarian story. They did not know of a life before that. Contrary to a popular conception that poor agrarian conditions would lead to people leaving agriculture,

many younger farmers were torn between aspirations beyond agriculture and a declining home economy, as the family farm was in part a sense of identity. Some felt trapped as they felt they could not leave their parents with such high levels of responsibility. Some got into debt to fund the education or weddings of their children. Often we found that the escape from agriculture itself locked people into a cycle of debt from which suicide was a response.

Second, a substantial number of the suicides happened amongst sugar farmers in the southern districts. This was surprising as sugar is generally considered to be a very lucrative crop and production from Karnataka was actually at a high this year. In the investigation

we learned that the high production itself was the problem. Worldwide production of sugar has been high for many years and international demand has not kept up. Market forces responded to the high production with severe drops in prices over the past three years. Farmers reported that whether the yield was high or low, they would suffer a low remuneration. The situation compared to a crowded movie theatre. When all were seated, the screen cannot be seen. When all stand up, the screen still cannot be seen.

Third is that farmer suicides have actually been on decline over the past few years, with a huge spike only this year. We found three parts to the problem. First, the dropping market prices of certain agrarian products such as sugar and maize took some amount of time to hit the farmers. While the sugar prices have been dropping over the past three years, the crop cycle of sugar took a year and a half to hit the farmers, and maize took a full year. Second, the monsoon rain was late and less this year causing farmers in rainfed crops to experience a great loss. This did not affect sugar, as sugar tends to be irrigation fed, but for farmers in dry land. Even delays in production are costly these days as a months delay in payment can lead to an increase of debt by 3% due to accumulated interest.

The demographics we observed saw farmers at different income

levels. The two major causes of suicides were swelling costs of living and uncertainty in the future. Costs of living were one part substantive, and one part aspirational. Substantive costs related to basic agrarian expenses, such as costs of fertilizers and labour, health expenses, especially that of family members, and home construction. Aspirational costs related to cost of education or investment in the facilities for the land, such as bore-wells.

Causes of the suicide have been linked most immediately to market failure and rain failure. In dry land areas, the delay in rain caused many farmers to lose crops. Debt was a commonly seen phenomenon. Debt levels commonly were Rs. 3-4 lakhs with interest rates being paid primarily at rates of 3% per month. Rates of debt in the rural landscape were increasing at alarming rates; rough estimates based on interviews with farmers showed that the amount of debt farmers were incurring have been rising at a pace beyond the rise of income by many-fold. Farmers who had committed suicide, as in years past, were typically engaged in cash crops, including mulberry, sugar, maize, fruits and vegetables. Few farmers we saw were engaged in staple crops like millet, rice or wheat. Pesticide consumption and hanging were the most common methods of suicide. While financial turmoil was very common amongst the farmers, victims of suicides felt

a deep shame associated with their situation. As most of the farmers belonged to regionally dominant castes and were male, this often linked up with caste and male pride meaning that apart from their parents, they did not speak to anyone about their financial situation.

Farmer size holdings were typically in the range of half to five acres. We determined that those at highest risk were those who were dependent on their land for livelihood exclusively. They did not own so much land that they could easily sell their land off for profit, nor did they own so little that they earned from non-agrarian activities. Many of them had to lease their lands and worried that their land would be taken by the debtors. Even with their deaths, the pain of their loss continued to haunt their families who were not saved from their situation.

The high cost of maintaining livelihood in agriculture is slowly making it a richman's game. Farmers who try to adjust to the market are now going into states of desperation. Unless something is done soon, the basic right to livelihood will be lost to all but the richest farmers. Suicide statistics are only a sign of the deep rooted agrarian distress. When asking a farmer why a particular member of their village committed suicide, he replied that who commits suicide is only an accident. Their village is full of potential suicides. □

Paid for No Work? Legislators Can't hold Parliament to Ransom Rajindar Sachar

Parliament session is going to start this month. There is much speculation, rather it seems to be accepted across the board that it is going to be a propaganda tamasha with walkouts and the disruption of the House, leading to no legislation. The anguished cry of Vice-President Ansari on the conclusion of the last session, ending December 2015, requesting MPs "to desist from demeaning the

status of the House", is going to be shamelessly defied in the coming session. The Rajya Sabha lost 47 hours due to disruption by the Congress, in 20-day sittings. In the earlier session, 25 of 44 Congress members had to be suspended. There is still no shame felt by the Congress which has announced openly that it will not let the Rajya Sabha work, where the Opposition is in majority. Finance Minister

Jaitley has had to climb down from his false elevated status to make a public request for cooperation and was even willing to give parentage credit to the Congress for the GST Bill, which, with some modification, the government wants to pass. But I still have no hope for an improvement of the situation. This situation had also reached a height as far back as 2007 when Speaker Somnath Chatterjee

considered it so atrocious that he was inclined to apply the principle of '**no work, no pay**' to those legislators who disrupted proceedings in the House, as was suggested by a small meeting called by him consisting of journalists and civil rights activists and important public persons. The Supreme Court has upheld the rule '**no work, no pay**' in the case of labour. The legislators may, cheek in tongue, term it as an abridgement of their parliamentary privileges, but the masses find this self-glorification laughable. The conduct of such legislators is a standing shame to the nation and calls for immediate action. A study by a civil society organisation in 2007 found that in the 13th Lok Sabha, the time lost due to disruptions was 22.4 per cent while in the 14th Lok Sabha, which commenced in June 2004, it went up to 26 per cent. Each minute of Parliament costs about Rs 26.03 lakh (now, of course, this is far more). A legislator is paid a daily attendance honorarium, irrespective of the fact that he may just attend it for five minutes, out of the normal five-hour daily sitting. Dealing with delinquent individual legislators is manageable under the rule of procedure. The more serious problem is when gross disorderly conduct by a large number of legislators makes the sittings of the legislatures impossible. In such a situation, the Speaker, perforce and against his inclination, is forced to adjourn the House. The damage to the dignity of the House and the nation is for everyone to see. But the legislators still draw their daily allowances, suffering no monetary loss as there is no rule permitting allowances not to be paid to members even if the House is adjourned because of disorderly conduct of the other

members. I believe, the absence of rule does not matter because the House Speaker has the inherent power to so direct the deduction of the allowances. According to May's Parliamentary Practice, "The Speaker of the House of Commons (UK) has power to suspend for conduct falling below the standard House was entitled to expect and in certain cases, the practice is including withholding the member salary for the period of suspension." Admittedly, the precedents of the Speaker of House of Commons are applicable in India.

The Speaker has the power to suspend the erring member and order him not to attend the Lok Sabha, and this will automatically mean that he will not be paid for those days as per the existing rules. The principle of '**no work, no pay**' cannot be doubted because of the law laid down by the Supreme Court (1990). In that case, the Bank of India employees went on four-hour strike but joined duty for the rest of the day. But the bank ordered the deduction of the salary for the whole day, which was upheld by the court. Similarly, legislators who are paid daily allowance for attending the session, but because of their own disorderly conduct, force the Speaker to adjourn the House against his own volition, cannot, in all fairness, be asked to be paid the daily allowance which would mean rewarding a member for his own misconduct. The Supreme Court has held that: "It is permissible to deduct wages for the whole day even if the absence is for a few hours". The legislators thus cannot complain that why everyone should suffer because of disorderly conduct of a few delinquents. But a sobering reflection will remind them that legislators have passed laws

imposing collective fine in a locality because of a few unsocial elements, when admittedly, a majority of residents are law abiding.

Courts have upheld such legislation in the interest of general public good. Surely, legislators should not cavil at applying the same yardstick to themselves as they seek to apply to the work man and ordinary people.

A somewhat unusual Gandhian procedure can also be followed—if the government party, or the ministers, were to announce that they would forego the daily allowance for the days that the House is suspended even because of the disorderly conduct by the Opposition, it would set a very high principled precedent and would shame the Opposition into following their example, or to suffer ignominy before the public—resulting that whatever the provocation, the House would never be adjourned.

There is one other alternative. The Speaker may refuse to adjourn the House even if there is disorderly conduct, and though no work may be done, yet automatically, the government party will have to remain in the House. If the Opposition in those circumstances chooses to walk out, it would invite the ridicule and the anger of the electorate. Apart from financial benefit, this moral force may then shame the legislators, both in the government and the Opposition to calm down. These suggestions look unreal, but what is happening in our legislatures is so embarrassingly unacceptable, that it calls for a different and innovative methodology.

Published in The Tribune, Feb 8 2016 □

TN PUCL Statement on Forest Rights Act

PUCL urges the Tamil Nadu govt to issue land to tribals and forest dwellers as per forest rights act 2006 on the wake of Supreme Court Removes Only Court Order against FRA in Country. On 1.2.2016, the Supreme Court overturned a 2008 Madras High Court interim order - obtain prior permission from court when issue land title to tribals and forest dwellers (who live three generation in forest) the only order against the Forest Rights Act from any court in the country. This should dispel any illusions from 1.2.2016, Court proceedings in the Supreme Court. In 2008, hearing a bunch of copycat court cases filed in various High Courts by retired forest officers, the Madras High Court had directed that the Forest Rights Act should be implemented, but no titles should be given without its permission. This was based on fear mongering by forest officials that the case

would lead to destruction of forests. The Andhra Pradesh and Orissa High Courts followed the Madras HC by giving similar orders that year, but within less than a year, observing that the petitioners did not seem to be using the methods available to them in law, both of these courts removed their interim orders. Only the Madras High Court order was left standing.

On 1.2.2016, the Apex court Bench of Justices Chelameswar, Roy and Sapre orally observed that "no challenge to the *vires* (constitutional validity) of this Act has yet been made before us". In their order, the bench stated that "having regard to the fact that claims are proceeding in the rest of the country, we see no reason for a hold up in Tamil Nadu".

With the 1st February, 2016 order the Supreme Court has removed the only obstacle that any court had imposed, to the implementation of

this Act.

Despite 21,781 land claims having been filed and 3,723 titles being made ready for distribution in Tamil Nadu, the government had, till now, not distributed land to people living in forest area on the pretext of court stay order. But the Supreme Court has now removed the obstacle. Tamil Nadu is one among seven states in country which have not implemented the Forest Rights Act. Non-implementation impacts on tribal life and livelihood in a very negative and serious way. PUCL therefore urges the State Government, without any further delay, to issue land pattas to tribals and implement Forest Rights Act, 2006 and ensure decent and dignified life to tribals.

Prof. V. Saraswathi, President;
S. Balamurugan, General Secretary, TN and Pondicherry PUCL □

No Minister, We don't want Pregnancies to be Policed

Kavita Srivastava

Maneka Gandhi should lay off the law banning sex determination tests

Maneka Gandhi, a senior minister in the Narendra Modi government has shown how completely at sea she is from her remit for women and child development by suggesting that the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act be abolished and that all pregnant women be subjected to a sex determination test on their foetus, the results of which would be disclosed and the expectant mothers themselves subjected to government tracking and monitoring.

If implemented, the minister's proposal would violate the right to privacy of pregnant women as well as their right to have an abortion. It would move towards criminalising the woman and absolving the

medical industry of any responsibility for the skewed sex ratio in the country.

By allowing the sex of the foetus to be revealed in a society where there is an absolute 'desire' for having sons and a widespread aversion to daughters, such a policy would open the flood gates for more sex selective abortions, strengthen the female foeticide industry and further ensure the drop in sex ratios.

Making sex determination compulsory and subjecting all pregnancies to monitoring would violate Article 19 of the Constitution from where the right to privacy is derived and also from where I get my right to hold a view on whether I want to be pregnant or not or continue with a pregnancy or not. The Supreme Court in *Nira Mathur Vs LIC India* (1992) has held that

the right to keep a pregnancy private is a matter of the right to privacy.

Similarly, it also violates the right to have a safe abortion enshrined under the Medical Termination of Pregnancy law, where the only legal issue for an adult, mentally sound woman is whether she has been pregnant for less than 12 weeks. If Maneka Gandhi has her way, it is more than likely that the pregnancy police/monitor may not allow a woman to have an abortion, which may be legally her entitlement. It will end up criminalising the woman as she will be targeted for seeking an abortion, apart from making her seek unsafe abortion services.

It is important to emphasise that under the PCPNDT Act, it is sex selective abortion that is unlawful. The crime begins with doctors

violating the law by revealing the sex of the foetus and then carrying out a sex selective abortion. With her proposal, the minister is in a way decriminalising a section of the corporate medical industry which has facilitated the elimination of foetuses, shifting the burden on the woman.

Suppose Maneka Gandhi manages to ensure the installation of an ultra sound machine at every PHC/ CHC, even in those where basic facilities or labs are not available and the medical community agreed that every pregnancy needed to be subjected to an ultrasound test for foetal wellbeing, which is the cover for detecting the sex of the foetus.

Suppose too that we were to accept the view of the minister for a moment that the sex of every child should be disclosed to the mother. Then, we would like to ask her how the government would monitor the approximately 2.5 crore pregnancies – which is the average annual number of children born in the country? The same minister has failed to show in her 21 months in office how to use better monitoring to combat malnutrition in children, which was called a national shame by an earlier prime minister, or promote breast feeding, which is so essential for the nourishment of a child.

The idea of policing pregnancies will only further take away women's

freedom and the control over their bodies, and end up absolving doctors and hospital establishments, leading to criminalising women, and further offsetting the sex ratio in an already imbalanced situation.

It is imperative for the government to have an informed debate on the issue before it lets a minister derail the effort of 20 years of implementation of the PCPNDT Act.

<http://thewire.in/2016/02/03/no-minister-we-dont-need-pregnancies-to-be-policed-and-women-criminalised-20712/>

**Kavita Srivastava is National Secretary, Peoples Union for Civil Liberties (PUCL) □*

The second fortnight of February, 2016 has seen an explosion of state sponsored violent attacks on human rights defenders working in interior parts of Chhattisgarh's tribal regions of Bastar. The silent terror attacks against a team of young lawyers part of the Jagdalpur Legal Action Group, who have been providing high quality legal aid to the most impoverished adivasis caught in the fire between the state and the Maoists and suffering false prosecutions, long years in jail without trial and numerous untold violations of their fundamental rights started with threats by a variety of players, including local lawyers who have been preventing them from working as lawyers. When these silent measures were not sufficient to terrorise them enough to leave the area, on 18th February, 2016 the police picked up the owners who had rented their homes to the Jagdalpur group, terrorising them sufficiently to ask Shalini Gera and others to vacate their homes. A similar fate befell the house owner of Malini Subramanian who has also been the focus of attacks by police and others. On 20th February, Soni Sori, the doughty tribal rights activist was attacked by 2 motorcycle borne youth who threw a liquid substance on her face. At the time of writing this Bulletin, we hear that she is in hospital in acute pain and will most certainly need expert medical care. We shall follow this news in the next edition....

Editor

Is the Attack on Soni Sori Part of a Larger Plan for Bastar? **Shikohi Agarwal**

An atmosphere of terror prevails in Bastar in Chhattisgarh. Every update from the ground is chilling and reminds us that the administration is clearly against those who are trying to revive the corpse of democracy in the area. Four recent developments on the ground highlight how the state government is intent on hounding hope out of the region.

Adivasi activist and Aam Aadmi Party leader Soni Sori was attacked by some unknown assailants near Kodenar in Bastar on the evening of February 20. Three men forcibly stopped her vehicle on the road and threw some black substance on her face, causing intense burning and pain. She was taken to the Geedam hospital and later moved to

Jagdalpur hospital. Sori had been receiving continuous threats for her work to affirm the rights of the adivasis. In the past few months, several attempts were made to terrorise her. She was hounded by mobs. Her house was raided. She was issued death threats. On Saturday, the police asked her to vacate her house on the claim that the title to her house was defective. This was done even when no house in the area has been issued a patta by the state.

Lawyers evicted

This attack on Soni comes on the heels of the forced eviction of the Jagdalpur Legal Aid Group. The Jagdalpur Legal Aid Group, known as 'JagLAG', came into existence in July 2013 to do legal

research and provide legal help to the people of the Bastar, Dantewada, Kanker, Sukma, and Bijapur districts of Chattisgarh who regularly face imprisonment and false cases as a consequence of the state's counter-insurgency operations. Since then, they have been providing legal aid – a fundamental right guaranteed under the Constitution of India, to hundreds of tribals in the region. Due to their persistent work as people's lawyers they have managed to intervene in cases of blatant human rights violations and ensure the acquittal and release of many. However this has also resulted in the state administration vilifying them as 'Maoist supporters'.

A recent urgent appeal issued by

JagLAG on February 18, 2016, mentions how the police administration at Jagdalpur has been pressuring the landlord of the group's office to evict the lawyers. The landlord, who is a driver by profession, was taken to the local police station and his car was impounded. On being brought back by the police, he informed the lawyers that he had no option but to ask them to vacate the premises and office within a week.

On Thursday, the legal aid group released a statement that said, "All who are challenging the official narrative are being silenced. Social mobilisations are being orchestrated by the police to provide a cover to their illegal harassment of journalists, lawyers, activists... Unable to stop us from continuing our work here, the police have now resorted to threatening others associated with us."

Such intimidation of lawyers by the state deters them from performing their roles and is tantamount to obstructing the administration of justice.

With no place to work from, the group left Jagdalpur yesterday.

Scholar targeted

Apart from Soni Sori and JagLAG, the well-known scholar, Bela Bhatia, is also facing pressure to pack up and leave. A PhD. from the University of Cambridge, Bhatia lives in Bastar has been working for Adivasi women's rights. She was instrumental in getting the first FIR for sexual violence lodged against a security personnel in Bastar. As part of a team from Women against Sexual Violence and State Repression (WSS), she co-

authored a recent report on looting and sexual violence by the security forces in Bijapur, south Chhattisgarh.

Now, pressure on Bhatia to leave Jagdalpur is mounting. She was threatened and subjected to sloganeering of a self-proclaimed anti-Maoist group called the Samajik Ekta Manch. She approached various representatives of the local administration who while admitting the hounding was bad did not provide any assurance to put an end to the same.

Journalist hounded out

The ouster of JagLAG and the pressure on Bela Bhatia is chillingly similar to Malini Subramaniam's eviction.

Former head of the International Red Cross in Chhattisgarh, Malini Subramaniam is a journalist who writes about the region for Scroll.in. She extensively reported on human rights violations including tribal protests against police atrocities, allegations of sexual violence by the security forces and fake encounters in Bastar.

On February 7, she was warned by the Samajik Ekta Manch, to not tarnish the image of the police. They demonstrated outside her house, raising slogans like "Naxal samarthak murdabad" and "Bharat Mata ki jai". The same night, unidentified persons threw stones at her house and shattered her car's rear window.

The police took two days to register an FIR. Neighbours who supported Subramaniam's claims were threatened. A Scroll editor met the state CM Raman Singh and

requested him to intervene. Following this, the inspector general of police in Bastar, SRP Kalluri, and district superintendent of police RN Dash, visited Malini's house and assured her that the investigation would be fair and her family would be safe. They told her that she could continue her work without any fear.

However, SEM kept on demonstrating against her. Her landlord was summoned from Raipur to Jagdalpur by the police. Her domestic help was subjected to several hours of interrogation. A day later, she received an eviction notice from her landlord. By evening, the SEM was demonstrating outside her lawyer's house. Fearing for her safety, she left Jagdalpur.

The Big Picture

These attacks on journalists, the Jagdalpur Legal Aid Group, Bela Bhatia and now Soni Sori mean one thing – the small window that Bastar had to communicate with the world, to be heard, is being shut down ruthlessly. Prior to this, the administration has also put pressure on the Communist Party of India and its leaders and activists. The notorious Salwa Judum, which was banned by the Supreme Court following a PIL, is being revived in all but name. This makes it clear that what we are witnessing are not random incidents of violence but a larger, well thought out plan to silence the Adivasi population of the region.

Ref.: <http://thewire.in/2016/02/21/is-the-attack-on-soni-sori-is-part-of-a-larger-plan-for-bastar-22257/@22.2.2016>

Courtesy: *thewire.in*

Statement of Solidarity with the lawyers and activists who are being prevented from working for legal rights of tribal undertrial prisoners of Bastar on behalf of the civil society of West Bengal

The Jagdalpur Legal Aid Group (JAGLAG) was established by three freshly graduate lawyers and one young activist in 2013 with the purpose of representing tribal under trial prisoners who have been charged with sedition, often under the UAPA, the NIA, the Chhattisgarh Special Public Security Act and such other

draconian 'counter-terror' laws. Over the next few years they had represented several such undertrial adivasis, the news about one of them, Soni Sori, had also made national news.

Hostility against this Group has been on the rise from several quarters – the police, the Bar

Associations of the trial courts at Bastar et al. Ever since SRP Kalluri was posted as IG of Bastar Range, he has been hounding them out. From giving thinly veiled threats at press conferences that he is closely monitoring NGOs providing "legal aid to Naxalites", to informing their clients that they are about to arrest us for their alleged 'Naxalite'

activities, to claiming before visiting journalists and researchers that they are merely a "Naxalite front", he has been out to get them.

They have had police diligently investigating "anonymous" complaints that we are "fraudulent" lawyers. For which, they had to make multiple trips to the police station with all our impeccable certificates and sound credentials. Then the local Bar Association, clearly prompted by the police, took out a resolution prohibiting their practice in the local courts. They have countered this by challenging this resolution in the State Bar Council last October and obtaining an interim order allowing our practice. Unable to get at them any other way, now, the police are resorting to pressuring their landlord and his family.

Then, late night at 17th February 2016, the police visited their landlord- who is a driver by profession, and took him away to the police station. He was kept there till wee hours of the next morning, and dropped back in a police vehicle; his car having been impounded. Their badly shaken landlord informed them at 2:00 am this morning that he has no option but to ask them to vacate our house and office within a week.

On the same night, the police had also resorted to threatening others associated with us, with clear focus on those they perceive as 'soft targets'. Prachi, the young household help working at the house of journalist and academic Malini Subramaniam and Ashim Chowla's house was summoned to the police station twice on the same date for interrogation, and kept there for hours. Despite the clear letter of the law that women witnesses can only be examined at their place of residence, she was taken away to the police station late at night for questioning, much to the alarm of her family. She has been taken to the police station again this morning. Their landlord, who lives in Raipur, has also been summoned to come and visit the thana this morning. Owing to the pressure being put on her domestic help, Prachi, and her landlord, Malini left Chhattisgarh on the

evening of 18/02/2015 with her family.

On the same night, officials from the Nagar Panchayat of Geedam also reached Soni's house last night, and they were asking her about how long she has been living in her house and that she doesn't have a title to the house, and is built on encroached land. Soni informed them that the house has been there for 35 years, and the govt hasn't distributed pattas yet, and none of the other houses in the area have titles either. They told her that there is a complaint against this house being illegal and they are looking into it.

Yet again, on the same night, (18.02.2016), the landlord of the house where Isha and Shalini – the two-member lawyer-team that constitutes JAGLAG stay – was taken to the thana again, after which he pleaded with them to leave the house at the earliest - within a day or two. Seeing the immense pressure to which he was being subjected, they left Jagdalpur on 19.02.2016.

Again, on 19/02/2016, the police visited noted intellectual Bela Bhatia's house. They came into the house, took photos of the house and her Luna cycle and herself. They claimed to be from Parpa thana (the thana in whose jurisdiction her house lies), but then their vehicle had the sticker for Kotwali thana (the thana that the addresses of JAGLAG, Malini and Bela fall under, and the one that is hounding them all), and when confronted, they agreed they were from Kotwali thana. They said they need to take a "statement" from her landlord, and met with his family. The family informed them that he is in an office (works as a government servant) in Jagdalpur. The police team left saying they will go to the office and get his statement there. On the same date, a few hours after this happenstance, the same team arrived at her landlord's workplace and started questioning him regarding some random case and then asked him about Bela, her visitors, lifestyle etc. The lady constable took her landlord's photograph as well. Later in the evening, the police again went to

Bela's landlord's house and this time questioned the owner's wife about her.

Throughout the day on 19/02/2016, various policemen have been patrolling around the house where JAGLAG-team used to stay and work from, and asking people around us as to when they will leave, who has been visiting us and, whether Soni Sori or Sudha Bhardwaj are at our house.

Meanwhile, on the same date, in a press conference in Raipur, the SRP Kalluri, the IG of Bastar denied that any pressure was being applied by the police on JAGLAG or our landlord, and said that their eviction was simply a matter of personal dispute between tenants and landlords.

The timing of these events does not escape notice. This is coming at a time when the whole countryside of Bastar is on fire. Under the guise of anti-Naxal operations, the security forces are indulging in rape, pillage and plunder. With teams of women activists, JAGLAG, Malini, Bela et al have documented at least three cases of mass sexual violence in the past three months itself, where security forces have run amok in the villages, stripping women, playing with their naked bodies and indulging in gangrape, looting their precious food supplies, and destroying their homes and granaries. The number of so-called "encounters" is at an all-time high, people are simply "disappearing" from villages in large numbers, only to show up in the list of "surrendered" or "arrested" Naxalites several days or weeks later. The local police and administration are talking in one voice of "clearing" the area within one year.

In this scenario, all who are challenging the official narrative, are being silenced. Social mobilizations are being orchestrated by the police to provide a cover to their illegal harassment of journalists, lawyers, activists. When mass gangrapes in Bijapur were being uncovered, a group calling itself the "Naxal Peedit Sangharsh samiti" under the leadership of the ex-Salwa Judum leader Madhukar Rao, took out

noisy belligerent rallies against Soni Sori, Bela Bhatia and "outside NGOs", threatening all of them with physical violence if they entered Bijapur again. When Malini Subramaniam wrote about the fake surrenders of Maoists, or the fake encounters, a motley group led by the nephew of the local MLA, calling themselves the "Samajik Ekta Manch" launched a vilification campaign against her and began pelting stones at her house. When JAG tried to get her complaint of stones being thrown into her house registered, the Manch publicly declared JAGLAG as their next target, for defending "*Khoonkhar Naxalites*" (dreaded Naxalites) and going to villages inciting people against the state. The local Bar Association also renewed their fatwa against local lawyers working with the Jagdalpur Legal Aid Group despite the stay on their earlier fatwa (Resolution) by the Bar Council of Chhattisgarh.

Throughout 18th and 19th February, several media portals including Hindustan Times, the Hindu, Economic Times, theWire, Scroll, Yahoo™ News, the News Minute, Sabrang, Eye Art Collective et al and blogs across the country have covered these events, along with the magazine Caravan.

The Amnesty International has also carried these unfortunate happenstances in their website and has urged the Chhattisgarh government to ensure that the lawyers are able to carry out their professional duties without intimidation, hindrance, harassment or improper interference, in accordance with the UN Basic Principles on the Role of Lawyers.

A complaint on these events has been forwarded to the National Human Rights Commission by Human Rights Defenders Alert. The complaint has been made against the following:-

- 1) Members of Samajik Ekta Manch, Jagdalpur, Chhattisgarh
- 2) Mr. Madhukar Rao, from the "Naxal Peedit Sangharsh Samiti" under the leadership of the Ex-Salwa Judum leader
- 3) Superintendent of Police,

Bastar.

4) SRP Kalluri, Inspector General of Police Bastar Range, Chhattisgarh

In the complaint HRDA - India has very strongly urged the Hon'ble National Human Rights Commission to:

- 1) Immediately intervene in the matter and communicate with the Inspector General of Police - Bastar Range, Superintendent of Police, - Bastar, District Magistrate - Bastar asking them to prevent the local police officers engaging in harassment of women human rights defender and lawyers Ms. Shalini Gera and Ms. Isha Khandelwal.
- 2) Immediately and urgently send the NHRC Investigation Team to conduct an impartial and transparent investigation on the matter.
- 3) Look into the case and thereafter undertake urgent efforts to prevent them being evicted forcefully and illegally from Jagdalpur town and if required use the provisions of the Criminal Procedure Code, 1973 to protect law and order.
- 4) Ensure that lawyers Ms. Shalini Gera and Ms. Isha Khandelwal are provided with immediate and adequate police protection round the clock with inclusion of women police personnel in the team.
- 5) Ensure protection for them as they already have been threatened to be killed that if they go to the local court to practice which is to carry out their fundamental right.
- 6) Take immediate action on the perpetrators for issuing threats to human rights defender by arresting them and using all provisions of law to ensure that the defenders are not harassed, threatened or attacked in future;
- 7) Take immediate action on the perpetrators for issuing threats to human rights defender by arresting them and using all provisions of law to ensure that the defenders are not harassed, threatened or attacked in future;

- 8) Guarantee in all circumstances the physical and psychological integrity of the lawyers and women human rights defenders Ms. Shalini Gera and Ms. Isha Khandelwal who are still under risk of further severe reprisals from the perpetrators and provide a re-assurance of not engaging in such acts against HRDs; and
- 9) Put an end to all acts of attack and harassment of human rights defenders in the State of Chhattisgarh to ensure that in all circumstances they carry out their activities as defenders of human rights without any hindrances;

The entire civil society of West Bengal stands in firm solidarity with the Jagdalpur Legal Aid Group, with Malini Subramaniam, Ashim Chowla, Bela Bhatia, Soni Sori, Sudha Bharadwaj and every other group and individual who have been the few but ever-awake vigilantes of rule of law and Constitution throughout Bastar in light of the increasing 'counter-agency' measures that are being undertaken by the state with the purpose of securing the lands waters and forests of Bastar for the miners and industrialists through mass eviction of and torture that has affected each and every community-members of the forty two Gondi tribal groups who are the original inhabitants of the area.

In the face of re-launch of fascist force like Salwa Judum (held unconstitutional by Supreme Court), there has been a slew of cases where conscious keepers and vigilant individuals have been subjected to torture, threats and eviction. Lawyers such as Isha and Shalini of Jagdalpur Legal Aid Group, Journalists and academicians such as Asim Chawla, Malini Subramaniam, Bela Bhatia and Soni Sori have been threatened. We fear such crackdowns by state are to ensure that the region is free of any witness, as more violent agendas are in the pipeline. Such acts of coercion, threats and eviction are instruments through which the state is trying to dismantle a system of checks propped up by

democratic society and poses a serious threat to democracy in India. Chhattisgarh records one of the highest population of poor adivasi under trial prisoners. Jagdalpur Legal Aid lawyers were mostly representing such persons before the court, thereby they were engaged in an effort to secure Right to lawyer, Right to fair trial that every person in India enjoys as their fundamental rights. State also has a duty to protect such rights. It is in this context, that the failure of the collector and SP to protect the lawyers who were giving free legal aid where adivasis hardly receive any legal aid, betrays the very spirit of the constitution and the criminal justice system.

In this context, the civil society of West Bengal, having expressed their support and solidarity with all lawyers, activists, journalists, writers and intellectuals as well as

with the tribal populace of Jagdalpur who have imperilled their very existences to safeguard rule of law and uphold the Constitution in Bastar. We welcome the fast action taken by several journalists and human rights groups spread across the country so as to ensure that these events do not go unrecorded by the media. We also support the NHRC complaint filed by Human Rights Defenders-Alert and the statement issued by Amnesty International in this regard.

We also express our gratitude to the National Human Rights Commission for having taken immediate action on the report by sending notice to the Director General of Police, Bastar.

We protest the absolute breakdown of rule of law and the Constitution in Chhattisgarh and are shocked at the inability of Collector, SP (and other officers of the executive wing

of the government) to protect officers of court such as Shalini and Isha from threats from fringe elements and express our anger at the continuous harassment faced by officers of court, while state machinery remains silent. We express particular dismay at the brutalities unleashed by the IG of Bastar in the entire of the region and the reign of terror that prevails in the name of counter-insurgency. We place this appeal before the Nation of India and before all the people of India who have adapted, enacted and given to ourselves the Constitution of the country to uphold rule of law in Bastar and to support the activists, journalists and lawyers who has been working for and out of Bastar and its people. In Solidarity, the civil society of West Bengal □

PUDR Statement: 3rd February 2016

The Police must be held Answerable for the Sangam Park Riot of 31st January

People's Union for Democratic Rights (PUDR) strongly condemns the police's role in the outbreak of riots between members of the Valmiki and Muslim communities, in the Sangam Park area in North West Delhi, on 31st January, 2016. PUDR's investigation into the incidents of 30th and 31st January, and meetings with residents and the police on 31st January and 1st February clearly establish the police's culpability.

1. The genesis of the incident is reported to lie in tensions sparked off on the previous day, 30th January, by a Muslim boy's allegedly having forcibly entered his Valmiki neighbour's house, and grabbed the latter's minor sister by the hand. He was beaten up by her brothers, who are members of a local organisation called the Valmiki Group. Following an altercation between the two families the accused was taken to the Sangam Park police chowki in B block, at about 8.30 pm. He was beaten outside the police chowki as well, even as a

crowd built up. Anti-Muslim abuses were hurled which were meant to incite, and allegedly a call went out from the Valmikis to start collecting bottles etc. Members of the two communities clashed near the police chowki, and there was some stone pelting. Skirmishes were allowed to continue uninterrupted till about 12.00 pm when an FIR was registered and the accused boy arrested. What is apparent is that the police did nothing to disperse the crowds and prevent the communal tensions that continued for over three hours.

2. The following day, on Sunday 31st January, when the locality was tense and Muslim shop owners had downed shutters, the police gave a call for an amity meeting between the two communities at 3.00 pm at Valmiki park, located almost right opposite the Sangam Park police post. About 200 Valmikis congregated at the Park. Hardly any of the Muslims showed up. The DCP

however did not arrive as per schedule, and a Constable asked the residents to wait, and left. At about 3.45pm the Valmiki mob surged towards the masjid. Despite the chowki being located less than 100 yards, the local police did not intervene, ignoring the urgent pleas by local residents who rushed to the chowki as soon as the unrest began.

3. It was only when the situation went out of hand with about 300 people in the street, and bottles and bricks being hurled, and vehicles damaged, that the police acted. Reinforcements were called in. The police arrived in large numbers, in about 12-15 jeeps and at least one bus. There were over at least 250 policemen in riot gear, and tear gas shells had to be fired to disperse the crowds. The police managed to bring the situation under control by about 5.30pm. The DCP North and DCP North West had arrived at the scene by 6.00pm.

4. As a result of the police inaction, reportedly about 30

people were injured, some with head injuries sustained from the shattering glass bottles and bricks. The surrounding houses and vehicles, predominantly Muslim, were targeted. Two motorcycles were burnt and several other vehicles damaged. Reportedly, some shops were vandalised. There was some retaliation from the Muslims, primarily in an effort to prevent the mob from breaking into the masjid and into houses and shops.

5. Many Muslim families, especially women and children left the area on 31st evening, hurrying away with bag and baggage, even as the higher police officials were conducting meetings. On the afternoon of 1st February, Muslim residents were being asked by the police to reopen their shops and get their families back. We however learnt from the residents that those who had left were not returning in a hurry as they still feared for their safety.
6. Residents across communities have claimed that outsiders had been brought in, and the violence was organised. The Additional DCP however had no explanation to offer on how and why the situation escalated into a riot 16 hours after the alleged incident of molestation, or why the local police failed to control it.

7. The police has filed an FIR into rioting and arrested eight people across communities. Some of those named in the FIR are absconding. Residents alleged that the ones to be picked up were those who were injured, and went to the hospital to get MLCs registered and for medical aid. The locals said that 9 Muslims, and 6 Hindus have been named. However this could not be confirmed, as the police refused to divulge either the total number accused, or the community wise break-up of the arrested and accused. The explanation given was that we would interpret this information incorrectly. From this we surmise that the greater number of those arrested are Muslim.

PUDR believes that the following questions all signal towards the police's responsibility for the riot:

1. Why did the police call an amity meeting on 31st afternoon, after the issue had been settled with the arrest of the accused?
2. Why were the Valmiki residents allowed the opportunity to congregate in such large numbers, so close to the Masjid, given the previous day's tensions?
3. Why did the police not anticipate such an attack given the disparity in numbers in Sangam Park with 70% Valmiki residents as against 25%

Muslim?

4. Why was there no adequate police protection at Valmiki park?
5. Why did the police not take immediate action when trouble started?
6. How did such a ready supply of bottles and bricks become available in such large quantities?

In the course of the fact finding PUDR learnt that there is a growing lumpen element amongst Valmiki youth in the area, which has patronage across party lines. One such organisation is the Valmiki Group. Its members organise prabhat pheris, do body building, and are alleged to have had a hand in orchestrating the riots. It is noticeable that the police's actions on 30th and 31st January gave a free hand to the Valmiki community. PUDR perceives in these incidents a troubling lumpenisation of the Valmiki community, and a disturbing attempt at area domination vis a vis the Muslim population.

In this context, PUDR demands:

- An independent investigation into the incident.
- Action against the local police.
- The Minorities Commission take up the case.
- Compensation to all those injured, and whose property has been damaged.

Deepika Tandon, Moushumi Basu, Secretaries, PUDR □

TN& Puducherry PUCL:

PUCL statement on premature release of Veerappan case prisoners in Karnataka

We are welcome the decision of Karnataka govt for premature release of life convict who had served more than 14 years in jail. But four detenues in the Veerappan case Meeesai Mathaiyan, Pelaventhran, Simon, Gnanapragasam are languishing in Karnataka prisons for more than 21 years under TADA case conviction. Two years back the SC commuted their death penalty to life

imprisonment. We understood that they are maintaining good record during their stay in prison. Sandal wood smuggler Veerappan issue already over. The said persons arrived as accused in the case by circumstances. Almost all are very aged people and physically and mentally ill. Despite case of conviction was under TADA state govt can initiate effort for detenues premature release in consultation

with the Central Government. Hence we urge the Karnataka state government to kindly consider as a special case on humanitarian grounds to release the above hapless prisoners who have spent more than two decades in Karnataka jails.

S. Balamurugan, General Secretary, PUCL Tamilnadu & Pudhucherry. □

Press release:

Amnesty International Human Rights Award 2016 goes to Henri Tiphagne

Award ceremony to be held on April 25 at the Maxim Gorki Theatre in Berlin, Germany

BERLIN, 25 JANUARY 2016

Indian lawyer and human rights defender Henri Tiphagne will be awarded the 8th Human Rights Award by Amnesty International Germany. The award, which will be presented at an official ceremony on April 25 at the Maxim Gorki Theatre in Berlin, is a recognition of Henri Tiphagne's exceptional commitment to human rights. "For many decades now, Henri Tiphagne has been tirelessly and bravely standing up for human rights. His organisation's invaluable work includes campaigning against discrimination and the use of torture in India," Amnesty International said in a statement. "Henri Tiphagne and his organisation *People's Watch*, while fighting to ensure the rights of others, are themselves being harassed and hampered in their work by the authorities. And there are other civil society organisations in India that are in a similar position. The award is therefore meant to send a strong signal of support to the whole of the Indian human rights movement," adds Selmin Çalıkan, Director of Amnesty International Germany. Henri Tiphagne is the founder of the organisation *People's Watch*, one of the most notable human rights organisations in India. *People's Watch* has been researching and

documenting human rights violations, as well as providing legal representation to those affected, for over 20 years. The organisation also actively supports human rights education: In 1997, Henri Tiphagne founded an institute offering training for teachers as well as mentoring around school human rights education programmes. So far, they have managed to reach out to around 500,000 children in 18 Indian states. In recent years, many organisations have come under intense pressure by the Indian government, and *People's Watch* is no exception. The organisation's bank accounts have been frozen repeatedly since 2012. This meant that some employees had to be dismissed and many programmes needed to be abandoned. The Delhi government in power at the time used the Foreign Contribution Regulation Act to justify this kind of harassment. A complaint filed by *People's Watch* against these government actions is still pending. The same legal framework is being instrumentalised for political ends by the current government under Prime Minister Narendra Modi. Those targeted by the authorities include non-governmental organisations as well as activists and local protest groups

campaigning, for example, against forced evictions to make way for new coal mining projects. Whenever activists and organisations are forced to limit the scope of their work due to this kind of harassment, human rights such as the rights to freedom of expression, assembly and association are under threat. The Human Rights Award is presented by Amnesty Germany every two years in recognition of individuals or organisations campaigning for human rights under very difficult conditions. With the award, Amnesty International aims to honour and support the awardees' exceptional human rights commitment and raise awareness of their work amongst the German public. The award is endowed with 10,000 Euros, provided by Amnesty Germany's foundation *Stiftung Menschenrechte, Förderstiftung Amnesty*. The Human Rights Award will be presented for the eighth time in 2016. Former award recipients include: Monira Rahman from Bangladesh (2006), Women of Zimbabwe Arise from Zimbabwe (2008), Abel Barrera from Mexico (2011) and Alice Nkom from Cameroon (2014).

Press Office of Amnesty Germany. □

FORM IV

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I, V. Suresh, hereby declare that the particulars given above are true to the best of my knowledge and belief.

March 1, 2016

V. Suresh, Publisher, *PUCL Bulletin*

Rohith Vemula and Steve Biko: Implications of a Tragedy Pushkar Raj*

Rohith Vemula's 'social murder' early this month is in some ways similar to the political murder of Steve Biko by the South African regime, in the aftermath of Soweto student uprising, at the height of apartheid oppression in 1977. There, the collaborating institution was the apartheid police; here, close home, it is Hyderabad Central University.

Steve Biko, the young leader of the black consciousness movement, was an outstanding critique of the white supremacy and apartheid. Rohith was at an ideological war with the brahmanical supremacy and its various organizational offshoots including RSS, ABVP and the ruling regime at the centre.

Death of Steve Biko galvanized South African youth to come out, organize and form the United Democratic Front- an anti-apartheid umbrella group. Inspired by the ideology of black consciousness under the banner of UDF, the new leaders emerged leading the nation into the turbulent eighties and liberation in early nineties. It would be a fitting tribute to Rohith Vemula, if something similar emerges and spreads across India to decrease the social exclusion and suffering for an average Dalit student that he/she goes through in the system today.

Rohith's death is symptomatic of a larger disease in the contemporary Indian society that has crept into it in recent times. Hindu rightist affiliated forces have arrogated to themselves the authority and

power to put lid on an individual's freedom to think, express and disagree. Anyone who does not conform to their archaic, patriarchal, discriminatory and exclusive world view is termed 'anti-national'. It is a term which is empty, emotive and open to interpretations and relates to an abstract entity than a mass of people. One may be insisting on justice-social, economic, political- for the people but still be dubbed anti-national by them.

Steve Biko's murderers were let off lightly despite clinching circumstantial and photographic evidence. The apartheid system was so insensitive, arrogant and unjust that it thought, it could get away with it. Sensitivity and justice to it was the sign of cowardice. Same is happening in Rohith's case.

Confronted with the protesting students, the Prime Minister of the country resorts to symbolism to respond to the tragedy of Rohith's death as if he was never a real 'human being' who did not matter, except in relation to '*maa bharti*', an abstract entity. At the same time, the foot soldiers of '*maa bharti*' continue to be in office and assert that it is not a Dalit issue. On top of it a section of mainstream and social media has started Rohith's identity assassination, killing him over again.

The angry Dalit students' demonstrations all across India suggest that there is a deep rooted discrimination against the Dalit

youth in the educational system. These are the students who spontaneously identify with Rohith Vemula. The student protests are indicative of emergence of a new youth amongst Dalits- those who are, aggrieved and assertive.

Dalit students now understand that mainstream student organisations can neither give them space nor articulate their aspirations. They will have to be at their own, not at the mercy of so called liberals.

It is time for Dalit youth to create a new vocabulary of Dalit reality and empower their community. In their fight against the oppressive Indian social system they require an alternative narrative such as black consciousness in South Africa.

This narrative, as it did in South Africa, should ensure that by being described as Dalit they start on a road to emancipation; they commit themselves to fight against all forces that seek to use caste as a stamp that marks them out as an inferior being. They must organise as a group in order to cast away themselves of the chains that bind them to continuous victimhood.

What Dalit youth require now is solidarity of enlightened amongst them. They need an ideology (different from critique of Hinduism) with a pan Indian character, binding them across the regions that liberates them first psychologically and induces them for a lasting action.

Rohith Vemula's birth anniversary today should serve as a starting point to that direction.

**Pushkar Raj is a Melbourne based writer. Formerly, he taught political science in Delhi University and was the National General Secretary of People's Union for Civil Liberties (PUCL) India. He can be reached at raajpushkar@gmail.com*

Dalit Suicides: Socio-Historical Facts and Remedial and Corrective Measures

Clearly, these suicides are the outcome of Indian Caste System-with-"Untouchability", still omnipresent and omnipotent, and not a thing of the past, confined only to some remote areas.

P.S. Krishnan*

The significance of what led to Rohith Vemula and many other students belonging to Dalits, Adivasis, and also Socially and Educationally Backward Classes

(SEdBCs) to end their life can be understood on the background of socio-historical facts.

Clearly, these suicides are the outcome of Indian Caste System-

with-"Untouchability", still omnipresent and omnipotent, and not a thing of the past, confined only to some remote areas. This menace prevails everywhere, to

deprive SCs and STs, and to some extent also SEEdBCs, of all opportunities; to keep SCs as agrestic slaves/serfs in the past and agricultural laborers and urban unorganized workers now; STs in their remote homelands in vulnerable conditions; and SEEdBCs in their traditional position of self-employed artisans, suppliers of marine food, service-providers and tenants without any rights. Atrocities are being committed regularly against SCs and STs, as an extension of “untouchability”, to tie them down into submission unconditionally.

Pt Nehru referred to SCs as India's agricultural proletariat. Unfortunately, when he came to power, he did not do holistically and comprehensively what needed to be done to release them from that plight. Limited land-reforms gave some power to former tenants, but very marginally touched landless agricultural labourers.

The same neglect continued in the Centre and States, irrespective of differences of governments and ruling parties. Though limited benefits were made available to them, transformation of society and social relations was not attempted. Part of the limited benefits became available on account of pressures and agitations of these three deprived classes.

On account of limited developmental and welfare measures, mainly on account of reservation (introduced in 1943 at the Centre for SCs, which was later extended to STs after Independence) and the Post-Matric Scholarships (PMS), the SCs and STs made some educational progress and entered the sphere of higher education to the chagrin of upper castes.

Their entry into professional institutions, with the aid of reservation and in some instances, which are growing, through merit lists, as in Rohith's case, made the upper caste elite feel threatened. They could not bear children of erstwhile labourers and bonded-labourers, denizens of forests and remote plateaus, and of providers

of services, becoming their equals. They try to do everything to undermine and reverse the Ambedkarite nationalist, egalitarian, humanist path of equality and advancement of deprived classes shoulder to shoulder with socially advanced castes.

Along with governments and major party leaders and the social elite, belonging predominantly to upper castes, the respected professors, also predominantly of upper castes, too inherited from the past the same mindset. This transferred to higher educational institutions the treatment which was traditionally accorded and is being accorded in villages and towns to the SCs, STs and SEEdBCs. This is an automatic process. It made institutions oppressing and suffocating spaces for Dalit students. When they protest, they are taught lessons through harsh punitive and disciplinary measures like expelling them from hostels and other common places of the institutions and stopping their stipends, harking back to the caste-based social and economic boycotts of the past. It is easy for educational institutions to do this to the children of agricultural and bonded labourers.

Many of the HCU suicides in the last 10 years (6 of the SC and one of ST) could have been prevented

1. If the strengthened SC and ST (Prevention of Atrocities) Amendment Act 2015 had been passed and effectively implemented from the time I first pushed for strengthening the original Act of 1989 – some of its provisions including social and economic boycott can apply to Rohith's case –
2. if action had been taken as soon the early cases of suicides emerged in the campus.
- Rohith could have been saved if Prof. V. Krishna Committee's Report, after the suicide of Venkatesh in 2013, had been fully implemented.
3. If legislation for reservation in private medical and other

professional educational institutions had been passed in 2006 along with the Central Educational Institutions (Reservation in Admission) Act or as a separately legislation, in obedience to the Constitution (Ninety-third) Amendment inserting Clause (5) in Article 15, containing strong regulatory and monitoring frame for fees, etc.

It would be appropriate for the then PM Dr Manmohan Singh and important ministers like P Chidambaram and Kapil Sibal to explain why the private sector part of the Bill was detached from the Bill prepared by the HRD Ministry under the late Arjun Singh covering both government and private educational institutions or why a separate Bill was not introduced for reservation in private sector educational institutions, facilitating collection of extortionist fees by them, which led to suicide of three SEEdC girl-students in Tamil Nadu on 23.1.2016 and the little noticed suicide of a poor Madiga (SC) student in Vijayawada.

What should Government do now?

- i. In Rohith's case, diligently pursue due process and allow the POA Amendment Act to take its course expeditiously.
- ii. Rehabilitate fully the survivors of the present tragedy and previous tragedies.
- iii. Undertake a national campaign, vigorously and persistently led by PM, calling for an Achuti-Mukth Bharat, Atyachar-Mukth Bharat, Asamanata-Mukth Bharat and Jati-Vyavastha-Mukth Bharat, like his campaigns for Swatch Bharat and Beti Padhao, Beti Bachao, bringing the Chief Ministers to lead State campaigns.

The anti-“untouchability” campaign part of this should be given the highest priority. The PM and other leaders need to tell the people, particularly the upper castes that caste system is evil, anti-national and a national shame, and that they should cooperate with the Dalits,

Adivasis and SEEdBCs in creating an egalitarian caste-free society for India's rapid progress.

Human rights education, with anti-caste focus, should be introduced in all educational institutions, including those for teachers training and training for IAS, IPS etc services. Teachers should be taught to behave like parents towards students and concerned and solicitous parents towards SC and ST and other students from deprived background.

iv. An independent Ombudsman/Lokpal-like authority, not accountable to principal/vice-chancellor or any ministry, should be set in every university, IIT, IIM, etc. and other professional and other educational institution to receive complaints and issue orders binding on all authorities, including suo-motto corrective orders to any teacher or officer whose conduct towards SC, ST and SEEdBC students deviates from the standard. Persons selected to man these Authorities should be reputed to be impartial and devoted to Social Justice, and should be apolitical.

v. A legislation should be enacted on elimination of casteist, "Untouchability"-based and discriminatory and biased behavior towards students of SCs and STs and other vulnerable classes and categories, similar to the Act for prevention of sexual harassment of women at workplaces.

The Act should contain strong penal provisions and institute independent enquiry system (could be the Authority referred to above) and provision for severe punishment.

Dalit and Adivasi student representatives and teachers and impartial experts concerned with

social justice should be consulted before finalizing the Act.

The present government has till now been following the previous government's footsteps in the non-enactment of legislation for reservation in private educational institution. It should immediately introduce such a legislation to prevent future suicides and other harassments, incorporating fee regulation and probation of delaying or stopping stipends/scholarships/fellowships, and non-collection of fee from Dalit students directly and instead its payment by the Government to institutions, and other regulatory measures and monitoring system.

The government should take a holistic picture not only of suicides but also every form of harassment and humiliation being inflicted on SCs, STs and weaker SEEdBCs.

This is an emergency and should be treated as an emergency. Failure to do so will hamper India's optimal progress and the various goals that the Government has laid down for this purpose. There is no time to lose.

With my 6 ½ decades of experience in social justice for SCs, STs and SEEdBCs and their women and children, I am in a position to give all necessary help and support without any remuneration.

**The author is a former Secretary to Government of India, in service from 1956 to 1990, and is active in the field of Social Justice for SCs, STs and SEEdBCs and their women and children for more than six-and-half decades, within Government, before entry into Government, and after retirement, and he has been responsible for many legislations and programmes for them like the Special Component Plan for Scheduled Castes (SCP), enactment of the SC and ST (Prevention of Atrocities) Act 1989 and the SC and ST (POA) Amendment Act 2015, provision of reservation for SEEdBCs at the Centre, etc.*

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