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Press Statement: 16<sup>th</sup> July.2017

**PUCL Condemn the Criminal Complaint against AIB and its Founders!**

**Indian Police and Politicians Need Humour Appreciation Training!!**

The PUCL condemns the action of Mumbai Police for registering on 16<sup>th</sup> July, 2017 a criminal case of defamation and obscenity against the comedy group, 'All India Bakchod' (AIB) for allegedly caricaturing the PM, Narendra Modi. According to the police AIB had on Thursday, 15<sup>th</sup> July, tweeted a picture of a Modi look-alike standing in a railway station, peering into his phone and a special effects app which allows users to add a dog's nose, ears and tongue over their face while taking a selfie or other photographs. The tweet carried the hashtag "#wanderlust" apparently referring to the frequent foreign trips of the PM.

The Mumbai police registered the FIR, reportedly based on the complaint of a Twitter user on charges of 'defamation' under section 500 of the IPC and "publishing / transmitting obscene material in electronic form under section 67 of the Information Technology Act.

The alacrity of the Cyber Cell of the Mumbai Police to so quickly register a FIR against AIB is to put it mildly, bizarre, unintelligible and senseless. It escapes common sense and is baffling how the twitter picture of a Modi-look alike fully clothed, standing in a railway station, can amount to being "*lascivious or appeals to the prurient interests of or tends to deprave and corrupt persons*", which are all ingredients to establish an offence under section 67 of the IT Act. It is also inconceivable that the Mumbai police do not know that an offence of defamation under section 500 IPC cannot be registered by the police but requires a private criminal complaint to be filed before the Magistrate's court.

So how do we explain what appears to be a clear and gross abuse of law by the police against the comedy group? Is it merely a bona fide mistake in understanding the law? Or is there a more sinister purpose behind the police's action?

The present action of the Cyber cell of the Mumbai police will have to be seen in the backdrop of recent history of police action against creative artistes lampooning ruling party leaders in different states. In Maharashtra itself the police quickly registered cases against cartoonists like Aseem Trivedi and

*Contd. on page 2*

**Announcement for the PUCL National Council Meeting**

Dear All,

The next National Council Meeting of the PUCL will be held in Gandhi Peace Foundation, Delhi on 18<sup>th</sup> and 19<sup>th</sup> November, 2017 (Saturday & Sunday). All National Council Members are requested to attend the meeting

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

*Contd. from page 1*

against 2 young girls for FB posts at funeral of Shiv Sena leader Bal Thackeray. In West Bengal CM Mamta Banerjee got a Jadavpur University professor arrested for comments about the government's policies. In all these cases, the attempt of the police and their political masters was to stifle and silence any form of criticism of their rule and to crush any form of dissent. The inability and intolerance of the ruling political class to appreciate political satire and humour is accompanied with a savage venality to abuse criminal law by arresting and prosecuting creative artistes, writers, cartoonists and others. Unfortunately, the police, who have a professional duty to abide by the law and the Constitution, fail in their duty. The police is expected not to blindly implement whatever is asked of them but to advise their political masters on what is and what is not permitted in the law. Thus by consciously and willfully abusing the law by launching questionable prosecutions the police not only turn accomplices to the abuse of criminal law but end up silencing and crushing creative criticism, generation of a critical discourse about social and political events and political dissent. This is not the first time the AIB has been targeted with criminal cases; previously when they lampooned Bollywood celebrities they were criminally prosecuted and also threatened with violence. If a well

known group such as AIB can be targeted so blatantly by the Police agencies, then the fate of ordinary citizens can be well imagined when they exercise their freedom of expression.

It will not be out of place to point out that India has a long tradition of cartoonist lampooning political leaders. Morarji Desai as PM was depicted as a rooster, Rajaji as a cobra, SP Mukherjee as a got and Sheikh Abdullah as a lion.

PUCL decries the actions of the Police against those who venture to hold or express opposing opinions, including through use of humour. The PUCL also believes that such misuse of the powers under CrPC given to the Police puts serious questions regarding credibility and impartiality of the Police agencies, and is not in the long term interest of the nation. The actions of the Maharashtra Police are intended to have a "chilling effect" on Indian citizens constitutionally ordained right to free speech and expression.

The PUCL calls upon all citizens to continuously remain vigilant and oppose all anti-democratic and anti-human rights actions and decisions of the Government (both Central and State) so that our precious fundamental rights and freedoms are not crushed, weakened and denied. Ironically the Mumbai police seem not to have noticed the PM's twitter of 14<sup>th</sup> January, 2017 saying "***I think we need more satire and humour. Humour brings happiness in our***

***lives. Humour is the best healer***" and a further tweet in March, 2017 saying "***We surely need more humour in public life!***"

Worldwide the trend is towards greater transparency and an open society with humour used as a key tool to raise political debate. Ironically, in India we seem to be regressing, with more and greater political intolerance to free speech and humour and becoming more repressive than it was during the colonial regime!

Very clearly, the police in India need to have `humour sensitivity training'!

PUCL Demands:

1. The FIR against AIB must be withdrawn immediately and due disciplinary enquiry must be conducted against police officers involved in abuse of the law by registration of FIR No. 50/2017 Cyber Police Station, Mumbai.
2. Criminal action must be initiated against the *de facto* complainant under Section 182 and 211 IPC for filing the false complaints against AIB.
3. The Parliament and the Law Commission of India through their appropriate mechanisms must look into the issue of misuse of Section 499/500 IPC (Criminal Defamation) and Sections of the IT Act such as Section 67, and appropriately modify/amend/ repeal them.

**Ravi Kiran Jain**, President, PUCL;  
**Dr. V. Suresh**, General Secretary, PUCL □

Press Statement: 15<sup>th</sup> July 2017

## **PUCL Condemns the Killings of Amarnath Yatris!**

PUCL strongly condemns the recent killing of 7 pilgrims from Gujarat and Maharashtra near Anantnag on the Jammu-Srinagar highway by armed militants who shot at the bus they were travelling in. The killings of unarmed civilians, returning from a pilgrimage to the holy site of Amarnath can in no way be justified or accepted. PUCL expresses its grief over the killings and extends its condolences to the families of those killed and wishes speedy recovery of those who were

injured during the attack.

What stands out is the timing and the fact that the targets were chosen so as to divide the communities further along communal lines, both in the valley and also in the rest of India. It is a tribute to the people of the Valley as also elsewhere in India, that the intention of the killers was not achieved. Public opinion inside the valley and outside overwhelmingly condemned the killings. Spontaneously, many groups, both inside the valley as also outside

both opposed the killings and also called upon all sections to maintain peace and communal harmony.

While PUCL firmly condemns the shooting incident and the killings and acknowledges the constitutional duty and responsibility cast on the Governments to protect the life of all people, PUCL nevertheless asserts that all counter-measures adopted by the Government should adhere strictly to the rule of law, including the core principles of

criminal and constitutional law and the specific standards and obligations of international human rights law, and, where applicable, humanitarian law. It should be noted that these principles, standards and obligations, as constantly affirmed by the Supreme Court, define the boundaries of permissible and legitimate State action against extremism and terrorism.

PUCL once again reiterates that the problem of Jammu and Kashmir

is a political problem and that any lasting solution can be reached only by finding political solutions agreeable to all concerned. PUCL hopes that the State and Central government will not engage in any knee jerk and reckless actions, and deal with the situation with the maturity, sense of balance and farsightedness it demands. They must not be swayed by impulsive calls by some groups and individuals for brutal retribution, which could lead to further

alienation of the people of Jammu and Kashmir. PUCL also calls upon the Government of India to adopt a more conciliatory approach and create a congenial atmosphere in which to initiate, foster and encourage dialogue with and amongst all sections of Kashmir valley and all other stakeholders. That's the only way peace can return to the valley.

**Ravi Kiran Jain**, President, PUCL; **Dr. V. Suresh**, General Secretary, PUCL □

## Minorities: A Sacred Trust

**Anti-HYPERLINK "<http://www.newsexperts.in/tag/anti-religion/>" religion Equal Opportunity Commissions Hindu Majority Junaid murder minorities Not in My Name Rajindar Sachar**

The guilt of fiendish murder of Junaid cannot be sidelined by Hindu Majority under the slogan of "Not in my Name". In fact Hindu majority will continue to be held guilty so long such devilish acts continue. These acts are a shame on our constitution and this challenge has to be met frontally.

The recital in the preamble to the Constitution that India is a secular state means that no religious group (including Hindus) can claim any special dominant position or status in the country.

Secularism does not signify Anti-Religion. In India people fervently believe in their respective religions and overwhelming number of persons of all communities give equal respect to the religion of others. Secularism signifies giving equal dignity and respect to all religions. Of course it goes without saying that Indian State has no religion of its own, nor for that matter can any religion claim superiority over another religion as by resorting to false premise that any religion in the Country is indigenous while others are foreign. This is heresy not permitted by our constitution, which gives equal reverence to all the religions practiced by various communities of India.

As put expressed succinctly by Lord Acton as follows: "A state which is incompetent to satisfy

different races condemns itself; a state which labours to neutralize, to absorb or to expel them is destitute of the chief basis of self-government"; we need only substitute minorities for races to in the above quotation to apply the test in India.

Supreme Court when it said; [Dr. Ismael Faruqui Vs. Union of India, 1994 (6) SCC 360];

"It is clear from the constitutional scheme that it guarantees equality in the matter of religion to all individuals and groups irrespective of their faith emphasizing that there is no religion of the State itself."

Posing the question what is the purpose it referred with approval to the test laid down by Lord Scarman of House of Lords UK;

'The purpose of the law must be not to extinguish the groups which make the society but to devise political, social and legal means of preventing them from falling apart and so destroying the plural society of which they are members.'

Thus inclusive development in India and for that matter in any country alone is the path to prosperity. It is an undeniable truth and needs to be irrevocably accepted by all in India, namely that minorities, Muslims and Christians are not outsiders. They are an

integral part of India. Let me quote what Swami Vivekanand (who even worst of RSS idealogue will not deny that Swami Ji was one of the greatest spiritual personality of India) has to say of the intimate connection between the spirit of Islam and Hinduism thus, "He also told Hindus not to talk of the superiority of one religion over another. Even toleration of other faiths was not right; it smacked of blasphemy. He pointed out that his guru, Sri Ramakrishna Paramhansa, had accepted all religions as true. Swami Vivekanand in fact profusely praised Islam and in a letter to his friend Mohammed Sarfraz Hussain (10 th June 1898) without any hesitation wrote "therefore I am firmly persuaded that without the help of practical Islam, theories of vedantism, however fine and wonderful they may be are entirely valueless to the vast mass of mankind. For our own motherland a junction of the two great systems Hinduism and Islam – Vedanta brain and Islam body – is the only hope..... the future perfect India."

There thus can be no real progress in India which does not include minorities, Muslims, Christians as equal stakeholders. It needs to be emphasized that development and growth in the country has to be all inclusive – the mode of development must necessarily take

into account the needs and sensitivities of Minorities, Dalits, Tribals in India. This was reaffirmed and emphasized recently by the Socialist party (India) which is inspired and follows the philosophy and programme of Shri Jaya Prakash Narain and Dr. Ram Monohar Lohia, thus; "that they must be treated as a special trust and there is an urgent need to attend to their problems immediately."

The report of U.N. Human Right Council, Forum on Minority issued on 14-15<sup>th</sup>, December 2010 has mandated as follows;

"The Council emphasizes; "Consequently, the right of minorities to participate effectively in economic life must be fully taken into account by governments seeking to promote equality at every level. From implementing non – discrimination in employment and enforcing protection laws in the private sector to developing national economic development and international development assistance

schemes."

The basic task is to reconcile the pluralism which then exists in that State, and the need to respect the identity of the various groups, with the overall concerns of non-discrimination, equality, national security, territorial integrity, and political independence.

The Minorities especially the Muslims have been the ignored factor by all Central Governments. It is not understood why since Prime Ministers High Level committee Report was given in November 2006, and which had recommended the establishment of Equal Opportunity Commission as an instrument to prevent discrimination against Minorities in the private sector like housing, employment, (since courts cannot interfere in discrimination in private sector) this recommendation has been inexcusably violated and also remained in cold storage.

Thus inclusive development in the country alone is the path to prosperity. It is an undeniable truth and needs to be irrevocably accepted by all in the country that

minorities, Muslims and Christians are not outsiders. They are an integral part of India. There can be no real progress which does not include minorities, Muslims and Christians as equal stakeholders in the country. I cannot put it better than what Sir Sayyed Ahmed Khan, one of the greatest leader of our country had to say over a century back. Gandhiji repeated it in 1921, and also in another prayer meeting at Rajghat on 24<sup>th</sup> March 1947 thus; "In the words of Sir Sayyed Ahmed Khan.....I would say that Hindus and Muslims are the two eyes of mother India just as the trouble in one eye affects the other too, similarly the whole of India suffer when either Hindu or Muslim suffer."

This puts a sacred obligation on the majority to fight for justice to minorities like Junaid.

I can do no better than end with a quotation from the well-known Italian author Dante namely; "the hottest spot in hell is reserved for those who see injustice and do nothing."

Published in *News Experts*, Jun 30<sup>th</sup>, 2017 □

## Vigilante Politics and Failure of Rule of Law in India

Pushkar Raj

Hafiz Junaid, a 16-year-old boy, was killed on June 22 on a train by a mob because he was a Muslim. The youth had been returning from Delhi with his brother and two friends after shopping for Eid, the Muslim festival immortalized by India's foremost Hindustani writer, Munshi Premchand, in his story *Idgah*, celebrating the "joy of living". But what happened on that train was the "joy of killing".

This was not an isolated incident. Vigilante terror is sweeping parts of India, legitimizing violence and causing a failure of the rule of law in the country.

According to a recent Human Rights Watch report, since May 2015 at least 10 Muslims, including a 12-year-old boy, have been killed in seven separate incidents of mob

violence related to the Hindu radical cow-protection campaign.

Hindu cultural groups inspired by Rashtriya Swayamsevak Sangh (RSS) and supported by its political face – the Bharatiya Janata Party (BJP) – have formed thousands of cow-protection brigades across the country, beating and killing Muslims, who are associated with the cattle trade and beef consumption, which is considered sacrilegious by a majority of Hindus.

Muslim minority suffers hostility

The perpetrators were not punished in any of the cases because of their belief in the ideology of Hindutva, which advises exclusion and hostility toward Muslims, a 180-million-strong religious minority in India,

whose total population is 1.3 billion. The ruling BJP ministers have either denied or played down the killings, while the prime minister made a passing note of the grave matter.

For a couple of decades, Hindutva, a predominant form of Hindu nationalism, has grown. Its first major vigilante act was the 1992 demolition of the Babri Mosque in Uttar Pradesh state by several RSS-affiliated parties and groups such as the BJP, Vishva Hindu Parishad and Bajrang Dal, some of whom are currently being prosecuted in court.

The BJP benefited from the Babri demolition and subsequent riots, which polarized the country's Hindu majority and led to a coalition government in 1998.

Yogi Adityanath, a BJP member of parliament, founded a vigilante group, Hindu Yuva Vahini, in eastern Uttar Pradesh (UP) in 2002 to confront Muslims on so-called "love jihad", beef, and conversion.

Unrest helps boost BJP

By 2014, Adityanath's organization had spread vigilante terror through relentless attacks against Muslims for their cultural and religious practices. Aided by riots elsewhere in UP, the BJP won 71 of 80 parliamentary seats, paving the way for Narendra Modi to become prime minister. Modi had faced allegations of collusion in the 2002 Gujarat riots while he was chief minister of the state.

Yogi Adityanath became the chief minister of UP in March when the BJP secured a three-fourths majority in the state assembly elections. He continues to be the chief patron of the Hindu Yuva Vahini, which faces criminal charges related to lethal riots in Gorakhpur in 2007 and Mau in 2005.

Vigilantism against Muslims seems to be aimed at the subjugation of minorities. With Yogi Adityanath becoming chief minister in UP, India's largest state, Hindu vigilante politics has been legitimized, with serious implications.

Leaders emerging out of vigilante politics tend to be authoritarian because they are the product of hate, anger and violence and need to appear tough and decisive. They realize that they are in power despite the Indian constitution and therefore need not care for it more than it suits them.

Personal freedoms under threat

Beginning with UP, people across the country are unable to enjoy personal freedoms such as where to go, whom to befriend and marry, or what to eat and say. Under the present regime, people are being prevented from being normal adult human beings.

In a press briefing, UP police claimed that under the anti-Romeo campaign they questioned nearly 700,500 people and warned nearly half that number in a one-month period.

After assuming power, the new chief minister of UP closed slaughterhouses, causing a domino effect across the Hindu heartland and leading to new rules by the central government under the Prevention of Cruelty to Animals Act.

The new rules have in effect wiped out the meat industry, depriving millions of Muslims and Dalits of a means of livelihood and a cheap source of food. In other words, neither culture nor constitution but an elected leader from the majority community has been able to determine citizens' diet and nature of work.

One major difference between an authoritarian and a totalitarian regime is that in the former some institutions are beyond the control of the government. In India, the judiciary, economic institutions, and media may fall into this category. However, the present government has tried to emasculate all of them.

Independence of high court challenged

The government rejected 43 of the 77 names that the Supreme Court Collegium had recommended for appointment to various high courts. The government is battling for control of the appointment of judges after the Supreme Court struck down the National Judicial Appointment Commission Act asserting its independence and autonomy under the constitution.

On November 8, without consulting the Reserve Bank of India, Modi declared 86% of country's currency frozen, causing hardship, chaos and the deaths of more than 150 people across the country in what economist and philosopher Amartya Sen called a "despotic action".

The government raided a prominent TV news channel, NDTV, after the ruling party's spokesman accused the media outlet of bias in a live news program. Noted constitutional expert Fali Nariman termed the raid an act to delegitimize the media further.

In a society where violence is legitimized to achieve political ends, totalitarian tendencies emerge at the expense of rule of law, order and civility. However, given India's long tradition of pluralism and the Gandhian legacy, these aberrations are likely to be fiercely challenged, drawing additional battle lines in the country.

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## **Remembering Justice Tarkunde A Crusader for the Cause of Civil Liberties Ashok Kumar Panda, Senior Advocate, Supreme Court**

Today, when the country is passing through a severe stress on the state of Human Rights in different dimensions, we remember the role and contributions of Justice Tarkunde on his 108<sup>th</sup> birthday. After the passing away of Tarkunde

on March 22, 2004, the country has faced Human Rights issues under different regimes. From time to time, the civil liberties movement has been responding to such challenges. Time has come to consider the responses of the civil

liberties movement to the enormous challenges posed by different state as well as non-state agencies. The current situation portrays an abysmal shrinkage of democratic space in different parts of the country.

Kashmir seems to be the worst affected State in the context of human rights violations. The perceptions between the civil society and the Central and State Government authorities seem to be antagonistic. Each one has a different narrative with regard to most of the events taking place in the State. The Union Government feels that it is dealing with a situation of insurgency, and thus, repressive measures like the use of pellet guns and draconian laws like the Armed Forces Special Powers Act are justified. Plea for moderation and dialogue at the ground level by the democratic opinion in the country remain unheeded. While the situation in the State of J&K has attained an explosive state, the distress and turmoil in the agriculture sector has also become extremely acute. In different parts of the country, the farmers are taking to the streets in protest of the crisis in the farm sector. Instances of farmer suicide in large scale are also indicative of the acute distress in the rural sector. The response of the State Governments in dealing with such protests is causing deep concern among the people who hold the cause of freedom dear to their heart. The latest development of the use of pellet guns on the farmers' protests is something no civilized country can countenance. Against this background, we remember the inspirational thoughts and role of Tarkunde and can imagine what would have been his response to the present crises in the country. In a span of seven decades of active political life, Tarkunde's role as a political activist, a jurist and a crusader for the cause of civil liberties will certainly inspire the toiling people and the youth dedicated for the cause of social emancipation. Tarkunde's persona was imbued with exemplary enthusiasm for the cause of freedom and civil liberties. Tarkunde had his political baptism in the freedom struggle of the country and was elected to the All India Congress Committee, in the

year 1933-34. He joined the Congress Socialist Party (CSP) in the thirties and subsequently became General Secretary of the Radical Democratic Party (RDP) under the guidance of M.N. Roy, a great revolutionary thinker. Throughout this period, he was a full time political worker. After the Radical Democrats decided to disband their party to become a movement, Tarkunde with his previous legal background returned to active practice as a Barrister in 1949. Within a period of ten years, he was elevated to the Bombay High Court and was widely known as a judge who administered law imbued with justice and equity. After his resignation from the Bench, Tarkunde came to Delhi in 1969-70 and joined the Supreme Court Bar as a Senior Advocate.

The country, that time was witness to repeated onslaughts on the judicial independence in the form of supersession of Supreme Court Judges. Preventive Detention laws were promulgated placing democratic rights under severe strain. Political dissent and trade union rights were curtailed. Against this background, the Citizens for Democracy was formed with Jaya Prakash Narayan, M.C. Chagla and Tarkunde as the founders. But the Citizens for Democracy had its inherent weakness by making the organization a forum exclusively for the non-party people.

In June 1975, with the declaration of internal emergency, the founders of Citizens for Democracy realized that without the active participation of political activists, effective resistance to the emergency regime was not possible. Therefore, People's Union for Civil Liberties and Democratic Rights was formed in October 1976 to make the civil liberties movement broad based, where political activists belonging to different political persuasions could play an effective role in the resistance to the emergency regime.

During emergency, Tarkunde and his colleagues courageously took

up the cause of political prisoners, freedom of the press and judicial independence. His defence of Kuldip Nayar, the foremost fearless journalist before the Delhi High Court is a landmark precedent in judicial history. The bench which directed the release of Kuldip Nayar from preventive detention, consisted of Justices S. Rangarajan and R.N. Aggarwal. For their bold judgment, the Hon'ble Judges had to suffer punitive action by the executive. Justice S. Rangarajan was transferred to the Guwahati High Court and Justice R.N. Aggarwal, who later became the Chief Justice of Delhi High Court, was demoted to the post of District Judge in Delhi. This was representative of the executive arrogance to instil fear and infringe into the domain of judicial independence during emergency.

Under the chairmanship of Tarkunde, Civil Rights Committee was formed to investigate into the killings of communist revolutionaries in Andhra Pradesh in fake encounters. The committee included eminent Gandhians like Nabakrishna Chowdhury, former Chief Minister of Orissa, Kaloji Narayan Rao and eminent journalists like B.G. Verghese and Arun Shourie. The committee recorded extensive evidence and issued two reports in May and June, 1977, establishing the fact of fake encounters, and giving the details of the killing of 16 boys who were labelled as "naxalites".

In 1977, Tarkunde was appointed Chairman of the Indian Red Cross Society. In 1977-78, he also headed the Civil Rights Committee which looked into more than 80 instances of fake encounters in Punjab. The report on fake encounter in the Punjab made people aware of the killings of the communist revolutionaries in cold blood between the period 1972-77. Tarkunde, Gobind Mukhoty and K.G. Kannabiran defended and secured the release of D. Nag Bhushan Patnaik, a widely respected naxalite leader, from the

Supreme Court.

In 1979-80, Tarkunde took the initiative in organizing the Peoples' Union for Civil Liberties (PUCL) into a broad based civil liberties movement. During this period, with the active cooperation of activists committed to struggles at the grass root level, PUCL emerged as an organization defending the rights of the struggling masses. Civil liberties movements with Tarkunde as its guide radicalized itself by identifying itself with various struggles in the country. Tarkunde emphasized the role of PUCL as a defender of the rights of the struggling people to organize and defend their rights.

In 1984, the Operation Blue Star and assassination of Mrs. Indira Gandhi, the then Prime Minister, culminated in the killing of thousands of Sikhs throughout the country which shocked the world community. Tarkunde with other civil liberties activists boldly came forward against the mass scale

violence. A report on the Punjab situation was published bringing out large scale violation of human rights. For this publication, Amiya Rao, N.D. Pancholi and Aurobindo Ghose were arrested and the report was proscribed by the Central Government. Tarkunde remained steadfast on the face of the state assault. This period also was marked by widespread suppression of civil liberties in the Northeast.

In the later part of his life, Tarkunde devoted himself to the cause of restoration of democratic process and human rights in Jammu and Kashmir. For his relentless championing the cause of freedom in J & K, Tarkunde invited the bitter wrath of the national chauvinists. Simultaneously, with the struggle for human freedom, Tarkunde was espousing the cause of peace as a national policy towards China and Pakistan. He was critical of the ever-increasing defence budget. He used to often say that friendly relations with China should be the

cornerstone of India's foreign policy.

The events leading to the demolition of Babri Masjid and the ensuing communal divide in the country made Tarkunde a sad person. Consistently in all his writings and speeches, he kept on emphasizing the growing threat of communal fascism as the chief danger to our secular and national fabric.

While recounting the crusading zeal of Tarkunde for the cause of freedom and civil liberties, one will always remember his sterling humane qualities which made him above all a fine human being. He was always available with a smiling face for anyone with a right cause. His legacy of struggles for human rights will continue to inspire hope in the young generations.

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## A Dangerous Arrogance of Power is setting in Harish Khare

As democratic institutions – cabinet, bureaucracy, media, presidency and judiciary – weaken, the Modi establishment is riding high on overconfidence. This is bad news for the Indian polity.

Quietly and perhaps unsuspectedly we are entering a potentially dangerous period in our polity. Not because we have reason to entertain continuous anxiety on our nation's borders, not because the external environment is deteriorating to our disadvantage, but because internal institutional equations are about to change in a manner that would upset the democratic polity's equanimity.

To begin with, in another seven days we shall know who would be the new head of our republic. Barring potential subversion on an extremely large scale, Ram Nath Kovind should be the new tenant of that sprawling real estate property atop the Raisina Hill. The change of

tenancy will have its consequences. The equation between the president and the prime minister has always been subject to considerable modification and negotiation after every change of players; and, though Rashtrapati Bhavan is not a rival centre of power, its occupant – any occupant – can be a source of irritation and frustration for any prime minister. Hence, the importance of next week's presidential poll on the quality of the prime minister's control and power of the Delhi sultanate.

It is widely accepted by New Delhi's political cognoscenti that Kovind is Prime Minister Narendra Modi's personal choice; moreover, it is further suggested that in opting for him, the prime minister has cocked a snook at the RSS impresarios, who had different ideas. The RSS-Modi relationship is up for a revision.

Like Atal Bihari Vajpayee before him, Modi too has sought to gain a kind of upper hand in the patron-client relationship that defines the RSS-BJP symbiosis. The heart of the matter is that there is an inherent conflict between a prime minister's constitutional obligations and a *swayamsevak's* oath of allegiance to this "cultural body", with its headquarters in Nagpur. Vajpayee was clear from the very beginning that his constitutional responsibilities and duties would take precedence over the RSS's expectations and demands; but he had to pay a certain price for clarity and conviction. Modi has played a subtler hand of cultivated ambiguity, humouring the RSS once in a while. But then it is in the nature of office that, sooner or later, a prime minister has to draw a line – for himself and for the Nagpur bosses.

In opting for Kovind, Modi has

drawn a line. This has not gone unnoticed or unresented by the parent body. For a BJP prime minister, the RSS is the elephant in the room and it cannot be ignored. From a different perspective it would appear to be rather ironic that hope ought to be pinned on a body like the RSS to keep in check a rampant prime minister.

Come July 20, Modi will have his own president. That would make a qualitative difference to the nature of choices available to the prime minister in dealing with friends and foes. Though Pranab Mukherjee was not a difficult president for Modi, nonetheless he could not be called a rubber stamp. Modi or his advisers certainly could not take Mukherjee for granted – an option that is now open to the prime minister. A vital equation in the national power grid will stand definitely tilted, in favour of the prime minister.

Not only a pocket president, next month the prime minister will also be able to get a vice president of his choice. Whatever little space the opposition was able to claim for itself in the Rajya Sabha would get drastically curtailed. And, all said and done, Hamid Ansari did not deny himself the pulpit, from where he spoke out in defence of republican values and democratic sensibilities. This minor source of irritation would also stand taken care of in less than a month's time.

And then, later in August, there will be a change of guard at the Supreme Court of India. Institutionally, the higher judiciary remains the only power centre that is not easily amenable to the government's blandishments or brandishments. Of late, a certain

mutedness seems to have crept in the judicial voice. Like any other institution, the judiciary's spunk is vitally dependent upon the moral fortitude of those who come to people the bench. On this count, there are rumours. Those who believe that a robust and vibrant judiciary remains a necessary condition for a functioning democracy do not feel all that sanguine. The ruling coterie will have less and less reason to worry about judicial disapproval or rebuff.

Of course, there is the ruling party itself. For all its appearances as a modern political party, the BJP remains a closed affair. Since 2013, when Modi crowbarred his way to dominance in the BJP and then went on to graft democratic legitimacy over his leadership by winning the 2014 Lok Sabha poll, the party has allowed itself to be content with a very subordinate voice. The BJP president has no political persona outside Modi's shadow. There is no leader left who can be remotely thought of as a potential challenger to Modi's hegemonic stewardship. Neither Vajpayee nor L.K. Advani ever enjoyed this kind of sway over the BJP; their leadership was collegiate and they found themselves constrained to share authority. Modi feels no such handicap.

Three other democratic institutions – cabinet, bureaucracy, media – stand cheerfully self-emasculated. Never before was such a convergence of timidity and opportunism seen as now among these three institutions; there seems to be a veritable race to reduce themselves to the role of a spear-carrier for the prime minister.

The sum total of reconfiguration of these institutional equations can only set in motion objective conditions in which authoritarian temptations become seductive. The Modi government is approaching a difficult phase, when all its promises and pretensions have not exactly worked out. Economically, jobless growth has a very limited potential for electoral dividends. The entire business community – the corporates, traders, shopkeepers and consumers – is yet to regain its breath after being buffeted twice – first by the demonetisation drama and now by GST.

Politically, the Modi establishment has proved itself extremely competent and clever; it feels it has reduced the Gandhis and the Congress and other opposition parties to an ineffectual bunch; it feels doubly sure of its cleverness after having sold the demonetisation joke to the masses; it feels it has momentum – and history – behind it.

There is a dangerous edge to this overconfidence. It is morphing itself into a sense of entitlement. Strong-headed leaders tend to arrogate to themselves an aura of inevitability and infallibility. A robust democracy should have available to itself institutions of accountability which ensure that no leader, however powerful and however popular, trips over his own web of megalomania.

*Harish Khare is Editor-in-Chief of The Tribune, where this article originally appeared. It has been edited to meet style guidelines.*

*Courtesy: The Wire, 14.07. 2017 [URL for the article:*

*https://thewire.in/157518/narendra-modi-ram-nath-kovind-democracy-india/* □

## **Environmental Defenders being Killed in Record Numbers Globally, New Research Reveals**

**Jonathan Watts and John Vidal**

*Note: The Guardian paper on 13<sup>th</sup> June, 2017 carried a very important article focusing on the deadly attacks against environmental rights activists across the globe, who have been challenging major*

*developmental and industrial projects in different countries. The high financial stakes involved, the monetary value of cornering massive natural resources and the unwillingness to tolerate any critical*

*enquiry about the social and environmental impact of the individual projects have made environmental activists key targets for ruling elites, industrial interests, government agencies and local mafia.*



***In India too we have been witnessing personalised attacks on green activists, as environmental activists are popularly called. In fact, in India, the attempt of the state agencies and industrial interests is to dub anyone raising critical issues about environmentally questionable projects as being anti-developmental, anti-growth and therefore being anti-national. Environmental activists are also maligned as eco-terrorists and draconian, anti-people laws used against them including to book them under anti-secession laws. Amongst the many ridiculous cases registered by the police against people raising concerns of potentially destructive projects is the action of the Tamil Nadu police registering criminal cases under sedition provisions, conspiracy law and as acts against the national security of India against a bunch of school children whose only crime was to carry placards against the Koodankulam nuclear power project in southern part of Tamil Nadu. The article below is a chilling reminder to rights activists of the reality of liquidation and serious body and personal damage they potentially face. Even in India, there are numerous projects which are facing local challenges. The rights movement needs to discuss how to ensure safety of activists and to force the government agencies to enforce the law in the spirit of the constitution in a fair, independent and unbiased manner. We acknowledge with thanks the efforts taken by the Guardian to alert the world community to the threats faced globally.***

Last year was the most perilous ever for people defending their community's land, natural resources or wildlife, with new research showing that environmental defenders are being killed at the rate of almost four a week across the world.

Two hundred environmental activists, wildlife rangers and indigenous leaders trying to protect their land were killed in 2016, according to the watchdog group Global Witness – more than double the number killed five years ago.

And the frequency of killings is only increasing as 2017 ticks by, according to data provided exclusively to the Guardian, with 98 killings identified in the first five months of this year.

"There is now an overwhelming incentive to wreck the environment for economic reasons. The people most at risk are people who are already marginalised and excluded from politics and judicial redress,

and are dependent on the environment. The countries do not respect the rule of law. Everywhere in the world, defenders are facing threats.

"There is an epidemic now, a culture of impunity, a sense that anyone can kill environmental defenders without repercussions, eliminate anyone who stands in the way. It [comes from] mining, agribusiness, illegal logging and dam building."

In May, farmers in Brazil's Maranhão state attacked an indigenous settlement, hacking with machetes at the hands of their victims in another land conflict that left more than a dozen in hospital. There have also been killings of environmental defenders and attacks on others in Colombia, Honduras, Mexico and many other countries since the new year.

Most environmental defenders die in remote forests or villages affected by mining, dams, illegal logging, and agribusiness. Many of the killers are reportedly hired by corporations or state forces. Very few are ever arrested or identified.

This is why the Guardian is today launching a project, in collaboration with Global Witness, to attempt to record the deaths of everyone who dies over the next year in defence of the environment. We will be reporting from the world's last wildernesses, as well as from the most industrialised countries on the planet, on the work of environmental defenders and the assaults upon them.

Billy Kyte, campaign leader on this issue at Global Witness, said that the killings that make the list are just the tip of an epidemic of violence.

"Communities that take a stand against environmental destruction are now in the firing line of companies' private security guards, state forces and contract killers," he said. "For every land and environmental defender who is killed, many more are threatened with death, eviction and destruction of their resources.

"These are not isolated incidents. They are symptomatic of a systematic assault on remote and

indigenous communities by state and corporate actors."

Around the world, the number and intensity of environmental conflicts is growing, say researchers. An EU-funded atlas of environmental conflict academics at 23 universities has identified more than 2,000, ranging over water, land, pollution, evictions and mining.

"These are just the reported ones. There could be three times as many. There is much more violence now," said Cass business school researcher Bobby Banerjee who has studied resistance to global development projects for 15 years. "The conflicts are happening worldwide now because of globalisation. Capitalism is violent and global corporations are looking to poor countries for access to land and resources. Poor countries are more corruptible and have weaker law enforcement. Companies and governments now work together to kill people," he said.

The 2016 Global Witness data shows that the industries at the heart of conflict were mining and oil, which were linked to 33 killings. Logging was in second place worldwide – with 23 deaths, up from 15 the previous year – followed by agriculture. That ranking could change. In the first five months of this year, the most striking trend is that for the first time agribusiness is rivalling mining as the deadliest sector, with 22 deaths worldwide – just one short of the total for the whole of last year.

The situation in Colombia in particular has gone from bad to worse in 2017. Brazil and the Philippines are also on course to hit new highs and indigenous groups continue to suffer disproportionately.

In terms of country rankings, in 2016 Brazil was once again the deadliest country in absolute terms with 49 killings, many of them in the Amazon rainforest. Timber production was implicated in 16 of those cases as the country's deforestation rate surged by 29%. More broadly, Latin America remained the most dangerous

region for anyone wanting to protect rivers, forests, mountains and oceans, accounting for 60 of the global total of killings of environmental defenders even though it is home to less than a tenth of the world's population.

With major economic interests at stake, state security forces were behind at least 43 killings globally – 33 by the police and 10 by the military – while private actors such as security guards and hitmen were responsible for 52 deaths.

The human cost of all this is terrible, said Laura Cáceres, one of the daughters of Honduran indigenous Lenca leader Berta Cáceres, who was murdered in 2016 after resisting the Agua Zarca hydroelectric dam on the Gualcarque river.

Now in exile following death threats, Cáceres was recently in Oxford, in the UK, at a conference organised by Not1More (N1M), a group founded in 2016 in response to the violence facing environmental defenders.

"Berta Cáceres was a hindrance to the system," she said. "[Honduras] is so battered; 30% of the land has been granted to transnational corporations. Companies are taking over ancestral territories. Forests are being privatised. My mother was passionate about her land, her roots, and she was horrified by the sinister and violent forms with which imperialism acts." Shortly after the conference the Guardian reported that another of Cáceres' children, Berta Zúñiga had survived an armed attack soon after being named leader of the indigenous rights organisation

formerly led by her mother.

One west African anti-illegal logging activist, who asked not to be named for fear of reprisals, said: "I am subject to pressure and threats. Millions [of dollars] are coming out of the forests and yet people have nothing – no schools, no health centres. Money is not going to the state but to private people. We are working without resources.

"My family has been threatened with death. We have had anonymous calls. I keep working with the help of my colleagues. We gave information to the UN, and asked for help. We got nowhere. We could be killed any moment."

Wildlife defenders are also being increasingly targeted. More than 800 park rangers have been killed by commercial poachers and armed militia groups in the past 10 years, according to US group Global Conservation.

"Rangers face high levels of violence and are being [killed] at an alarming pace," says Sean Willmore, president of the International Ranger Federation. "Almost 60% of those killed in 2016 were from Asia, with the majority from India."

US writer Olesia Plokhii, who witnessed the murder of Cambodian illegal logging activist Chut Wutty in 2012, wrote in the Ecologist last month: "Wutty ran his own environmental organisation, had Western financial backers, the support of high-ranking Cambodian military officials, hundreds of local supporters who watched out for him and tools – multiple cell phones, a GPS tracker. He was still murdered. "Much less organised and

prepared defenders, people who might be forced unexpectedly into protecting their lands due to evictions or enormous infrastructure developments, are up against the same violence."

The 2016 Global Witness report also notes that environmental protest is being clamped down on across the board – even in the richest countries – citing the case of the Standing Rock campaign against the construction of an oil pipeline under Lake Oahe in the US, and noting North Dakota legislators only narrowly defeated a bill that would have allowed drivers to run over and kill protesters without being jailed.

N1M co-founder Fran Lambrick told the Guardian: "Frontline environmental defenders are critical in fighting climate change, protecting our natural resources and upholding human rights and cultural identity. Yet they face violent reprisals, threats and criminalisation."

"We are defenders of life," said Laura Cáceres. "We are willing to do anything to allow life to continue. We don't want to lose our lives and lose our mamas and families. But we assume that risk. If they can murder someone with high recognition like my mother Berta, then they can murder anyone."

**Courtesy: The Guardian, 13<sup>th</sup> June, 2017**

[https://www.theguardian.com/environment/2017/jul/13/environmental-defenders-being-killed-in-record-numbers-globally-new-research-reveals?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/environment/2017/jul/13/environmental-defenders-being-killed-in-record-numbers-globally-new-research-reveals?CMP=Share_iOSApp_Other) @MP=Share\_iOSApp\_Other @ 14.7.2017} □

Karnataka PUCL:

## Report of the Fact Finding Team of PUCL Mysore and other groups on Social Boycott on the issue of Inter-Caste Marriage in Davangere District, Karnataka

The social boycott and related rioting, on the issue of inter-caste marriage at Haluvarthi village of Davangere district was investigated. On 02<sup>nd</sup> June-2017 members from PUCL, AIPF., Swabhimani Jathi Vinasha Vedike travelled to Hosahalli village of Davangere to meet Mr Ravi Kumar,

the victim. As the victim had gone to hospital we met Mr Bhima Nayaka, the President of Panchayat of Hosahalli thanda and others and collected facts of the incident. We also met the Sub Inspector Mr Kiran, In-charge of Rural Police Station, at Davangere, who appraised us of the case. We could

not meet DYSP, the Investigation Officer, as he was on leave.

**The Background:**

**The villages:** The incident has close relation with three villages Haluvarthi village, Hosahalli thanda and Kenchammana halli. The residents of Haluvarthi village belong to various castes and it is a

mixed caste village. People belonging to Lingayata (dominant caste) Kuruba, Jada, Madiga, Nayaka, Agasa (dhobi) and other caste groups reside in the village. Lingayata community dominates both in number and social status. The village has Dairy, Filter water facility, agriculture labourer's come here seeking work. Government bus passes through this village. The Shiv Dabha owned by a Lingayata is also located here.

The Hosahalli thana is a village of Lambani's only, the exclusive SC caste village. About 60% of the village has education up to SSLC or PUC drop outs, few teachers and some doctors. But no government job. Again most of them have 0.5 to 1.0 acre land holdings. Residents here depend on daily wage labour, they also supply milk to Dairy at Haluvarthy, there is no bus stop in the village, and they fetch filter water from Haluvarthy.

The Kenchammanahalli residents again belong to Lingayata population and other castes also reside. There is bus stop in this village.

**The Inter-caste marriage:** The residents of Hosahalli Thana belong to Lambani caste (SC). Mr Ravikumar, BMCC conductor at Bangalore, is a resident of Hosahalli Thanda. Mr Ravikumar's son Mr Chetan had married Ms Veena belonging to Lingayata caste, from neighboring Kenchammanahalli, about a year ago. They got married on 26th April 2016 at Sub Registrar's office. But this fact was a secret, not revealed to families, both were casually pursuing degree course in government college. Meanwhile, Mr Chetan got a job at Bangalore about 3 months ago. Secret plan was that Veena write the BSC., final examinations and then join him at Bangalore.

**Triggering factor:** Meanwhile a youth Mr. Arun of Hosahalli village married Ms Asha, belonging to Lingayata caste of Kenchammanahalli, at a government sponsored samohika marriage arranged in a temple at Tarikere, about two months ago! This recent marriage triggered the social unrest, on

youths freedom & their behavior in the thana and surrounding villages. At this stage Veena's parents started looking for a boy to marry her off. She protested and informed them about her marriage to Chetan. She was publicly beaten by the family and threatened to be locked up. On fearing adverse consequences, she complained to Chetan. On the first day of degree examinations, ie on 22-05-2017, instead of attending to final degree exams, Veena, used the opportunity to elope to Bangalore to join Chetan. Mr Ravikumar, father of Chetan, was also against this marriage, he scolded, using foul language, his sister's son Mr Vinod (works at poultry farm) for being a signatory and witness to Chetan & Veena's registered marriage. Unrest at Ravikumar's house was unbearable and his wife deserted her husband, leaving him, she went to her parents house. Ravi Kumar was now dependent on Shiv dhaba at Haluvarthy village, for evening meals.

**The incident:** On 27-05-2017, the social unrest was discernable. The social boycott against Hosahalli thana people started. At around 6 pm in the evening, dairy at Haluvarthy village refused to take milk from Hosahalli thana farmers and would not allow them access to filter water. Buses, especially the 7.15 pm trip was not allowed to stop at Haluvarthy, if they stop then Hosahalli villagers were prevented from getting down. Two women of Hosahalli, Poojabai & Vasanthabai, who had gone to hospital were not allowed to alight at Haluvarthy village. They had to alight at a far off place, at Gummanuru of Kenchammanahalli. They had to seek the help of locals to be escorted to their house at Hosahalli. The youth of village (Ravikumar & Hanumanth Nayak) who had gone to work at Steel factory were also attacked. Attacks continued!

**Attack on Mr Ravikumar:** Meanwhile, Mr Ravi Kumar, Chetan's father had gone to Shiv Dabha at about 7.15 pm for his meals. The bone of contention was the inter caste marriage. The

owner of the Dabha rang up and youth in four bikes came to dabha and attacked Ravi Kumar. Some truck loads of people came and joined the attack. Badly beaten Ravikumar was then locked up in Anjaneya temple of Hosavarthy village.

**The Police:** Police were informed of the attacks and the social boycott at Haluvarthy village. Mr Krishnamurthy, General Secretary of Rytha sangha informed the police around 8pm. He even reprimanded the rioters and opened the Anjaneya temple and took Ravikumar, the victim, to Hospital in an ambulance. Ravikumar was hospitalized for a day and at present is on treatment as an outpatient. He has sustained injuries all over the body. One of the eye is badly damaged. The police could control rioting, took action by booking case under Prevention of SC/ST atrocities sections on 13 persons. The police arrested three persons! Siddappa(30yr)/SO Rajkumar, has a Kirani Shop. Seenappa(35yr)/SO Jagadish, the Dabha owner and Udaya (35yr) SO/ Poojar Siddappa, is an agriculturist all of Haluvarthy village. Two police vans were stationed at junctions of the village to prevent any untoward incidents in the sensitive villages.

**The State:** The Tashildar, Mr Santosh and Social welfare department chairperson, Ms Sunitha visited the village. The Deputy SP, Circle Inspector & SI, called the villagers for a peace meet at Davengere on 28-05-2017. From Hosahalli thana village four persons attended, while about 100 persons in Lories from Haluvarthy village attended the peace meet. Police advised them to use restraint and to respect the law of the land. Strict warning against social boycott was made. They wanted withdrawal of the police cases, for which the DYSP refused, he even said as long as I am in uniform I cannot withdraw atrocities cases! He asked the rioters to surrender.

**The protest:** 'Karnataka Thanda Rakshana Vedike' organized protest on 01-06-2017, at DC office, Davengere (District

Colelector's office). The President of the organization Mr. H.K. Lingaraj, submitted memorandum to the District Collector, Mr. D. S. Ramesh and to Commissioner of Police Ms Yashoda S. Vontagodi. They condemned the attack on Ravikumar by upper caste and also demanded to provide protection to the victim.

The Fact Finding team members included Dr V. Lakshminarayana, State Convener, AIPF., Dr. Rati Rao, President, PUCL-Mysore, Mr Shivalingam, State President, Swabhimani Jathivinasha Vedike, Mr. Mallesh, Mr. Maruthi, and advocate Mr. Ramappa, CPI(ML).

**Observation of the Fact Finding Team:** The villages had not experienced any rioting in the past and co existed peacefully. The

recent social boycott and the rioting over the issue of inter caste marriage that took place at Haluvarthy village is a new phenomenon! Villagers said that in the past inter-caste marriages of girls from Lambani with upper caste boys have taken place but it was not an issue. Moreover, these two marriages the boys from Hosahalli thanda married girls from Kenchemmana halli villages and they had nothing to do with Haluvarthy village. Yet, Haluvarthy village youth took active part in social boycott and rioting. This aspect could not be investigated in detail and elaborated by the fact finding team. The team observes that the police have acted promptly to prevent further damage to any life and property. This is

appreciable. However, the social welfare department has not given any compensation to the victim.

**We demand:**

- Protection and immediate compensation to Mr Ravikumar, the victim.
- Hosahalli thanda people need work under NREGA project for better their livelihood situation.
- Awareness campaigns against social boycott and also regarding the issue of inter caste marriage must be organized by the State and the social welfare institutions of the area.

**Dr Rati Rao, Mr Shivalingam,  
Dr V Lakshminarayana,  
Karnataka PUCL** □

### **Appeal from the NAPM – National Alliance of People's Movement ALERT**

- Around 600 NBA activists and people of Narmada Valley along with Medha Patkar got detained from Bhopal and Habibganj Railway station in Bhopal
- Madhya Pradesh Police detained and kept people at three places, New Central Jail (Gandhinagar, Bhopal), Habibganj and Rest at Bhopal Railway Junction

### **Another Attack on People's Movements by Madhya Pradesh Govt.**

**Bhopal | 19<sup>th</sup> July, 2017:** Today, people of Narmada Valley reached Bhopal early morning where the police detained them without giving any reason and taken them to Central Jail, Bhopal. Around 600 Narmada Bachao Andolan Activists and People of Narmada Valley got detained at Bhopal and Habibganj Railway Station. Now the people are at three places, around 200 people at New Central Jail, Gandhi Nagar, Bhopal; around 300 people at Habibganj, and others at Bhopal Junction.

The Madhya Pradesh Govt. is acting harsh on people demanding

their due rehabilitation and raising their voice against the unlawful and unjust submergence planned by Madhya Pradesh Govt. and Central Govt. 40,000 families are still left without rehabilitation in the Sardar Sarovar Dam affected region in the Narmada Valley.

This is the third time in a month time when police of different states detained the people of Narmada Valley and NBA activists at various places without any reasons. The people's movements are facing the worst dictatorship in India and the Madhya Pradesh Govt. has left with no other option than to resign on

losing moral grounds. The people are suffering the worst attack promoted by the state.

**We appeal the citizens to call the police officials of Bhopal and chief minister office to release all the detained activists and people of Narmada Valley to save the constitutional values and their fundamental rights.**

**Contact Details:** Rishi Kumar Shukla, DGP (Mob. 07552443501); Chief Minister, Shiv Raj Singh Chauhan (07552441581, 2441033, 2442231, 2442241); Home Minister, Bhupendra Singh (07552677533, 2671024, 2671046); Additional Chief Secretary, K K Singh (07552441619). □

*Article by an Intern with PUCL Delhi:*

### **Free Speech, Nationalism and Sedition Niharika Jain\***

"If the students, in a democratic country like ours, won't be given a chance to question and seek information from the government, then it is a question on the quality of our democracy."

**Introduction:** Right to free speech and expression is one of the fundamental rights granted to all the citizens of India by the

Constitution in Article 19(1)(a). However, even after being expressly mentioned, there have been many cases questioning the

ambit of this freedom. This is subject to certain restrictions to its application given in Article 19(2) such as **public order, decency**

**and morality**, the existence of which seems justified to ensure that one's freedom to do something does not affect any other individual's fundamental rights. Another such provision imposing a restriction on this freedom is S.124A of the Indian Penal Code, 1860 which defines the offence of sedition and its punishment which ranges from **three years to imprisonment for life**. Sedition, in general terms, means any act or expression or representation which shows disaffection towards the government or its actions and incites feelings of hatred and violence towards the government. Mere criticism of the governmental actions without inciting any violence cannot be constituted as an offence under this section.

This offence was introduced by the British colonial government in India in order to suppress the voices of Indians who were fighting for India's freedom from the colonial rule and thereafter, has been retained in the Indian Penal Code as an offence. Many arguments and demands for quashing this section have been ignored by the government and judiciary too has held it to be constitutional.

**Issue of Interpretation and Misuse:** The offence of sedition is being continually used by the Indian government to suppress criticism. It has become the easiest tool to lower down the voices of those who try to revolt against some unsatisfactory decisions of the government.

Linking it to Nationalism and feelings of love and pride towards the nation, FIRs have been lodged against people who dissented with the government's decisions or tried to bring to notice the loopholes in the legal framework or its implementation. Such is the case where a girl was arrested for posting a status update on a social media platform which criticized the shutdown during Bal Thackeray's funeral in Maharashtra.. Another is the case of the famous cartoonist **Aseem Trivedi**, who made funny cartoons depicting the pitfalls of the implementation of the laws in our

country, targeting corruption done by the government officers. Such incidents clearly depict the anxiety of the government and their inability to accept criticism. Such people have been categorized as 'anti national' or '**desh drohi**' by the government departments. However, it is pertinent to question the real meaning of an **anti-national** here. Does being national implies being loyal towards the Constitution, which lays down the law of the land or towards the government, how much ever right or wrong their actions might be? Is it just a way used by the government to threaten people from raising their voices against their decisions, which is a basic feature of a democracy? If today also, citizens are being stopped from expressing their views towards the functioning of the government, then it becomes difficult to understand the difference between the democratic form of government we have today and the British colonial rule or a Dictator rule. The recent incident of CBI raid at the house of the co-founders of **NDTV**, Pranoy Roy and Radhika Roy, just after they had aired an interview where one of their news anchors had rebuffed the BJP spokesperson, on the ground of a private complaint for financial violations which was lodged eight years later is another example where the government has used its power and influence to suppress those who dare to speak against it.

The government has been increasingly using the offence of sedition to restrict the freedom of speech of those who challenge its power. The target space has also expanded to universities and institutions, where students and organisations may question the decisions and policies of the government. The recent incident of **Ramjas protests; #fightbackdu** campaign or the **JNU protests** are clear examples. It is depressing to see how much hatred and atrocities the students have to face for mere sloganeering and protesting without the incitement of any violence. If the students, in a democratic country like ours, won't

be given a chance to question and seek information from the government, then it is a question on the quality of our democracy.

The offence of sedition and restrictions on free speech, have often been linked to **cultural nationalism** by the government. In the name of sedition, the views and beliefs of one culture or those of only a set of people are being imposed on others. There is a continuous effort by the government to stop all or any form of media that talks about the loopholes of the political or legal system in the country. It is not just the government but some majority sect of citizens as well, who try to influence the government, to take decisions which impose their views on others. Many incidents such as that of **Beef Ban** and increase in the **mob lynching of Muslims** are proofs of this attitude. Ban or editing of movies, documentaries and plays is another way of restricting the freedom to express opinions. The ban on release of the movie '**Lipstick under my Burkha**' saying that it would provoke women is no proper justification. The case of editing of certain scenes from the movie '**Udta Punjab**' to the extent of even deleting the name Punjab from the title was not justified in the name of protecting the image of the state. The deletion of the scene where '**Hanuman Chalisa**' fails to scare the ghost away was demanded in the movie '**Phillauri**'. The freedom to express through any form of media is fundamental to the existence of a democracy. All these incidents reflect the attempt made by the authorities not to let people gain access to the correct information, thus, curbing their ability to even think or question the set views and standards. The biggest pitfall in a democracy is when there is lack of multiple views on a given issue which results in accepting the norms without even questioning, thus turning it towards dictatorship.

On reading the language of the section, it can clearly be understood that it does not cover mere disapproval of the governmental actions unless and

until it excites violence or provokes people to overthrow the government by means of arms and ammunition which has also been upheld by the judiciary in many cases. However, the government is still misusing the law for its own power.

**Conclusion:** Sedition is like a **black law** in a democracy. Pandit Jawaharlal Nehru too, as mentioned in his speech was against retaining this provision. By retaining this provision the

government has a **tool to suppress the opinion of the public**. A democracy is not a democracy unless the citizens along with positive views also have an opportunity to voice dissent and discuss revolutionary ideas without any restrictions. Our ancestors had fought to free us from the British rule to overcome such suppression. If this freedom is still controlled and restricted for unjustified reasons after passing of seventy years of independence, then there arises a real doubt as to

whether the citizens of India are truly independent or not.

In order for a democracy to progress and government to function effectively as per the needs of the public, it is necessary that unnecessary restrictions on freedom of speech and expression be removed and an effort to make the society less intolerant be made.

*\*Niharika Jain is a 2<sup>nd</sup> year student of BBA, LLB (Hons.) from Vivekananda Institute of Professional Studies, GGSIPU, Delhi. She interned with PUCL, Delhi unit, in summer 2017. □*

Delhi PUCL: Press Release on 26<sup>th</sup> June, 2017

People's Union for Civil Liberties (PUCL), Janhastakshep, Citizens For Democracy (CFD) and Champa Foundation organized a public meeting on 25<sup>th</sup> June, 2017 at Gandhi Peace Foundation on the 44<sup>th</sup> Anniversary of imposition of emergency by Smt Indira Gandhi in 1975. The public meeting was organized to deliberate upon the undeclared threat of even bigger emergency under the present Modi government which is pursuing an even more divisive and reactionary agenda. The meeting was addressed by: Veteran journalist **Sh Kuldeep Nayar**, Civil rights lawyer **Ms Nandita Haksar**, Civil rights activist **Prof Apoorvanand**, **Dr. Ashish Mittal**.

At the end of the meeting the following resolution was adopted.

## Resolution for the Anti-Emergency Day Meeting

Janhastakshep and Peoples Union for Civil Liberties (PUCL) have organized this public meeting in Delhi on 25<sup>th</sup> June which shall always be remembered as the a dark in the history of modern India. In 1975 on this day the then Prime Minister of India had declared internal emergency; suspended the fundamental rights of the people and imprisoned thousands of political dissidents. Press was censored, their offices raided and their editors were either arrested or threatened. The atmosphere was ubiquitously filled with a sense of fear and apprehension. With the completion of 3 years of Modi government, the sense of fear and apprehension has far surpassed those of emergency days. The media today appears far more conforming and beholden to the rulers. The raid on the residence of the proprietors of NDTV was targeted to keep the media in line lest they develop other ideas.

During emergency the attack on people was unleashed using Government's coercive apparatus and bureaucracy; however, today apart from a compliant bureaucracy and security forces people are also

being targeted by the lumpen hordes of the *Sangh Pariwar* who enjoy government sanction. Mob lynching of innocent Muslims in the name of cow protection in different corners of the country is becoming the order of the day. Simultaneously, there is a concerted effort to implement the economic agenda dictated by national and international capital to accelerate the loot of the natural resources of the country. This has brought the Indian state in direct conflict with people in large parts of the country; armed resistance struggle by adivasis in central India is an example of this.

The near total neglect of agriculture has resulted in pauperization of the peasantry and a never ending cycle of farm suicides. The crying need for land reforms in the country has simply been thrown out of the agenda. The recent outburst of farmers in the states of Maharashtra and Madhya Pradesh is a reflection of the pent up anger of India's peasantry and this is bound to grow sharper.

The naked repression of the democratic rights and natural aspirations of the Kashmiri people

by Indian rulers was once again etched on the minds of people across the globe when the image of Farooq Ahmad Dar who was tied to the front of an army jeep to be used as a human shield, and taken around several villages to set an example of how stone throwers shall be dealt with, was beamed on their television screens. The army chief, has the temerity to say that he wished the Kashmiris were using bullets instead of stones such that the army could deal with them accordingly. Let alone the right to self-determination, this government has flatly refused to talk to the Kashmiri leadership. Under the circumstances, it is the patriotic duty of every Indian to steadfastly oppose the atrocities being committed by the security forces, including the army, in Kashmir.

In pursuit of their authoritarian designs the Modi government has mounted an attack on institutions of higher education to crush the voice of reason and dissenting ideas. UGC has put in place draconian regulations that shall curb student's rights and facilities, shall police the teacher's independence in

teaching and guiding the students and shall keep a tight vigil over the kind of research. The programs of debates and discussion on the campuses are being regularly disrupted by the goons of *Akhil Bhartiya Vidyarthi Parishad* (ABVP) who it seems have the exclusive right to label people as anti-nationals.

The recent caste violence in Saharanpur and the stand of the UP government only shows that BJP's attempt to win over the Dalits into the Hindutva fold to bolster its numerical strength is only a sham and reinforces the upper caste and upper class credentials of Hindutva.

It is noteworthy that the executive and the 'executive minded' judiciary have increasingly come together in throttling the voice of the people by handing down a punishment like life

imprisonment to workers who waged a struggle to assert their right to forming a union and in muzzling the voice of intellectuals who have stood by the side of the struggling masses under the provisions of the draconian UAPA (Unlawful Activities Prevention Act). The punishment given in the Maruti worker's case, incarceration of Prof Sai Baba despite his severe physical disability and the murder charges slapped against Prof Nandani Sundar are cases in point. The central government, under tutelage of the RSS, has no socio-economic and political program to offer for resolving people's day to day needs and issues like unemployment, hunger, health care, education, caste oppression etc. and they seek to deflect people's attention by raising superfluous issues like 'cow/cattle

protection', 'triple talaq' etc.

All these are bad omen for democracy in the country. We call upon the Modi Government to stand by its constitutional obligations towards the people of India and to rein in the rogue cadres of the Hindu communal organizations who are wantonly going around attacking Muslim youth and men in the name of cow protection. However, it is unlikely that this government shall listen to good counsel unless people rise up in their numbers to oppose his murderous assault on democratic rights. This gathering calls upon various progressive political forces in the country to come together to lead the people of India in this struggle.

**Signed by N. D. Pancholi, President, PUCL Delhi; Dr Vikas Bajpai, Co-convener, Janhastakshep** □

Fast against Mob-lynching in Delhi, July, 2017: A Note

## Report of the Seven-Days Fast against Mob-Lynching Ended

The 7-day Satyagraha Fast at Jantar Mantar has ended. On the last day, many people from social-political-educational-religious organizations came to the venue; farmers-workers-students unions too came to attend; many people came of their own. But they all expressed solidarity with the cause. The presence of the youth continued to remain encouraging; they came in large numbers on the seventh day also. Many youths from the nearby cities of Delhi came over after reading the news on social media.

Renu Gambhir, Prof. Gopeshwar Singh and Manju Mohan offered fruit juice to end the Fast with the hope that the society will take strong action at every level to prevent mobocracy which defies the constitutional order and human civilization.

Lohia was not in favour of fasting. Due to his participation in the freedom movement, he had a long experience and the courage to go to jail. Many of us do not have that. But it seems that there is not too many options left. If people survive

from the mob, it is possible that a part of the life might be spent in jail. If mobocracy continues to grow like this then chances are that political workers will also be targeted, just some writers and intellectuals have been targeted. And governments will stand far apart. Just like they are doing now.

The present government is working day and night to transfer the public-social-national resources of the country into the hands of domestic and foreign corporate houses and multinationals. As soon as this government came into power, it allowed 100 percent Foreign Direct Investment (FDI) in the Defense sector. During the rule of previous government, the Land Acquisition Act of 1894, was slightly amended in the interest of the land-owner farmers. When the present government came to power, it brought the Ordinance on that new Act. It is privatizing the 'Navaratna' units of the public sector. It is selling railway stations. To keep the attention of people away from this heinous national crime, it has engaged them in mutual

differences and violence.

Supporters of neo-liberal policies, whether they are leaders or civil society activists, cannot stop mob-lynching. Communalism has been the effective tool of capitalist occupation from the beginning. It was due to this that the country was divided. Now the country is again being divided. Therefore, the desire and efforts of the neo-liberal supporters in this direction are naturally doomed to be half-hearted and inadequate.

The experience of the Fast has inspired us to do work further towards preventing mobocracy. Many colleagues have resolved to work together. The efforts will continue. We have to assure the minorities, especially the youth, that everyone has equal rights in India. They need not to fear, and should not to be misguided.

**Dr. Prem Singh**, Dept. of Hindi, *University of Delhi*, Former Fellow, *Indian Institute of Advanced Study, Shimla* and Former Visiting Professor, *Center of Eastern Languages and Cultures*, Dept. of Indology, *Sofia University*, Sofia, Bulgaria □

## Extracts from Report: SAHRDC on `First Draft of the Report on the National Human Rights Commission (NHRC) of India

The *South Asian Human Rights Documentation Centre* (SAHRDC) has prepared this report to be submitted to the Global Alliance of National Human Rights Institutions (GANHRI) to be considered for the purpose of accreditation of the National Human Rights Commission (NHRC) of India that is due in November, 2017. The purpose of the report is to bring to the attention of GANHRI the failures of NHRC and its working. We carry excerpts from the report relating to Human Rights Defenders.

### Human Rights Defenders' Cases at NHRC

In the year 2016, HRDA, a national platform working for the protection of HRDs in India, had sent 124 complaints on attacks on HRDs to NHRC. The NHRC had registered 112 of the complaints sent by HRDA. The analysis of the action taken by NHRC shows that 14% of the complaints sent were transferred to the respective state human rights commissions (SHRCs). It is a matter of concern that many cases are transferred to SHRC, despite the fact that there is a severe shortage of members in SHRCs and most of the vacancies for the posts of Chairperson and Members are lying vacant. Similarly, these commissions suffer from inadequate staffing, lack of resources, infrastructure, adequate funding and no proper investigations wings. Hence, they are not in a good state to act upon complaints in the cases of human rights defenders. Moreover, accused in majority of these cases are local police personnel and sending the complaint to the SHRC, mostly comprising officials from state government, translates into increased instances of harassment and reprisals against

HRDs.

Out of the 124 complaints sent, almost 30% of the cases are closed, disposed or dismissed in limni by NHRC. An emerging new trend in NHRC is to close the complaints without sharing with the complainant the copy of the report submitted by relevant authorities and calling for response as mandated by Practice Directions Guideline 17 of the NHRC dated May 28, 2002. It is an attempt by NHRC to reduce the huge number of backlog of complaints in the NHRC, which is against the principles of natural justice. In most of these 30% cases, the cases were closed solely based on the report submitted by police. The NHRC does not investigate cases where HRDs are falsely implicated in a criminal case, citing that such cases are sub-judice, and therefore such complaints are closed.

Around 30% of the cases sent by the NHRC in the year 2016 are pending as the government authorities have not responded within the time given to them. NHRC has not taken any measures or actions, as provisioned in the PHRA, to prevent this inordinate delay which adversely affects the delivery of the timely justice to the victims of human rights violation and HRDs in particular.

The Commission has linked 12% of the complaints sent by HRDA with complaints sent by others on same matters. But the NHRC fails to duly inform about the updates about the cases to all the complainants in a linked case, by which the chance of providing additional information by other complainants is taken away.

The year 2016 witnessed targeted and systemic attacks on HRDs by State and non-State actors across the country. Despite this the NHRC has not taken any major

intervention in the cases of attacks on HRDs, neither has it ordered compensation or prosecution in a single such case.

Though statutorily NHRC is restricted, it nevertheless can take much more stringent measures in improving the human rights condition of the country if it makes use full use of the powers already granted to it. The 2006 amendment to Section 18(c) now enables the Commission to recommend relief at any stage of the enquiry. Further, the Commission is also entitled to approach the Supreme Court or the High Court for such directions or orders or writs as that court may deem necessary if its recommendations are cast aside<sup>1</sup>. In case of violation of human rights by private persons the Commission can intervene by looking into the failure of police, or public authorities to prevent violation of human rights.

The Supreme Court's adverse observations in the case of *EEVFAM v. Union of India*<sup>2</sup>, regarding the NHRC being a toothless tiger, may also have endorsed the view of the first Director General (Investigation) of the NHRC who recently said:

"Instead of bemoaning its lack of powers, NHRC has to play a more proactive and transformative role for the advancement of human rights in the country<sup>3</sup>."

#### References:

1 Section 18(b), Protection of Human Rights Act, 1993.

2 *Supra* n. 38

3 Anubhav Dutt Tiwari, Has the NHRC failed its mandate to protect and promote human rights in India? July 18, 2016. Available at <https://scroll.in/article/811654/has-the-nhrc-failed-its-mandate-to-protect-and-promote-human-rights-in-india>. (last accessed on 27th June, 2017 at 11:30 am) See also, Sankar Sen, Not so toothless, *The Statesman*, June 15, 2016. □



## Release of Book: Counter Currents has Released a New Book "The Political Economy of Beef Ban"

### Preface of the book

A pall of gloom has descended upon India. An all pervasive fear grips the nation. When the state puts its nose into your food plates you know that fascism is here. When vigilante squads roam the streets lynching people you know that fascism is here.

Robert O Paxton in his classic book "The Anatomy of Fascism" writes "I propose to examine fascism in a cycle of five stages: (1) the creation of movements; (2) their rooting in the political system; (3) their seizure of power; (4) the exercise of power; (5) and, finally, the long duration, during which the fascist regime chooses either radicalization or entropy." It seems to me that India is at the fifth stage – the radicalization of Hindutva, which is the Indian version of fascism.

This radicalization of Hindutva is taking place at different levels. Through engineered riots or low level skirmishes that divide society vertically to massive social engineering programmes like the 'beef ban'. Beef ban gives blanket license to Gau Rakshaks to lynch

people. It is also not just an incursion into our food rights but also will affect the livelihood of millions of already stressed farmers. This beef ban will wreck the cattle sector and also will break the backbone of the farmers, driving them to suicide.

This book contains articles that Countercurrents.org published on the topic of beef, the oldest of which is Dr Ambedkar's seminal essay "Did Hindus Never Eat Beef?" which we republished on 5th May, 2003, to the lynching of 16 year old Junaid in a train on 22nd June, 2017.

When fascism knocks on our door we have only two choices. 1. To succumb to our fate and surrender meekly. 2. To fight back with all our means. It's time India took a decision. To surrender or fight back is the question. Surrender is not an option and it is also against human nature. Our reflexive action is to fight back. We've to go back to the basic nature of the Republic and fight to win back the Idea of India that the founders of this nation imagined. Let's stand up for the idea of India we learnt to love as children and we want to pass on to

our children. Let's do it by holding the constitution of India in one hand and the tricolour in the other hand. If we rise up as one, this emerging fascism will, as Robert O Paxton said, dissipate into entropy. I hope that this book will help in our fight for the idea of India we all stand for.

### Authors

Articles by Mahatma Gandhi, Dr. B R Ambedkar, along with contemporary writers viz. Afroz Alam, Aftab Alam, B.F. Firos, Binu Mathew, Cynthia Stephen, Dr Akhileshwari Ramagoud, Gaurav Jain, George Abraham, Imran Khan, K.P. Sasi, Kavita Srivastava, Manali Chakrabarti, Megha Bahl, Sharmila Purkayastha, Mohammad Ashraf, Neha Saigal, Oliver Dsouza, Parul Verma, Parvez Alam, Prof. Shah Alam Khan, Ram Puniyani, Sally Dugman, Samar, Satya Sagar, Shamsul Islam, Sheshu Babu, Subhash Gatade, Suhail Qasim Mir, Sukumaran C V, Susmit Isfaq, T Navin & Vidya Bhushan Rawat

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Odisha PUCL:

## Communal Violence in Bhadrak, Odisha Pramodini Pradhan and Sailen Routray

*Ram Navami celebrations in Bhadrak, Odisha have always been organised by the Bharatiya Janata Party and its affiliate organisations and are also associated with memories of communal violence in the town. This year, the festival was celebrated aggressively against the backdrop of the BJP's landslide victory in the Uttar Pradesh assembly elections and the town witnessed another communal clash. Even so, the majority of Bhadrak's residents have refused to fall prey to the machinations of communal politics.*

Bhadrak town in the district of the same name in Odisha has a sizeable Muslim population constituting 39.56% of the total population of 1,21,338. Centuries of living together have led to the development of a shared culture and its expressions in many ways and forms in the day-to-day life of the people. However, this harmony has been disturbed periodically. The town experienced two major communal clashes—one in 1946

and the other in 1991—with a more recent one taking place in April. What is common is that all three clashes occurred against the backdrop of communal tension in the larger political scenario in the country and were triggered by petty local events.

The 1946 violence took place against the backdrop of the Muslim League's demand for a separate state. In 1991, the political atmosphere of the country was

communally charged, centred as it was on the Ram Janmabhoomi – Babri Masjid issue. In that charged atmosphere, Ram Navami was celebrated for the first time in Bhadrak town, organised primarily by the Rashtriya Swayamsevak Sangh (RSS). On the very day of the celebration, the town plunged into a major clash between the Hindus and the Muslims which led to the loss of many lives. It also spread to the nearby town of Soro

and other rural areas.

This time too, the communal clash took place two days after the Ram Navami celebrations. The following is a brief account of how it all started and the role played by communal forces.<sup>1</sup>

### **Unprecedented Celebrations**

From the time it was first introduced, the observance of Ram Navami in Bhadrak has always been organised and monitored by the Bharatiya Janata Party (BJP) and its affiliate organisations. This year, the scale and grandeur of celebrations was unprecedented and continued for seven days, whereas earlier they lasted for three days. About one lakh people, nearly 10 times compared to the previous years, participated in the processions. Given that the population of the town is a little over a lakh, the participation of such huge numbers points to efforts to mobilise people from outside. Saffron flags were seen all over the town, including atop government office buildings throughout the week. On the final day of the celebrations, about a hundred *medhas* (floats) participated, accompanied by about 80 music bands playing high decibel music. Processions which had earlier wound up by 12 pm, continued till 3 am. During the processions, religious chants such as *Jai Sriram* and politically-loaded slogans like *Hindustan mein rehna hai to Ram naam kehna hai* were also raised. In the words of the president of the Hindu Suraksha Samiti (HSS), "After the UP election results, our youth were very excited. Their enthusiasm was very high. And here in Odisha, we did well in the recently held panchayat elections. So this year's celebration was a special one."

No untoward incident took place on the day of the festival. The Muslim community even felicitated the leaders/*medhas* in the processions when these passed through their localities. But beneath the veneer of this normalcy, there was apprehension in the Muslim community that something untoward might happen. Volunteers engaged by the Chauda Mohalla Committee (an apex body

of Muslim mohalla committees of Bhadrak) were carefully chosen—people who would not get provoked easily. Most shops owned by Muslims were closed on the day.

Added to the effects of aggressive celebrations during Ram Navami, tension was also simmering among a section of the Muslim youth for another reason. The *Urs* (death anniversary of a saint) celebrations of Nasim Sarkar, a spiritual leader revered by certain sections of the Muslim community, were planned for 16 April, and posters announcing this were put up in the town. During the period of the Ram Navami celebrations, some of these posters were found to be torn and defiled, allegedly by Hindu youth. Besides, around the same time, there were offensive postings on the social media about Islam, again, allegedly by some Hindu youth. But the matter was not brought to the notice of the police.

### **Trigger Point**

In such a tense atmosphere, on the day after Ram Navami, that is, on 5 April, certain remarks apparently insulting the Hindu deities Ram and Sita appeared on social media. It was alleged that a Hindu student had posted on his Facebook wall a picture of the Ram Navami celebrations with the accompanying text, "Jai Sriram" and some Muslims had posted derogatory comments on it. On 6 April, members of the Akhil Bharatiya Vidyarthi Parishad (ABVP), Bajrang Dal and Vishva Hindu Parishad (VHP) brought it to the notice of the police and demanded immediate arrest of the accused. Reportedly, two written complaints were lodged on the basis of which the police registered a first information report (FIR). One complainant, a Class 10 student, declared himself as an active member of the Bajrang Dal. It was reported that the police took time to act upon the complaint since the matter involved a cybercrime but the complainants insisted on the immediate arrest of the accused. Moreover, an impression was created that the police were reluctant to take any action at the behest of the local member of

legislative assembly (MLA) and his son, as one of the accused was the son of a ruling Biju Janata Dal (BJD) leader. By the time the FIR was registered, alongwith the students, the activists of the Bajrang Dal, VHP and HSS were also agitating outside the police station demanding action. Soon after the FIR was registered, a section of the agitating crowd went on to block the National Highway 45. This was followed by attacks on Muslim-owned shops near Bant Chhak. After this, the police declared Section 144 (the Code of Criminal Procedure) in the town and detained some of the rioters.

The next day, the district administration convened a meeting of the peace committee at the collectorate where the local MLA, chairperson of the Bhadrak municipality, the inspector general of police (IGP) and superintendent of police (SP) Bhadrak, additional district magistrate (ADM) and some community leaders were present. It was officially announced that 23 shops had been burnt down, and that the municipality would be arranging a vending zone for the affected shop owners.

By some accounts, many persons who were not members of the peace committee had entered the meeting hall and occupied the seats as a result of which, there was no room for some genuine members. While the "chaotic" peace committee meeting was held inside the meeting hall, many young men had gathered outside despite the prohibitory order. Some were onlookers while nearly 150 Muslim youth had also gathered to know whether their grievance regarding the defiling of the posters of Sarkar Baba was being addressed by their community leaders. When they came to know that this matter was not raised in the meeting, the young men got agitated and proceeded towards the Madina Maidan, located in the Puruna Bazaar (the place where community decisions are often taken) on their motorbikes, shouting slogans like "Bulu Pattnaik zindabad" (Pattnaik is a BJD youth leader and son of Jugal Kishore Pattnaik, the sitting MLA

(BJD) of Bhadrak) and "Islam zindabad" and, by some accounts, "Pakistan zindabad, Hindustan murdabad." It is important to note that all this happened when the local political leaders as well as the top brass of the police and district administration were present in the town.

While the administration was conducting the peace meeting, leaders of the BJP and its affiliates were mobilising Hindu youth, through social media and mobile phones and to which the police failed to pay attention. Hindu youth began gathering on the streets shouting, "jor se bolo Jay Shri Ram." As on the previous day, the activists of the Bajrang Dal and VHP were also part of the demonstration. Most of the shops owned by Muslims were already shut due to the Friday afternoon prayers. Around 5 pm, the crowd began attacking Muslim shops in the Kacheri Bazaar area. As this message reached the Muslim majority areas, groups of young men, many of whom were already on the streets, began attacking

Hindu shops in Chandan Bazaar and nearby areas.

Thus, began a chain of looting and arson. The main affected areas were Kacheri Bazaar, Bant Chhak area, Chandan Bazaar, Laha Pati and Charampa / Station Bazaar where mostly roadside shops were attacked. The looting and arson did not spread to the residential areas. One mosque was attacked and partially damaged in Station Bazaar, and a temple was affected in Laha Pati though no human life was lost.

**Response of the Government**

The local police and the district administration did not respond with the required seriousness, until the evening of 7 April. However, the state government swung into action once it became clear that the situation was going out of control. The same evening, the home secretary and the director general of police (DGP) rushed to Bhadrak and mobilised additional forces for the town. Curfew was imposed the same night. Order was issued for the immediate posting of a new district collector to take charge of

the situation. It must be noted that the district administration was headless during the riot, since the collector had retired from service since 31 March, and no replacement had been posted. The SP and the inspector in charge of the Town Police Station and the ADM, who were on duty when the riot took place, were transferred.

Daytime curfew was in force for a few days, but night time curfew was in place for over a month following the violence and during this period, about 275 people were arrested including the state secretary of the Bajrang Dal, the district unit secretary of the BJP Yuva Morcha and a BJD councillor. There were allegations that many innocent people were also arrested. Apart from the anger felt by the concerned communities and family members of these innocents, the economic hardships faced by the families, particularly those of the poor, are a matter of serious concern.

Five days after the violence, on 12 April, Chief Minister Naveen Patnaik visited the town and

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declared that the damage due to the riots would be assessed and adequate compensation would be provided. The compensation amount, it was announced, would range between a minimum of ₹ 20,000 and a maximum of ₹ 2,00,000 and was greeted with discontentment among all sections of the victims.

#### Dynamics of the Riot

A noticeable feature of the riot this time was the active participation of the youth, including students, in the looting and arson. The general perception among both the communities is that the hold of traditional leadership has been breaking down and there is no alternative in place for the youth. There is also increasing unemployment. As a result, vote-seeking political parties are luring them with money to work as their foot soldiers.

The recent communal clash was also partly due to the local dynamics of electoral politics—*intra-* and *inter-party* rivalries. There are reportedly two factions in the local BJD, one led by Prafulla Samal and the other by Jugal Kishore Pattnaik. It is said that Samal is trying to contest the next election from Bhadrak while Pattnaik is trying to consolidate his Muslim vote bank. Each is trying to outsmart the other. Similarly, within the BJP, there are a number of aspirants for the Bhadrak assembly seat who are trying to get the voters on their side by whatever means that are available.

Rumour-mongering played a part too. In Charampa area, a rumour that Muslims had destroyed three temples in the Puruna Bazaar area was deliberately floated by Hindu youth, while attacking a mosque and Muslim shops. It must be noted that no Hindus had been attacked in this area. In the Kacheri Bazaar vicinity, when Hindus began destroying Muslim shops, people talked about Pakistani bombs being deposited in the Puruna Bazaar area!

However, many ordinary citizens from both communities came forward to prevent the violence in their areas. The role of the residents of Puruna Bazaar, a Muslim-dominated area, in preventing violence was appreciated even by the president of the HSS. In his own words, It is an admitted fact that the Muslim dominated Puruna Bazaar remained peaceful because Muslims took the lead and protected the area from unruly youth. Some Muslims actually threatened to beat up their own youth if they indulged in damaging the Hindu houses and shops of their locality. That is the *bhaichara* (brotherhood) of Bhadrak town.

#### Conclusions

Unlike the riot of 1991, this time the violence did not spread throughout the town and could thus be curbed soon. This underlines the fact that the common people did not participate in it. Nevertheless, there are worrying trends as well. One is the use of students and unemployed youth as cannon fodder to further gains in electoral politics by cynically creating and manipulating communal sentiments. This will have dangerous consequences. There are also signs that households living in areas dominated by the other community no longer feel safe and some families are thinking of shifting out. This will lead to ghettoisation that will damage the town's social fabric. Moreover, as Hindutva and majoritarian politics deepen and expand nationally, one cannot rule out the danger to the locally rooted syncretic culture of the town.

**Note:** This commentary is based on a report by *People's Union for Civil Liberties* (PUCL), Odisha, *Weeping Salandi* (June 2017).

**Pramodini Pradhan** is an activist and Convenor for PUCL Odisha; **Sailen Routray** is an educationist. Both are based in Bhubaneswar.

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