

Inside :

Presidential speech in National Convention 16-18 December 2016 held at Raipur - Ravi Kiran Jain (1)

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14th PUCL National Convention, Raipur, 16-18th December, 2016
“Deepening Democracy: The Task before PUCL and the Human Rights Movement in India”

ARTICLES, REPORTS & DOCUMENTS:
 From Defending Democracy to Deepening Democracy - **Prabhakar Sinha (7)**; General Secretary's report: Deepening Democracy: Imperatives before PUCL and the Human Rights Movement in India **(8)**; Report of Action Programmes of the Thematic Committees finalised in the PUCL National Convention **(15)**.

Presidential Address: Mr. Ravi Kiran Jain, President, PUCL, 2016-18

I am thankful to the members of the National Council who unanimously elected me President of PUCL on 18th September 2016 in New Delhi. I am the 6th President of the PUCL following outstanding figures *Sarv-Shri V.M. Tarkunde*, Prof. Rajni Kothari, Justice Rajinder Sachar, Shri K.G. Kannabiran and Shri Prabhakar Sinha. I feel both humble and challenged.

PRESS STATEMENTS, LETTERS, AND NEWS:

PUCL, Chhattisgarh letter of complaint to NHRC about harassment by police of Mr. Sukul Prasad Barse who hosted a meeting with PUCL members and others (19); Odisha PUCL: Press Statement: (20).

In his presidential address during the national executive meeting at Jaipur on 14-15 May 2016, Prabhakar Sinha Ji reminded us that the National Council meeting in September, 2015 at Allahabad had decided to launch a nationwide campaign for securing the dignity of the individual in practice, and a campaign against grave threat posed by divisive and fascist politics of the RSS and BJP and **meaningful and effective** reform of the criminal justice system. He also reminded us that for reasons beyond our control the campaigns could not be launched and our top most priority now is to implement the decision of the National Council.

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In my humble opinion while it may be easy to launch first and second campaigns namely, to secure dignity of the individual, and a campaign against the threat posed by divisive and fascist politics of RSS and BJP, it is not so easy to launch a nationwide campaign for **meaningful and effective** reform of the criminal justice system. The criminal justice system includes, in particular, investigation of offences and the treatment of offenders. Police have broad authority to arrest without a warrant any individual for whom they have “reasonable suspicion” of having been “concerned” in certain types of criminal offences, or against whom they have received either a “reasonable complain” or “credible information” of such involvement. These vaguely defined situations in which police can arrest leads to misuse of power, leading to arbitrary arrests. The system allows the police to commit such human rights abuses with impunity as rape, torture and ill-treatment, arbitrary detention and illegal killings while victims are unable to attain justice or seek restitution. It is through the police that cases are registered on false allegations against any person. Dr. Binayak Sen and Seema Azad and few others were booked at the stance of the UPA (II) government, and now Khurram Parvez, Director of Jammu and Kashmir Coalition of Civil Services, and thereafter a group of writers and activists alongwith Nandini Sundar have been booked under various offences at the stance of the NDA government.

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The criminal justice system consists of the three main parts. (1). Legislative (making of laws) (2). Executive which includes implementation of law as well as Policing and (3). Adjudication by Courts. Regarding the legislative part, Prabhakar Sinha Ji had been rightly

pointing out that there are more Draconian laws in post independent India than during the British rule. In the first two decades between 1950 and 1970 there were no draconian laws enacted in India except the Preventive Detention Act 1950 and during the 1962 Chinese war Defense of India ordinance promulgated on 26th Oct, 1962, which was replaced later by the Defense of India Act 1963. The **Maintenance of Internal Security Act (MISA)**, a controversial law was passed by the Indian parliament in 1971 giving the administration of Prime Minister Indira Gandhi and Indian law enforcement agencies super powers - indefinite preventive detention of individuals, search and seizure of property without warrants, and wiretapping - in the name of quelling of civil and political disorder in India, and threats to national security. After the enactment of MISA in 1971, no draconian law was enacted till 1979.

Then since 1980 after the re emergence of Indira Gandhi following a short spell of the Janata Party government, a two-pronged strategy is being adopted by central governments, one is to enact repressive laws and the other to weaken the judiciary and making it subservient to the executive which (the judiciary) in turn upholds the constitutional validity of repressive laws. From 1980 onwards both central and state governments have enacted or re-enacted laws providing for preventive detention, banning strikes and threatening freedom of speech. The justifications for such legislation typically were in 'public interest' or 'protection of national security and integrity'. The National Security Act 1980 was enacted on 27 December 1980, the Constitutional validity of which was upheld by the Supreme Court on 28th December 1981 in *'A.K.Roy vs UOI'* (AIR 1982 SC 710). Exactly 10 years after the imposition of state emergency in 1975, Parliament enacted **Terrorist and Disruptive**

Activities (Prevention) Act (TADA) in 1985 .TADA lapsed on 24th May 1987. On this date on which it was to be lapsed, **Terrorist and Disruptive Activities (Prevention) Act 1987** came as a permanent Act which was more repressive than the Rowlatt Act of 1919. During Emergency the only draconian law which was used on large scale for illegal detention was the Maintenance of Internal Security Act 1971 (MISA).The Draconian Laws enacted after 1980 gave additional powers to police to exercise powers of arrest, search and seizure in certain circumstances. It is sad but true that police in India is the single largest violator of human rights in its day today functioning at the police station level. Unauthorised detention, third degree methods and concoction of evidence have come to be accepted as routine features of police working. Now after the enactment of the draconian laws since 1980 there has been an alarming rise in the incidence of custodial violence including deaths and rapes in police lock ups. Statistics from the National Human Rights Commission (NHRC) show that the situation has been escalating from bad to worse in recent years. Is this not a worse situation today than during the Emergency?

The validity of TADA was upheld by the Supreme Court in the case of *'Kartar Singh vs State of Punjab'* 1994 SCC (Cri) 899. K.G. Kannabiran rightly observed in his book "The Wages of Impunity" as follows:

"The Supreme Court in Kartar Singh, upheld the constitutional validity of TADA, virtually proceeding on the assumption that the act is more fundamental than the Constitution. In fact the Constitution Bench did not feel it was necessary to submit the act to detailed scrutiny. They embarked on a peroration against terrorism which showed they had been impressed by the speeches

made in Parliament on this subject. The bench skirted scrutiny and confirmed the validity of the enactment. Thus, confirming to post-Independence practice, the legislature, executive and judiciary in unison mandated the 'absolute reign of law', overlooking the fact that this is often synonymous with 'absolute reign of lawlessness'".

There is a trite saying that the ADM Jabalpur case was the blackest judgment in the constitutional history of this country. But it appears that the case of Kartar Singh in which the Constitutional validity of TADA was upheld is blacker than that the 'blackest judgment'. One effect of upholding of the constitutional validity of these draconian laws is that it gives a free hand to the police to falsely implicate the human right activists and the persons engaged in People's Movements under such repressive laws. Another effect of the judgments of the Supreme Court has been that the subordinate courts have become executive minded. Once a person is booked in any of these laws, he or she is not likely to get bail. The case of Seema Azad is a classic example. She did not get bail pending trial even by the Supreme Court. No offence is made out on the basis of allegations against her but she was not only refused bail pending trial but was also convicted by the sessions Judge without there being any allegation to make out an offence. The mindset of the judiciary is increasingly becoming aligned to that of the Executive.

After TADA came POTA in 2002 along the similar lines. The Constitutional validity of POTA was challenged by the People's Union for Civil Liberties, which was also upheld by the Supreme Court. Now the provisions of TADA and POTA have been incorporated in the Unlawful Activities Prevention Act 1967 by the UAPA Amendment Act 2004 and 2008.

Taken together, the vast powers afforded to perpetrators of abuse under the laws establishes de facto official immunity. The persons who are booked for an alleged offence under any of the draconian laws have no recourse to the judicial system to ensure justice, including compensation, for the harm done to them.

What PUCL can do in such a situation to start a campaign to reform the criminal justice system? That is the question which we have to put to ourselves.

Dignity of Individual and Democratic way of Life

Our Constitution recognizes certain freedoms and rights as basic and guarantees them as Fundamental Rights in Part III. Among them are freedom of speech and expression, freedom of assembly and association, freedom of occupation, freedom of movement, right to life and personal liberty, right to equality before law, right to equal opportunity, right to profess and practice religion and so on. Many of the freedoms are subject to reasonable restrictions.

There is widespread hunger and under nourishment in our country. In order to live a life with **dignity**, the basic requirements of a human being are –food, cloth, residence, health, and education. Hundreds of millions of people in our country are living below the poverty line having no access to primary health care, safe drinking water, basic sanitation facilities, and adequate food and nutrition. A person deprived of these basic needs is incapable to exercise his or her fundamental rights guaranteed in Part III of our Constitution, and such a person does not live a life with dignity.

The framers of our Constitution knew that giving freedom and rights to the people without making them capable to exercise those rights was meaningless. Hence, they made provisions, for instance in Article 45: 'The state shall endeavour to provide *within a period of 10 years of the*

commencement of this Constitution (emphasis added) free and compulsory education for all children until they complete the age of 14 years'. But this Article now stands truncated. More than 50 years after the Constitution was enacted, Parliament passed at the stance of the Vajpayee government, the Constitution 86th Amendment Act 2002 by which the original Article 45 was substituted. It now reads:

Article 45: The State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years.

"The first task of the Assembly", Nehru told the members of the Constituent Assembly :- "is to free India through a new Constitution, to feed the starving people and to clothe the naked masses, and to give every Indian the fullest opportunity, to develop himself according to his capacity... At present, the greatest and most important question in India is how to solve the problem of the poor and the starving...**If we cannot solve this problem soon all our paper Constitution would become useless and purposeless,**" (**Constituent Assembly Debate, p. 316**). In his inspiring and famous 'Tryst with Destiny' speech on the eve of Independence, Nehru reminded the country that the tasks ahead included 'the ending of poverty and ignorance and disease and inequality of opportunity' Kindly see the task which Nehru pointed out was "the first task of the Assembly", meaning thereby that the Constituent Assembly would enact a Constitution in which to solve the problem of poor and starving will have utmost priority. The preamble of Constitution of India and Directive Principles seek to achieve what Nehru had pointed out as the problem which required to be solved soon failing which "our paper constitution would become useless and purposeless."

The **Preamble** of the Constitution of India reads as follows:

WE, THE PEOPLE OF INDIA, having solemnly resolved to

constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens: **JUSTICE**, social, economic and political; **LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to promote among them all **FRATERNITY** assuring the *dignity of the individual* and the unity and integrity of the Nation; *In our Constituent Assembly* this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION**

The **Directive Principles** constitute the Charter towards what is resolved by "We, the People of India" in the Preamble. Article 38(1) of the Constitution instructs the State to strive to promote the welfare of the people by securing and protecting as effectively as it may, social order in which justice, social, economic and political, shall inform all the institutions of the National life. Article 38 (2) calls upon the state to strive to minimize the inequality in income and to eliminate inequality in status, facilities, and opportunities, amongst individuals and groups of people residing in different areas or engage in different vocations. Article 39 requires the state to direct its policy towards securing that the citizens have the right to adequate means of livelihood ;that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; that there is equal pay for equal work for both men and women; that the health and strength of workers, men and women, and the tender age of children are not abused; that children are given opportunities and facilities to develop in a healthy manner and in conditions of

freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Article 47 provides that the state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as amongst its primary duties. Article 45 as originally enacted provided that the State shall endeavour to provide within a period of 10 years from the commencement of the Constitution for free and compulsory education for all children until they complete the age of 14 years. (This Article has been substituted by Constitution (Eighty Sixth Amendment) Act 2002.

There is a declaration in Article 37 of the Constitution that the Directive Principles contained in Part IV "are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws". This article, however, also provides that they shall not be enforceable by any court. Then a question arises how will these be enforced? The obvious answer is that these are enforceable through a democratic process.

In the course of the debates in the Constituent Assembly, Dr. B.R. Ambedkar had said: "whoever captures power will not be free to do what he likes with it. In exercise with it he will have to respect these instruments of instructions which are called directive principles..... If any govt. ignores them they will certainly have to answer for them before the electorate at election time". But, alas, it has not worked that way.

The first item in the Aims and Objects given in the Constitution of PUCL is **to uphold and promote Civil Liberties and Democratic way of life throughout India**. We should give widest possible meaning to the words, **"uphold and promote" "democratic way of life"** so as to include in its scope to involve people in the democratic process for enforcement of Directive Principles of state policy. Our Constitution worked well for the

first 20 years. After the 1962 elections people became restive and started losing patience as poverty and disparity persisted as such as it was when we achieved independence. In the 1967 elections the Congress Party suffered heavy reverses. In the Lok Sabha, Congress seat tally had dropped significantly, from 361 to 283, while its losses in state assemblies were even greater. It started appearing that in the next elections which were due in 1972 Congress would lose power not only in the centre but in many states also.

Between the elections of 1962 and 1967 there have been 3 Prime ministers; Jawaharlal Nehru, Lal Bahadur Shastri and Mrs. Indira Gandhi. In Granville Austin's book *Working a Democratic Constitution* (Oxford University Press, New Delhi, 1999, p. 173), the opening paragraph of Chapter 7 which was titled: **INDIRA GANDHI: IN CONTEXT AND IN POWER**, reads:

"The early hours of 11 January 1966, brought India two ends and a beginning. The life of Jawaharlal Nehru's successor, Prime Minister Lal Bahadur Shastri ended that morning in Tashkent, where he had gone to sign an agreement with Pakistan ending the previous year's war between the two countries. Shastri's death also ended the Nehru's years for he had led the country in the Nehru tradition even while being his own man as Prime Minister. A new era, one that would be marked by confrontation or institutional and personal power, began with the arrival in the Prime Minister's office of Nehru's daughter, Mrs. Indira Gandhi".

Thereafter in 1969 the old congress party which had led the country to Independence, split down the middle between supporters of Indira Gandhi (Congress R) and supporters of her opponents led by Morarji Desai (Congress O). General elections both to the Lok Sabha and state legislative

assemblies had been held together in 1952 and every 5 years thereafter till 1967. The next general elections were due in 1972. In 1971, Indira Gandhi, politically shrewd as she was, was fully able to sense the impatience in the people to remove poverty, gave a deceptive slogan of **"garibi hatao"** delinked the parliamentary elections from the assembly surprisingly by preopening the same, which otherwise were due in 1972, dumped huge amount of money in election for her party candidates and secured a thumping majority giving severe blow to the process of political polarization on ideological basis. But even during that period, only a few had realized that poverty and disparity was not something which would be removed through any political jugglery of words, often used in this country to infuse illusory optimism among the poor masses by offering them such slogans (read lollypops). The hard truth is that poverty still stares in the faces of crores of hapless people of this country.

Democratic way of life was scuttled down by Indira Gandhi during her prime ministership from the 1971 elections to mid-1975, even before the emergency. Granville Austin described the situation in his monumental book **WORKING A DEMOCRATIC CONSTITUTION**; "The Executive branch came to dominate Parliament to such a degree that Parliament lost any effective identity of its own. And, authority within the Executive became concentrated in the Prime Minister's office and was then exercised from Mrs Gandhi's residence, to the exclusion of all but a few. The two branches, if still they could be called that, attacked the third branch, the judiciary intending to end its function as a co-equal branch of government".

On 24 April 1973 in the *Kesavanand Bharati* case, thirteen Judges Bench by majority opinion of 7:6 held that there are some basic features of the Constitution which cannot be amended by Parliament. On 25 April just a day after the *Kesavanand Bharati*

decision, Mrs Gandhi's govt appointed Mr Justice A.N.Ray as Chief Justice of India superseding three Senior Judges, Shelat, Hegde and Grover. All these three Judges resigned in protest. Among the critics of the appointment of A.N.Ray was the veteran Sarvoday leader Jai Prakash Narayan. He wrote to the Prime minister asking whether these out-of-turn promotions were intended to make the Supreme Court 'a creature of the government of the day'. She answered that the 'dismal conclusion' was unwarranted, adding that a mechanical adherence to the 'seniority principal had led to an unduly high turnover of chief justices'

It was in this back drop that CITIZENS FOR DEMOCRACY was formed at an inaugural conference held in New Delhi on April 13-14, 1974 i.e, more than one year before the emergency was imposed, under the Presidentship of Shri Jaiprakash Narayan. It was formed in response to the political, economic and moral crisis in which the country had been involved. Shri Jaiprakash Narayan remained its President till his death in 1979. A national seminar was organized by CFD which was held on Oct 16- 17, 1976 at the Constitutional Club, attended by eminent jurists and men of letter and opposition leaders. At the end of the National Seminar on Oct 17, 1976 a movement was launched under the name of **People's Union of Civil liberties and Democratic Rights** at a convention inaugurated by Acharya Kriplani. J.P recommended the PUCLDR should be a movement and not a membership organization. Only 3 months after the formation of the PUCLDR, Indira Gandhi declared election on 18 Jan 1977. It has been mentioned in the booklet KNOW PUCL that large number of people who had worked with JP during emergency assumed power at the Centre in 1977 and an impression started floating that now liberties of the people were secure. The dynamic element in the PUCLDR subsided.

The Janata Govt. could survive only for 28 months and it fell in July 1979. In the next election held in Jan 1980 Indira Gandhi returned as Prime Minister. The re-emergence of Indira Gandhi in the 1980 election marks the end of ideology in Indian politics. Post 1980 politics became immoral and unprincipled and has so remained. Political corruption showed its ugliest head after 1980. She started a process by which her govt. could appoint "committed Judges" an unaccomplished task during 1971-77. The National Security Ordinance was promulgated on 23rd Sep 1980.

It was in this backdrop that by active participation of members of CFD, PUCL was formed in November 1980. We have seen above that PUCLDR which was formed during the emergency remained active hardly for three months (from 17 Oct 1976 -18 Jan 1977). Formation of PUCL in Nov 1980 after 4 years of formation of the PUCLDR, occurred in totally different circumstances. Now there was no emergency, but there was derailment of democratic values and hence there was a need felt by the members of the CFD to form an organization to **uphold democratic values and civil liberties**.

The first and second items in the Aims and Objects of the Constitution of PUCL: "**to uphold and promote by peaceful means Civil liberties and the Democratic Way of life throughout India**", and "**to secure recognition to the principle of dignity of the individual**" have to be read together and have to be meaningfully interpreted in this context, so as to take within its scope a democratic process in which people may be involved so as to demand their governance on fundamental principles contained in Part IV of the Constitution.

In *'Bandhua Mukti Morcha vs UOI'* (AIR 1984 SC 802) the Supreme Court held: "It is the fundamental right of everyone in this country, assured under the interpretation given to Article 21 by this court in

Frances Coralie Mullin's case (AIR 1980 SC 849) to live with **human dignity** (emphasis added), free from exploitation. This right to live with **human dignity** enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly Clauses (e) and (f) of Article 39 and Article 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women and on the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just an humane conditions of work and maternity relief. **These are the minimum requirements which must exist in order to enable a person to live with human dignity** (emphasis added), and no State- neither the Central nor any State govt.- has the right to take any action which will deprive a person of the enjoyment of these basic essentials".

In *Minerva Mills case (1980) 3 SCC page 625* the Constitution bench of Supreme Court found that the core of the commitment to the social revolution envisaged under our Constitution lies in Part III and IV. These are conscience of the constitution. In para 61 of the judgment of the Supreme Court in *Minerva Mills case*, it has been observed:

"The significance of the perception that Parts III and IV together constitute the core commitment to social revolution and, they, together are the conscience of the Constitution. Granville Austin's observation brings out the true position that Parts III and IV are like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy. They are like a twin formula for achieving the social revolution, which is the ideal which the visionary founders of the Constitution set before themselves. In other words, the Indian Constitution is founded

on the bedrock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between Fundamental Rights and Directive Principles is an essential feature of the basic structure of the Constitution”.

The National Human Rights Commission (NHRC) then headed by Justice Venkatchaliah, very rightly took notice of the 1993 Vienna Declaration of Human Rights. In its 1996-97 Annual report, it observed: 'With each succeeding years, the Commission has grown stronger in its conviction that all human rights, whether civil, political, economic, social or cultural, must be viewed, as the 1993 Vienna Declaration of Human rights did, as “universal, indivisible and interrelated”. The Commission noted that economic and social rights had remained inadequately unfulfilled in our democracy.

Then in March 2006, Dr. Justice A.S. Anand the then chairperson of NHRC in his remarks at the three day discussion on “ways and means to implement Economic, Social and Cultural rights” at the international round table jointly organized by NHRC and the UN High Commissioner for Human Rights in Delhi, rightly commented that, “in democratic societies, human rights are broadly classified into civil and political rights, on one hand, and economic, social and cultural rights, on the other”. He also observed that, “the protection of economic, social and cultural rights had been poor, irregular at the national and international level. National human rights institutions have a great role to play to correct the fallacy of treating one set of rights as inferior to another set of rights....It is firm view of the NHRC, India, that we must accept the indivisibility and inter-related nature of the two sets of rights for the full development of human personality”.

The Constitution of India as initially enacted preferred Representative Democracy with a centralized

system of governance. Experience of more than 66 years of working of the Constitution shows that this Representative Democracy prevents people's participation in matters of formulation of policies and **Governance**. As the root meaning of the word indicates, Democracy is the “Rule of the people”. A Representative Democracy is not the “Rule of the people”. The noted historian Ramchandra Guha while speaking at The Hindu's Lit for Life annual lecture on the topic 'India at 70: A Historian's Report Card on 16th Oct 2016 said: “My worry is that we are not so much an electoral democracy as much as an elections—only democracy. You win an election and you think you are immune to criticism for the next five years. That was true of UPA and that was true of NDA.” An ordinary person (Aam Admi) has been given only the right to vote every five years and that's all. It is in this democracy that Narendra Modi by securing only 31% of the votes could claim 55% of seats in the Lok Sabha.

For the last sixty-six years, governments of this country – central as well as states – have been largely negligent and have been putting aside implementing the Directive Principles of State Policy, resulting in greater economic and social disparity and deprivation of the basic rights like education, health, right to work etc. In other words, representative democracy has brought about suffering, inequality, alienation, oppression, discrimination, deprivation and injustice. The so called development which has taken place in our country till now by a centralized system of **governance** is only bringing disaster. Forest conservation, keeping rivers free from pollution, clean air, pure water, providing primary education and other necessities of life to the people of India will become impossible in the foreseeable future if this centralized system of **governance** continues and is not replaced by a Decentralized System of **Governance**: of the people, by the

people and for the people as envisaged in Part IX and IX-A of the Constitution of India. If this is not done, depletion of natural resources will eventually create a total chaos in the society.

Now the Constitution decentralizes the country's **governance** through a four-tier administration i.e. Central Government, State Government, Union territories, Municipalities and Panchayats. See Constitution for Municipalities and Panchayats: Part IX(Panchayats) and Part IX-A (Municipalities) introduced through the Constitution 73rd Amendment Act, making the peoples participation in the democratic process from grass root level a reality. Participation means that people are closely involved in the economic, social, cultural and political processes that affect their lives. People may, in some cases, have complete and direct control over these process-in other cases, the control may be partial or indirect. The important thing is that people have constant access to decision –making and power. Participation in this sense is an essential element of human development. Participation of the people in **governance** of the State is sine qua non of a functional democracy, implying people's participation not only in decision making about preparation of plans for economic development and social justice but also in the execution of such plans. What should be the model of development must be decided by the people themselves.

My main aim in this address is to point out that **PUCLDR** was formed during the 1975 emergency which remained active only for three months but **PUCL** was formed 4 years later, in Nov 1980 after the re-emergence of Indira Gandhi in totally different circumstances.

In his presidential speech at the National Executive meeting held on 28th Feb 2015 at the Gandhi Peace Foundation Shri Prabhakar Sinha said “The organization [PUCL] has been doing laudable work and has achievements to its credit to make us proud, but now it is imperative that while continuing to take up

issues it has been doing, it reaches out to the masses by taking up their causes which have been neglected so far". My humble and respectful suggestion is that by giving a meaningful interpretation to the words **to uphold and promote democratic way of life and to secure recognition to the principle of dignity of the individual** PUCL starts a campaign to make the people aware about their civil, political, economic, social and cultural rights in Part III and IV of the Constitution through participatory democracy as envisaged in Part IX and IX A of the Constitution of India.

Campaign against grave threats

posed by a divisive and fascist politics of the RSS and BJP

Before we launch this campaign, my humble suggestion is that the 13th *J.P. Memorial Lecture* by Shri V.M. Tarkunde in 1993 be read by all of us although many things have changed drastically since then. In the situation as it then prevailed, Shri Tarkunde said in that lecture "I am of the view that the communalist nationalism which is being propagated by the **BJP** and the *Sangh Parivar* represents a far greater danger to Indian democracy than the personal authoritarian rule which Mrs. Indira Gandhi and the Gandhi-Nehru family were likely to impose on the country. A personal authoritarian

rule is a lesser danger because it is largely external to the people.... ,Communalism, however, particularly when it is the communalism of the majority and can therefore take the form of ardent nationalism as well, can find a positive response in the minds of the people who are still prone to religious blind faith and among whom the humanist values of democracy, i.e , the values of liberty, equality and fraternity are yet to be fully developed. Communalism in such cases is an internal enemy residing in the human mind and it is far more difficult to eradicate it than an external enemy like an autocratic ruler. □

Note: There was a debate amongst members about the proposed theme of the Convention – Deepening Democracy – and as to whether 'Defending Democracy' would be better. The following is a response of Prof. Prabhakar Sinha, outgoing President, PUCL on this debate which adds a vital explanation as to why we retained the theme as 'Deepening Democracy' not just for the Convention but as a theme for the next two years. A more detailed article by the National General Secretary will be carried in the next issue of the *'Bulletin'*.

Press Statement: 05th November, 2016 **Speech read out in the 14th PUCL National Convention, 16th December, 2016 in Raipur by Prof. Prabhakar Sinha, Outgoing President, PUCL, 2010-16 to explain the theme of the Convention:**

From Defending Democracy to Deepening Democracy

Prabhakar Sinha

There is a difference between the two, and the difference is fundamental. One defends when there there is an attack - actual, imminent or possible .The emergency clamped by Indira Gandhi to impose her authoritarian rule was a brutal attack on democracy, which caused the birth of the PUCL&DR (People's Union for Civil Liberties and Democratic Rights). All those who were targeted by her or who suffered under the emergency joined hands to defend democracy .But all those, who fought for democracy were not necessarily democrats though it was not clear at the time. At the receiving end of the ruthless and lawless government were the RSS, the Jan Sangh, the *Jamat-e-Islami*, the Anand Marg, the Socialists, the CPI (M) and many others. They all stood shoulder to shoulder in defence of democracy in the country, which was eclipsed on 25-

26 June, 1975. They were all defenders of democracy and appeared friends of democracy , but time showed that though defenders of democracy at that point of time , they were not democrats .They were no friends of democracy .Since 1990 almost all of them have ruled at the centre and /or some states and found to be anti-democratic .In fact , they could not be distinguished from one another .The CPI (M) , which was in power, in West Bengal had killed hundreds of members of the CPI (M-L), popularly called Naxalites .The BJP was not only anti-minorities but was the twin brother of the Congress Party in enacting a plethora of draconian laws against life, personal liberties and the other democratic rights of the people .If the Congress had enacted TADA , the BJP surpassed it with its more draconian POTA (both anti-terror laws).The ugly fascist face of the

BJP government is there for all to see and suffer.

But during the emergency, they were defenders of democracy .The lesson to be learnt is that the defenders of democracy at some point of time are not necessarily committed democrats. The political parties, which were fighting for democracy during the emergency, were fighting for their own rights and opportunity to rule the country and not for establishing a truly democratic government committed to guarantee the people' democratic rights. The political parties or individuals not committed to democracy or even those inimical to it may under certain compelling circumstances may play the role of defenders of democracy to safeguard their immediate interest.

Deepening democracy has the daunting task of transforming the society , of creating the foundation

which may sustain the edifice of democracy. Without the democratic consciousness and faith in democratic values expecting a democratic system to survive and flourish is like building a castle in the air. We have the example of the French revolution. The revolution inspired by the lofty ideals of equality and liberty resulted in the reign of terror and eventually led to the rise of Napoleon and his dictatorship. Democracy in our country stands on a very shaky foundation. We have had a tradition which is inimical to democracy. The foundation of democracy is based on faith in equality of every person, but our society had been structured on the faith in inequality of persons based on the caste to which he/she is born. It has been based on the belief that some human beings are worse than animals. So much so that animals could be embraced but some human beings were untouchable. Even their shadow could pollute a the pure. Added to this disease was the inequality based on status. Democracy cannot co-exist with the denial of the principle of equal dignity of the individual. Indian democracy presents an example of such a co-existence. The constitution of the country denies the inequality of the individual but the society rejects it in practice. The result of the contradiction is to be

seen in different forms. We are a democracy in which a person wholly unknown to the people may be nominated as Prime Minister and a semi-literate wife of a Chief Minister may be appointed a C.M. There are family fiefdoms. Political leaders from the oppressed class who have risen to power in the name of fighting injustice to their brethren unabashedly enjoy their colleagues falling at their feet. Indian democracy retains its democratic form but is reduced to feudalism and oligarchy in its content.

The human rights movement in the country has been working on the totally wrong assumption that the condition for sustaining democracy and human rights exists. It is an ostrich like approach despite their voice remaining unheard like a cry in the wilderness. The political class has succeeded in making the people acquiesce in the usurpation of their right and dignity and reducing them to the status of supplicants. They act as if the Indian society is like the western society (which has a different history) in which the principle of the inherent dignity of the individual has been to a great extent, accepted. The movement has confined itself to expose and oppose violations of human and democratic rights expecting the people to react against it, but it evoked no response from the

people not concerned with the victims. To the people not concerned with the victims, it was just one more illegal act by the state to which they had grown used.

The framers of the PUCL constitution had realised the weakness of the approach of protecting democratic right without engaging with the people and changing their mindset. It set high value on upholding and promoting' by peaceful means civil liberties and democratic way of life. 'Appreciating that a democratic way of life was not possible in a society which denied equality of dignity of the individual, it set the goal of securing the recognition of the principle of the dignity of the individual. Combating social evils like untouchability, casteism and communalism were high on its agenda. All these were not possible without engaging with the people. The road map is there, but the will to follow the path has been lacking. The PUCL has now resolved to campaign for securing the recognition of the principle of the dignity of the individual. It is this principle which is the basis of rejecting untouchability, casteism, racialism, communalism or any other form of discrimination. It is this principle which is the foundation of democracy.

Deepening democracy means changing the mindset of the society and making it democratic. □

Report of Dr. V. Suresh, National General Secretary for the period 2014-16 presented at the 14th PUCL National Convention, Raipur, 16-18th December, 2016:

Deepening Democracy: Imperatives before PUCL and the Human Rights Movement in India

Dear Friends,

It gives me great pleasure to present this report of the PUCL's activities and progress during the period 2014-16. This Report is a slightly abridged report of what I had originally prepared because I lost the main report which I had prepared due to the cyclonic disaster which struck Chennai recently just as I was completing the Report. I request members to bear with me on this.

At the very outset, I would like to point out that this Report is only about the activities of the National Unit and does not include the key or notable activities of the State units for they will be highlighted in the reports presented by the respective State Units. The National Unit undertakes only a small number of activities and hence this report only has details of the work initiated by us exclusively.

At the very outset I would also like

to sound a word of caution: the report highlights only a small number of issues in the report below which we undertook from the national office. By no means does this mean that we, as an organisation, do not take up other issues. For example PUCL has a long history of taking up issues of discrimination and structural violence inflicted on dalits and other marginalised communities, women, LGBT and sexual

minorities, issues related to migration of labourers, honour killings etc. These may not find mention in this report as we had decided to focus only a smaller number of issues which would be commonly addressed by all state units throughout the country.

The 13th National Convention was held on 6-7th December, 2014 in Patna in the background of two major changes: one, internal to PUCL and the second, the larger political context.

Internally, in 2012, we had initiated the process of "Reimagining PUCL" of critically re-examining ourselves as a human rights organisation, analysing the impacts we had made and identifying the areas where we needed to improve organisationally as also in terms of defending human rights, of charting out a course for the future so that we remain on top of the sweeping changes taking place in society, politics and the economy. In short, we embarked on a journey to examine and redefine our priorities, activities and programmes as one of India's largest voluntary, human rights organisation.

We collectively reviewed our progress in December, 2014 when we met in Patna and decided that we needed to consolidate and build upon our organisational strengths and crucially streamline and strengthen our functioning. However considering that the 13th National Convention in Patna was taking place in the background of the BJP-led, NDA Government coming to power in the Centre, and the disturbing politics of hatred, intolerance and communal divide that had emerged, we discussed the importance of "Defending Liberties, Protecting Diversity and Promoting Social Justice" in a context of consolidation of a fascist, majoritarian state.

This 14th Convention is taking place in the background of events occurring inside India which are changing the very structure of politics and seriously challenging the notion of democratic governance. The threat to human

rights and rule of law has taken numerous forms: the attack is not just on religious minorities; even those in the majority community who threaten the ruling interests are under direct physical attack as was witnessed in the attack on Kalburgi, Pansare and others in different states for questioning superstition and obscurantism in the majority religion. Hate crimes including attack on those who eat or sell beef as exemplified in the killing of Mohammad Akhlaq in Dadri, UP or the murderous attack on Muslim truck driver transporting cattle in Nahan, Himachal Pradesh (Oct, 2015) by alleged Bajrang Dal members or the attack on Zahid Bhat a trucker in Anantnag. But such attacks was not confined to Muslims as the incidents in Una in Gujarat this year showed when Dalits were severely beaten in full public view on charge of skinning dead cattle and selling beef. These are just a few of the major incidents that have shaken the edifice of secularism and rule of law in the country considering the impunity enjoyed by the perpetrators most of whom belong to groups espousing majoritarian politics.

This apart the death of Rohit Vemula in Hyderabad Central University and the JNU incidents in February, 2016 leading to the arrest of Kanhaiya Kumar and other student leaders, the attack by BJP-affiliated lawyers on students and others in the High Court complex in Delhi, in full media glare and the silence of the ruling dispensation in the Central Government in condemning such brazen attacks.

The return of awards by writers, film artistes and painters against the prevailing politics of hate, intolerance and crushing of dissent was matched by the vitriolic, personalised and vicious attacks on them not just by grass roots or lumpen elements of groups and parties aligned with the majoritarian parties but also by senior ministers of the Central Government underscores the extent to which politics has become polarised and suffused with violence, albeit now

with the sanctity of being supported by state power.

These are just a random sample of incidents and issues of major rights violations that continue to occur throughout the country. The human rights situation in Kashmir is serious with thousands of young people affected due to use of pellet guns by the Kashmir police and paramilitary forces. Continuing state violence against unarmed tribals in the Bastar area by the Chhattisgarh state police and paramilitary forces in the name of fighting Maoist groups which also occur in other states like Odisha, Jharkhand, AP; the encounters killings by special units of state police and para military forces regularly erupt and have now become a routine phenomenon across India. Attack on environmentalists raising questions about major industrial or infrastructure projects as being 'anti-national' and widespread abuse of sedition laws are symptomatic of a view which sees anyone challenging the might of the state as 'enemies' and 'traitors' against whom the most draconian of laws can be used with brazen impunity. It should be pointed out that such trends are not visible in BJP led or ruled states, but are also to be seen in other states ruled by other political formations too.

Cumulatively, the silencing of dissent, attack on rights defenders and the crushing of democratic opposition to state policy represents not just a threat to the rule of law or human rights regime but to the very edifice of democracy and the relevance of all hard won and cherished democratic principles. It is against this background that we are meeting here in Raipur to once again review our work and plan how to go forward.

1. Organisational Report Streamlining PUCL: The Progress

I am happy to inform members that the process of streamlining PUCL is well in place across most of the active states. This is reflected in the following:

1. Consolidation of Membership and regularisation of payment of membership dues.

One of the areas where the streamlining has been most successful is in the area of ensuring that our membership lists are updated regularly. We have also to

Membership in 24 states
Active State units: 14
Little / No presence in North East, J&K

We should point out that though

a large extent updated the list by removing names of members who have died or left the country, wherever we came to know about this and got it confirmed.

The following table summarises the current membership position of PUCL:

there are members residing in a number of states, state units in those places are yet to become functional. For example, the former Andhra Pradesh unit has not been reconstituted as AP and Telangana

Total National PUCL Membership

Years	Life	Annual	Total
2009-12	1258	2559	3817
2012 -14	1446	2477	3923
2014 -16	1258	2928	4186

unit after the bifurcation of the states. Similarly formal state units are yet to be formed in Uttarakhand or HP. Likewise we have little or no presence in Jammu and Kashmir or in the North Eastern states.

Table 1: PUCL Total Members all States updated as on January 2016

S.No	State	L/P	LB/PB/D	MB	M	Total	No. of NC Members eligible in ratio of 1 NC: 50 state members
1	AP (Both Telangana and AP - old membership)	74	01	02	00	77	2
2	BIHAR	65	45	23	739	872	17
3	CHHATTISGARH	06	14	01	208	229	5
4	DELHI	112	78	05	07	202	4
5	GOA	02	00	00	00	02	0
6	GUJARAT	53	12	10	114	188	4
7	HARYANA	15	16	01	00	32	0
8	HIMACHAL PRADESH	02	00	00	00	02	0
9	JAMMU & KASHMIR	01	00	00	00	01	0
10	JHARKHAND	65	14	01	161	241	5
11	KARNATAKA	181	41	01	02	225	5
12	KERALA	51	06	05	67	129	3
13	MADHYA PRADESH	15	25	03	40	83	2
14	MAHARASHTRA	134	19	07	07	167	3
15	MUMBAI	94	00	00	08	102	2
16	ORISSA	12	09	05	03	29	1
17	PUDUCHERRY	02	00	00	00	02	0
18	PUNJAB & CHANDIGARH	21	09	01	00	31	1
19	RAJASTHAN	119	35	0	249	403	8
21	TAMIL NADU	79	36	3	381	499	10
22	UTTAR PRADESH	128	103	15	353	599	12
23	UTTARAKHAND	06	04	00	01	11	0
24	WEST BENGAL	21	04	05	30	60	1
	Total:	1258	471	88	2370	4186	85

M – Annual Member

L/P /D- Life Member/Patron Member/ Donor

MB- Member & Bul. Subscriber LB/PB - Life/Patron Member & Bul. Subscriber

B – Bulletin subscribers only

Note: States where no activity has been undertaken in last two years or where there has been no response of people who had represented the state earlier have not been included in list above.

2. Streamlining elections to State Council and National Council

Another area where we have successfully ensured compliance with PUCL Constitution is in holding regular elections in many of the state units. It took an effort to ensure that the norms prescribed in the PUCL Constitution regarding setting up of State Councils where elections to office bearers of the State units take place and formation of district units. Similarly the process of election of National Council members from each state in proportion to the number of members in each state has now become a practice in most states. In many of the states elections to office bearers of the state unit was held very irregularly and not based on norms stipulated by our Constitution. So in some states elections had not been held in more than 4-5 years. In most of them elections are now being held once in two years.

There are a few older state units where the proper procedures have not been followed. These will be

rectified in the coming months.

3. Constitution of new state units

In states like Kerala, Maharashtra and MP, there were formerly functioning state units which for various reasons had become non-functional. We are in touch with members in these states to reconstitute new Ad Hoc Committees to ensure that a properly constituted and representative state unit is launched shortly. Similarly in some states like Odisha and West Bengal, we are planning to reach out to new sections like students and youth by initiating new activities like seminars and conferences on emerging human rights issues, training programmes and workshops and other such activities.

4. Financial Status of PUCL

As all members know PUCL is a voluntary organisation which has only 2 full time staff at the national office to take care of documentation and office work. As a rule, we do not take institutional financing. Our work is largely supported by (i) membership subscription, (ii)

contributions by NC members and (iii) donations by members or well wishers. Occasionally, we have also sought donations for meetings like National Councils or Conventions from the Trust.

Members may remember that in the National Council meeting in Allahabad in September, 2015, it was decided that each State unit should contribute Rs. 25,000/- per year to the National Office towards maintaining the NO; it was also decided however that those state units who did not have much membership will pay Rs. 5000/- as for example Odisha.

In September, 2016 our finances were in a perilous state and we had issued an appeal to all the state units to send their share of the annual contribution to the National Office. I am happy to report that most of the states came forward to share their part of the contribution. A few states alone remain to make their contribution. About Rs. 37,000 were contributed by NC members.

The Annual Audited accounts are available for any member who so desires to see the same.

Table 2: Details of Income and Expenditure

Income & Expenditure (2011-12, 2012-13, 2013-14, 2014-15, 2015-16)			
S.No.	Year	Income	Expenditure
1	2011-12	982415	710099
2	2012-13	638159	680124
3	2013-14	492261	676263
4	2014-15	452956	798276
5	2015-16	553518	616166
	Total:	3119309	3480928

Office Receipts for the year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16						
S.No.	Account Heads	2011-12	2012-13	2013-14	2014-15	2015-16
1	Donation + NE Meeting Reg.	865400	461860	363682	202300	241500
2	NC Member Contribution	1000	11000	11000	9000	26000
3	Trust Contribution	0	70000	0	150000	100000
4	Membership Fee	113115	67399	95761	59526	164917
5	Bulletin Subscription	2410	19580	16460	13390	11341
6	Sale of Publication	490	8320	5358	18740	9760
	Total:	982415	638159	492261	452956	553518

Office Expenditure for the year 2011-12, 2012-13 & 2013-14, 2014-15, 2015-16						
S.No.	Account Heads	2011-12	2012-13	2013-14	2014-15	2015-16
1	Bulletin Reg. Expenses	9244	0	0	1595	0
2	Computer	14955	14470	11230	4700	5170
3	Conveyance	12258	13598	18353	7275	3890
4	Honorarium	135850	171630	212480	230865	280550
5	Loan Staff	80000	2000	50000	0	0
6	Misc. office Expenses	92450	94504	31424	1207	1073
7	MTNL Broadband	12499	12440	11829	14278	15176
8	NC-NE meeting expenses	84412	87767	24071	235523	11320
9	Office Electricity	3615	13921	29212	10366	7344
10	Office Rent	164400	169600	180000	180000	180000
11	Postage	13474	18453	13851	9089	10385
12	Press - printing Bulletin	73950	70560	83650	88200	88200
13	Printer Cartridge/ Toner Refilling	4610	3150	3900	7200	4050
14	Stationery	4129	3226	1617	2055	607
15	Sugar, Tea etc	4253	4805	4646	5923	8401
	Total:	710099	680124	676263	798276	616166

2. Activity Report

A: Work on Thematic Committees

Members will recall that during the Patna Convention (2014), it was decided that the National Unit will coordinate the work of the following thematic Committees:

The 5 thematic discussion issues were:

- Human rights violations under ordinary laws'.
- 'Draconian laws, state terrorism and impunity'.
- 'Communalism, communal violence and State response'.
- 'Development process, ecology and human rights issues'.
- 'Human rights violations of marginalised communities: Dalits, tribals, women, sexual minorities and others'.

In later discussions within the National Executive and the National Council in 2015 and in 2016, it was decided that we will focus on the first three themes listed above to start with. This was based also in the limitation of finding members willing to anchor these Committees.

During the National Council meeting on 17-18th September, 2016, there were further discussions by the respective anchors to the three committees to fine tune a detailed programme of action which will be

presented to the National Convention for discussion and adoption. Of the three Committees, Vinay Kanth was to coordinate the Campaign to ensure dignity of the common citizen, Kavita Srivastava to anchor the Committee on majoritarian politics and threat to democracy and Sudha Bharadwaj was to anchor the committee on draconian laws, criminal justice system, prisoner's rights and related issues.

Other issues suggested in NE Meeting for launching National Campaigns

During the Jaipur National Executive Meeting held in May, 2016 some other related themes were raised for discussion with the suggestion that these issues should also be addressed by National PUCL. These issues posed major threats of eviction of millions of people living besides the proposed Industrial Corridors, Special Investment Regions and Smart Cities project and other such massive infrastructural projects.

- DMIC (Delhi Mumbai Industrial Corridor); SIR (Special Investment Region) & Smart Cities; Human Rights violations because of the push for

DMIC, SIR.

- Critical note on new policy related to Mining & Plundering of resources - A Preliminary draft. (from a human rights perspective).
- PILs - gathering all PUCL PILs state wise - A note and work towards collating.
- Criminal Justice System - National level discussion meeting in Delhi

Critical review of Progress

Despite interesting and intense discussions and debates on the subject of the thematic committees for a variety of reasons, progress in concretising an action plan or to come out with a statement summarising our approach and with a draft plan of action has still to be formulated with respect to all the Committees.

It is a matter of regret that despite good intentions and common concern over these issues which manifest themselves in all the states of India, despite the passage of over 2 years we still a long way from launching a coordinated campaign.

It is perhaps symptomatic of a voluntary organisation like PUCL, which doesn't have full timers and where members are involved in other

issues and organisations, the time available for investing to take forward a national – wide campaign is limited. The different anchors have been otherwise engaged in equally important campaigns and issues of human rights concerns and have not been able to provide the time or concentrated attention that is required to launch a campaign of such nature.

As General Secretary, it is my responsibility to coordinate the various activities required to ensure that these thematic committees were made ready for launching. So far no Concept Notes have been prepared nor a clear cut action plan been released.

I accept full responsibility for the failure to ensure launch of these thematic committees all of which cover crucial areas of concern. It shall be my key task to ensure that at least in the coming term we do not lag behind in giving shape to launch the campaign on these programmes.

Lack of response from the states:

In the same spirit of critical review I would also record my sense of disappointment that the response from other members of the National Executive as also members from the state units, has also not been forthcoming, in terms of following up with the decisions made to launch the thematic committees or seek report of implementation of different plans. In a sense, it is as though the responsibility having been delegated to some of the National office bearers anchoring the committees, other members will wait until something emerges; and if nothing concretely was launched, there was a sense of cynical resignation to the fact that nothing will come out of such exercises.

I point this out not to accuse or blame anyone but to point out to a crucial part of our organisational culture which we need to reflect upon. How can PUCL as a human rights body grow in strength unless there is a strong sense of demand and followup on plans; there has to be a sense of collective responsibility that each member is equally responsible to ensure implementation of whatever had been planned and that they should also themselves come forward to volunteer to actively associate with programmes.

My sense of disappointment also stems from the fact that we are tending to speak a lot and do not ensure that what we speak is put into action. I hope we will all work together with a renewed sense of urgency and conviction and ensure that we grow in strength.

PUCL as an organisation should speak through its actions and not in terms of statements which live on paper or merely in terms of posturing in public fora.

This is a crucial challenge we all face. I offer my apologies if I am hurting anyone's sensibilities. I hope colleagues will respect the spirit with which I make these statements.

B: PUCL Bulletin

Members may have noticed that from the January, 2015 issue of the Bulletin slowly there have been a number of articles published in the Bulletin specially written for the issue. We have tried several experiments including coming out with special issues focusing on specific themes and thereafter identifying specialists / experienced people to write for the Bulletin.

The following are the main changes brought about in the Bulletin:

1. On a general note, we are trying to ensure that at least about 40% of all articles published in any month's issue of the Bulletin are original articles and not reprints.
2. We have started the practice of having an issue dealing with exclusive themes.
3. We are placing a word count on articles, of about 1500 words for general articles and about 2000 – 2500 words for special articles.
4. We have also discontinued with the earlier practice of dividing an article into two or three parts and carrying in 2 to 3 consecutive issues of the Bulletin. We are trying to ensure that an article is carried in full in the same issue itself.

I am happy to inform you that the response from members, subscribers and others to the changes in the Bulletin has been very supportive and welcoming. The best response I got recently is from a

librarian in a law college who told me that many of their faculty members refer to the PUCL Bulletin for preparing their lectures on a number of topics.

Issues of Concern

1. We have to print at least 1000 issues each month to avail of the postal department's special concession rate.
2. We have less than 500 subscriptions who pay the full amount.
3. We have requested all state units to enrol at least 50 new subscriptions for the Bulletin so that it can become self sufficient. Unfortunately this is yet to become a reality.
4. We call upon all the General Secretaries of state units to take this up as a priority task and get 50 new subscriptions.
5. Very importantly, we invite more articles from PUCL members for consideration for publication in the *Bulletin*.

C: Specific Campaigns and Activities

Fact Finding Team to Kashmir

During the National Council meeting in September, 2016 two issues related to Kashmir were discussed:

- (i) Large scale rights violations in the Kashmir valley following the killing of Burhan Wani in July, 2016 including the months long shutdown of all economic activities in the valley, loss of eye sight and serious injuries caused by shooting pellet guns and other lethal weapons, complete military control over the valley, and related issues.
- (ii) The illegal detention and arrest of noted human rights activist Khurram Pervez of Jammu and Kashmir Coalition of Civil Society (JKCCS) and further detention under the JK Public Safety Act.

The NC had issued a resolution condemning Khurram Parvez's detention and demanding his

immediate release. A decision was also taken to constitute and send a Fact Finding Team to visit the valley and come out with a comprehensive report.

Following the resolution, a 6-member FFT visited the Kashmir valley met with a wide variety of people, visited several districts and came out with an Interim Report which was well received by various organisations working on rights issues in Kashmir and outside, the media, other human rights groups and general public. A final report is expected to be released shortly.

I am also happy to inform that Khurram Parvez was finally released following the quashing of his detention order by the JK High Court. The HC while quashing the order passed strictures pointing out that the detention order was both arbitrary and not justified. The court pointed out to the fact that the FIRs in which Khurram Parvez was allegedly implicated, the reference to him provided a wrong name including by naming his father wrongly.

As it turned out, PUCL, was the first human rights body to visit the valley since the trouble burst out in July, 2016. The efforts of PUCL were much appreciated by a large number of people and groups.

We have decided that it is important to reach out to the people of Kashmir by arranging more people-people interaction and in this regard is planning to organise trips of youth, students, women's groups, media and others to the valley, and also to organise meetings on Kashmir in different cities across India, and invite key human rights activists from the valley to share their experiences and views.

Fact Finding Team to investigate the encounter killings of 8 SIMI undertrial prisoners

A Fact Finding Team has recently visited Bhopal to study the encounter killings by the police of 8 SIMI undertrial prisoners who allegedly escaped from the Bhopal prison in end September, 2016. The Report will be released shortly.

Campaign against appointment of BJP politician as member of NHRC

Our President, Prof. Prabhakar Sinha had sent a letter protesting against the selection of a ruling party BJP Vice-President, who is also a

Rajya Sabha MP, Mr. Avinash Rai Khanna, as a member of the NHRC. A formal letter was also sent by him to the President of India asking him not to give approval for the selection as it would seriously erode public confidence in the impartiality and neutrality of an important body such as the NHRC, which is often called upon to investigate excesses committed by the police and armed forces. We also issued an appeal to other rights bodies to send similar appeals protesting the selection of Mr. Avinash Rai Khanna to the President. The effect of this campaign appears to be that the selection has got stalled and not come through.

The media carried the PUCL statement quite prominently.

Recently the SC reportedly pulled up the Central Government for inordinately delaying the selection of the non-official NHRC – member. Media reports also inform that a PIL has also been filed questioning the selection of a political person for the member's post.

It should be mentioned that PUCL had earlier, in 2005, filed a PIL in the Supreme Court challenging the selection of the then CBI Director as a member of the NHRC.

(Addendum: On the second day the Convention when this report was read out, it was reported in the media that Mr. Avinash Rai Khanna had withdrawn his acceptance of the post of Member, NHRC and that he wanted to continue as a party Member; that this was done on the day the matter was posted for hearing before the Supreme Court is significant).

D: Press Statements

PUCL National has issued 2 statements in December, 2014 after the Patna Convention, 10 statements in 2015 and 8 statements in 2016 respectively. The statements covered a wide range of issues including the shooting down of unarmed tribals in Sonitpur and Kokrajhar districts in Assam by the NFDB on 23rd December, 2014, to statements condemning the hanging of Yakub Memon, repression unleashed on FTII students by the management, the attack on artistes, writers and others who protested the climate of intolerance, and encounter

killings of tribals in Malkangiri in Odisha and the illegal detention of Khurram Parvez in Kashmir and threat to academics by the Chhattisgarh government.

E: Streamlining and Documentation of Litigation

During the 2014-16 period national PUCL did not file any separate PIL in the SC or any of the High Courts. However PUCL filed a special Review petition in the Supreme Court in the case of `Raja & Ors. v. State of Karnataka' in which the SC had acquitted the accused in a case of gang rape on the ground of conduct of the prosecutrix.

Several state units have filed PILs on a variety of issues ranging from threats to right of free speech (in Madras High Court) to cases challenging appointment to the Haryana Service Commission and Haryana State Information Commission (Punjab and Haryana High court). These will be presented by the respective General Secretaries of the state units.

There is a need to document details about litigation filed by different state units. This task though identified earlier, could however not be completed.

Another plan which remains to be operationalised is to create a compilation of all Supreme and High Court judgments in cases filed by PUCL over the years and to publish the same.

These two issues will be taken up in the coming period.

F: JP Memorial Lectures

The 35th JP Memorial Lecture, 2015 was delivered on 23rd March, 2015 by Mr. Gopalkrishna Gandhi, the former Governor of West Bengal in Bengaluru on the theme `A State of Emergency' and the 36th JP Memorial Lecture was delivered on 23rd March, 2016 in Chennai by Mr. Ramachandra Guha on `The Tragedy of Adivasis in Independent India'.

The Plan Ahead: Deepening Democracy

A detailed concept note on the theme of the Convention will be circulated separately.

Dr. V. Suresh, General Secretary, PUCL, Raipur, 16.12.2016 □

Report of Action Programmes of the Thematic Committees finalised in the 14th PUCL National Convention, Raipur, Chhattisgarh, 16-18th December, 2016

General Note: During the 2012 Jaipur National Convention, most members felt that while each of the State units undertook widely different activities relevant to their states, PUCL at the National level should initiate campaigns at the All India level on issues which are common across all states, which can then be rolled out in all the states where PUCL has units. While some elements will be

commonly implemented in all the states, each state could adapt the campaign to suit local circumstances and needs. Originally five broad thematic issues were identified and discussed at the 2014 Patna Convention. They were further discussed in several meetings between 2014-16. Finally in the Patna Convention, the discussions were concluded by evolving Action

Programmes to be implemented during 2016-18.

We present below the Draft Action Plans presented to the National Convention by three anchors of the Thematic Committees. We request members and readers to join the discussion and the planned campaigns.

V. Suresh, General Sec, PUCL
<pucl.natgensec@gmail.com>

□

Thematic Committee 1: “The increasing threat to democracy, rising Majoritarian communalism and echoes of fascism”.

Draft Action Plan presented by: Kavita Srivastava, National Secretary, PUCL & President, PUCL Rajasthan

Introduction

This was the 4th meeting on the above theme within the national PUCL framework. Prior to this the team had first met in the Patna convention in 2014, then this theme was thrashed out in the Allahabad National Council meeting in September 2015 and further in Delhi in the National Council meeting in September of 2016. In the latter meeting it was planned that state wise meetings on this subject should be organised so that a concept paper with an overarching national perspective with regional specificities on the theme could be prepared and an action plan that was owned up by the PUCL members could emerge for all states along with state and national responsibilities.

In the run up to the National Convention only the Chhattisgarh state PUCL branch had organized a State meeting, while other State's had undoubtedly engaged with the issue, but the engagement had been around a specific issue in a specific area of the State.

The group that sat together in Raipur reiterated the concerns that federal structures and democratic Institutions were being eroded. The assault on Parliamentary and other legislative procedures were extremely evident as was observed in the demonetization decision of the Government. Similarly, along

with the erosion of autonomy of Educational Institutions, for instance, as is being seen by Universities who are constantly receiving diktats from the Ministry of Human Resource Development, democratic practices of Institutions are also being undermined. It was also observed that all Institutions, including premiere Institutions, were being controlled and destroyed by putting mediocre people with RSS affiliation at the helm of affairs. The classic case of Text Books being changed in BJP ruled State's was also reported where distorted histories, endorsement of the caste system and subordination of women was being taught. Where brahmanical values including that of vegetarianism was being promoted along with hindutva propaganda marginalizing the multi cultural, multi religious and diverse people that we are.

Similarly, civil society groups were being disabled by being put under surveillance and the most recent phenomena was of denying them the right to receive funds from the agencies they chose, through FCRA cancellations.

Vigilantism by populists groups like the Bajrang Dal, Gau rakshaks and others, sometimes in name of cow protection or in the name of respect for the national anthem or preventing any criticism of the NDA

led Government policies was on the increase with complete protection from the executive.

Democratic debates hardly got a platform within the framework of the electronic media channels; even within the public arena dissenting voices were not being allowed and were being throttled as we saw in the case of NDTV India.

Fact Finding and Discussions on certain subjects like Kashmir, Bastar or even JNU would often result in FIRs or attacks on the organizers and participants. The case of the FIR against Nandini Sundar and others are shocking examples of the brazenness with which such legal processes are being subverted. A situation of self censorship was becoming the reality of our times. It was also felt that while the judiciary was the last resort for the correction of injustice, it was not rising to the occasion and as stated earlier was becoming executive minded.

Further it was stated that the with the rise of Hindutva forces and the expansion of the arena of the majoritarian forces, the impact on Dalits and women and other marginalized communities was being felt strongly, that is why it was agreed upon that the PUCL must acknowledge that this situation required a special focus on violations of Dalits, Adivasis, women and therefore a special

focus on this area needed to be brought in by reviving the theme on marginalized people.

It was also suggested that the approach to combat the present situation of attack by majoritarian hindutva politics and undermining of democracy must be fought with the Constitutional tools by foregrounding Dalit and gender challenges of Hindutva, marginalization of minorities and at the same time linking it to economic and livelihood struggles of the vulnerable people. The examples of the land struggles of Tamil Nadu, the recent Una Yatra in Gujarat and the Udupi yatra of Karnataka were mentioned, where both the questions of dignity and livelihood posed a tremendous challenge to Governments and at the same time empowered the people.

It was also stated that the targeting of Muslims through arrests, first in the name of SIMI, then Indian Mujahidin and now the Islamic State (IS), was part of the larger agenda of profiling a whole generation of young people and also polarizing the society in the name of religion. The example of the alleged encounter of 8 men accused in SIMI cases in Bhopal, showed the brazenness of the MP Police and political leadership where it played up the fact that since these men were Muslim and

“anti nationals”, they deserved to be killed.

It was also felt that the debate and discourse happening within Islam globally needed to be understood by all, including members of the PUCL.

The Adivasi Christians were most vulnerable as they were a target of a planned attack on Christianity; the threat, as in the case of Muslims, was an attack on the cultural and religious rights of Adivasis as enshrined in the Indian Constitution.

Lastly, the group also felt that as a part of resurrection of a democratic state the end of the practice of manual scavenging should be foregrounded by the PUCL, along with the demand for basic survival rights of the nomadic and semi nomadic people.

Action Plan

It was unanimously decided that by end April - early May, 2017 a national Sammelan of 2-3 days should be organized in Delhi or elsewhere on the above issues. The run up to it should consist of State sammelans in the preceding months.

Secondly, a comprehensive Concept / Approach paper must be finalized after State sammelans and discussed and finalised in the national meet on this issue.

Evidence based documentation

was very important; equally crucial is collection of legal papers for all cases which should be meticulously carried out.

A separate thematic group addressing Dalit, women and other marginalized communities must be formed, therefore these issues must be examined intersectionally and sectorally.

Sharing of struggles and news from each area on these issues on a regular and continuous basis was imperative.

In order to take the agenda forward, it was decided that a core committee with adequate representation from the State's was a must. The names that came were that of Ajay TG (Chhattisgarh), Vijay Chawla (UP), TSS Mani (TN), YJ Rajendra (Karnataka), Bhanwar Meghwanshi (Rajasthan) and some of the other states like Bihar, Jharkhand, Delhi, Odisha and MP. Some members from Maharashtra said that they would send the names after consulting their State office bearers.

It was felt that experts would be inducted into the group for better planning.

Kavita Srivastava, would coordinate with this collective.

Please send comments to Ms. Kavita Srivastava <kavisriv@gmail.com> □

Thematic Committee 2:

Report of the Sub Group on Draconian Laws, State Terrorism and Impunity

Draft Action Plan presented by: Sudha Bharadwaj, National Secretary, PUCL & General Secretary, Chhattisgarh

Introduction

This is one of the thematic committees conceived of during the 2014 Patna Convention. It concerns the “traditional issues” of the PUCL which however have become even more serious in the present political scenario. The idea was that the Sub Group could coordinate interested members across the states, and identify common issues. We have not succeeded in maintaining a lively and regular communication in the group, for which as an anchor, I bear the major responsibility. Interesting discussions took place at Patna, Delhi and Raipur but we

have not been able to maintain continuity and put most of the plan into action.

To change this situation, we have decided the following:

The following will be members of the e group of this thematic campaign. They are Arjun Sheoran (Punjab & Haryana), Radhakant Saxena (Rajasthan), Murali Karnam (Maharashtra), Amlan Bhattacharya (West Bengal), Ramashray Prasad (Bihar), Sudha Bharadwaj (Chhattisgarh), TR Murali (Tamil Nadu), Pragnya (Rajasthan), Stan Swamy (Jharkhand), PM Antony (Jharkhand), Jagdalpur Legal Aid

Group (Chhattisgarh), Atindriyo Chakravarty (Chhattisgarh), Sharanya Nayak (Odisha), Darshana Mitra (Karnataka), Shoma Sen (Maharashtra). These members can further communicate with the State Secretaries and Presidents. The group can be expanded to include other interested members.

Prisoners rights are an important aspect of the work of the group. Earlier decisions which were taken at Delhi and couldn't be followed up previously, will be undertaken now. These include:

Arjun Sheoran will compile the changing regulations regarding

parole/furlough from the states and circulate a Note in this regard.

Radhakant Saxena ji will draft an appropriate letter for obtaining information regarding the prisoners who can benefit from the provisions of 436A. This will be circulated to the states for follow up.

The group will request Sureshji to provide the guidelines for women prisoners which he had compiled as amicus curie in Chennai High Court.

The re-arrest of political prisoners is a common observation across states and is again indicative of a vindictive criminal justice system which tries all ways to keep prisoners behind bars.

All of us should share positive judgments on prisoners' rights from different High Courts so that we can make optimum use of each other efforts.

In the Raipur discussion, Murali ji from Mumbai gave a powerful presentation on how and why we should follow up prison deaths which are the one of the serious indicators of a warped and failed criminal justice system.

Prison deaths are highly under reported. A large proportion take place immediately after incarceration and are indicative of torture in police stations or in jail. Jails are heavily overcrowded and medical facilities are poor, most of the deaths are of undertrials. These deaths also occur because of enormous delay in conclusion of trials, and bail is not readily granted even in medical emergencies and to mentally ill patients.

A judicial enquiry should be carried out into each prison death. Such an enquiry gives us an opportunity to facilitate the participation of the prisoner's family members, and other co-prisoners who are the only witnesses. It gives us an insight both into the criminal justice system as well as prison conditions. We have decided to try to compile data regarding prison deaths and then plan common campaigns in this regard.

Adivasi undertrials are another focus point.

The friends of Jagdalpur Legal Aid have done some remarkable data gathering on undertrials in Bastar jails highlighting long incarceration,

highly delayed trials, government witnesses failing to appear, prisoners not being taken to court on grounds of lack of guard, lack of grant of bail owing to the pressure of the executive on judiciary and the fabricated nature of cases, multiple "Naxal" cases being foisted and high acquittal rates. Friends in Jharkhand including our members Stan Swamy and PM Antony have through the organization Bagaicha brought out a socio-economic survey of adivasi undertrials. An effort is underway to file PILs using this data.

Conflict area documentation in Central India.

Unlike HR groups in Kashmir and the North East who have developed mechanisms for comprehensive documentation of encounter deaths and other HR violations, the conflict area of Central India (Chhattisgarh, Odisha, Jharkhand, parts of Maharashtra, MP, West Bengal, Telengana) has only fragmented documentation, which does not give a comprehensive picture and thus does not underline either the levels of militarization or extent of HR violations including encounter deaths, sexual violence or displacement and destruction of livelihoods due to conflict. Along with some young friends we have been compiling a Bastar dossier. But this process has to be properly co-ordinated in Jharkhand, Odisha, and conflict affected parts of Maharashtra, MP, AP, Telengana and West Bengal by members of this group. If this can be co-ordinated well, PUCL will be in a position to issue a quarterly or half yearly report on the overall situation of conflict in Central India for national and international fora.

PUCL needs to think over its role with regard to international human rights mechanisms – the UN mechanism for instance – which are going to become increasingly relevant to the situation of Srilankan Tamils, Kashmir, North East and even Central India. The group will invite suggestions in this regard.

The issue of death penalty was brought up at Patna and Raipur. While many countries have abolished death penalty, India continues with it and in fact there seems to be a right wing trend to

valorize death penalty even in cases such as rape. Various state units are dealing with death penalty cases – eg Tamil Nadu. It had been reported that there 74 death row prisoners in Bihar, 21 in a single case of Bhagalpur. The group will invite suggestions as to how to collaborate with other HR groups carrying out campaigns to abolish death penalty.

We need to use the good and detailed work done already by different state units to anchor compilation of certain classes of cases. For example:

In the recent enquiry into Bhopal encounter, the PUCL FFT found certain patterns in the cases of SIMI accused. Rajasthan PUCL has already been dealing with such cases. Kavita and friends in Rajasthan could anchor compilation of the SIMI cases in other states.

The Karnataka group has already done a detailed study of UAPA cases. Darshana and Rajendra ji have to take responsibility to anchor compilation of the UAPA cases all over the country.

Our campaign on Repeal of the Sedition Law could not be taken forward much. It still deserves to be properly reviewed and revived with the assistance of Sureshji.

Though PUCL does not have active units in the AFSPA affected areas, there is likelihood of there being efforts to push it through in Central India also. Thus the group will invite suggestions in how PUCL can co-ordinate with other campaigns for repealing of AFSPA, and other Public Safety Acts in Kashmir, Chhattisgarh etc. Already the challenge to the Chhattisgarh Act is admitted for consideration in the Supreme Court and is being argued by Sanjay Parikh ji.

The group felt that it was important that PUCL should draft a comprehensive statement regarding impunity and refusal of sanctions in the prosecution of police, security forces and army in cases of encounters, sexual violence etc. and circulate for discussion.

Please send comments to
Sudha Bharadwaj
<advocatesudhabharadwaj@gmail.com> ☐

Thematic Committee 3: "Promoting `Dignity of Common Man'

Draft Action Plan presented by: Vinay Kantha, National Vice-President, PUCL

It was strongly felt by members participating in the meeting that dignity of individuals and vulnerable groups was a cross-cutting agenda, which needs to be taken up by PUCL.

Why should it be so was explained variously as follows:

It was pointed out that ordinary persons do not see human rights as their own concern and among the rights workers too, little attention is given to them. Human rights are taken to be for special category of persons, cases or situations and hence most people in day to day life think that it does not concern them. Most of the violations, however, take place under ordinary situations.

Democracy has no meaning without adherence to the basic values of democracy in general, and constitution spirit and law in particular. The reach and ambit of work of the government is increasing by the day, and so are the regulatory powers, which calls for a more sensitive and democratic approach towards the people - the common man, who is at the receiving end of most of the regulations.

Either through legislations (like RTI or RTE Acts, or Right to Service Act etc) or by means of judicial verdicts, new rights are created, but among the government functionaries or powerful people in the society,

there is a backlash, or at least resistance which needs to be countered in different ways.

Question of dignity for every human being is an important human right and democratic value- which was not available in traditional Indian society. Hence it is a natural entry point to reach out to people at large. There was a Short Term and a long term plan drawn up - first, for a period of six months and the latter, for the next term of office bearers (2016-18).

The Short Term Programme is noted below:

Drafting a petition to the Central Government asking them to issue one or more orders to all its official to respect dignity of all the individuals visiting any of the govt. offices. Similar petitions can be prepared at the state levels.

Writing a pamphlet – an appeal to general masses to claim and respect the dignity of common man. Pamphlets should also be prepared in vernacular languages by state or district units using examples and illustrations suitable to local area, history and culture..

Creation of posters with text and cartoons on the same issue in different languages.

Preparation of a booklet comprising compilation of use worthy teachings, writings and sayings of dalit scholars and saints, like Dadu, Kabir, Phuley, Sri Narayan Guru,

Periyar, Ambedkar etc.

C. Long Term Programme will be taken up later, and among other plans, should include the following, subject to review and revision by the new Committee, based on experiences gained during the first phase:

Capacity Building with sensitization of members of PUCL. After that PUCL will find ways and means for sensitization of members of vulnerable social groups.

Identification of Vulnerable groups whose dignity is often violated. A survey to be conducted for data collection of cases of violation. Also compilation of cases where people from vulnerable groups are falsely implicated. These compilations will lead to the litigations where cases denial of legal rights of marginalized groups are involved.

Developing a curriculum on human rights education focusing on dignity of common people. Follow up of the programme – A two hour a week educational activities for educators and teachers in schools.

The thematic anchoring will be done by Vinay Kantha assisted by Radha (Mumbai).

The Action Plan was prepared & submitted by Radha (Mumbai) on behalf of the group.

Please send comments to Vinay Kantha (vinay_kantha@rediffmail.com) □

Note: On 19th December, 2016, a day after the National Convention ended, a team of about 25 PUCL members and others visited Bastar to meet with victims of state excesses, in village Matenar of Dantewada. Over 150 villagers from three districts including victims of police and para military force excesses, especially women who were sexually assaulted, shared their experiences with PUCL members and others. A day following the meeting, the police force visited the village harassing the local villagers who had met the team and threatening to arrest them. The following letter was written to the NHRC to bring to their attention the grave human rights situation prevailing in Bastar area, where victims could not talk openly about the violence inflicted on them.

At the time of going to print, PUCL members had also been called to the local Police Station and had their photographs taken by the police officials. Very surprisingly, within a short time the pictures of the people who had attended the meeting was circulated over Whatsapp administered by a former Salwa Judum leader by name, Farukh Ali, who calls himself as Bastar Sangharsh Samiti. The message alleged that all these people were JNU students and was meant to deliver a warning to the young rights defenders about what awaited them if they dared to visit Bastar to meet with victims. It is obvious that the group has the patronage of the State Police who freely shared the pictures with the said Farukh Ali. It is a chilling reminder about the grave threat to rights defenders working in Chhattisgarh, once of the worst conflict affected areas in India. It is also a sign of the

difficult and challenging circumstances in which PUCL members of Chhattisgarh unit are also functioning in their work to defend the human rights of local villagers caught in the spiral of violence between the state and non-state players.

PUCL, Chhattisgarh letter of complaint to NHRC about harassment by police of Mr. Sukul Prasad Barse who hosted a meeting with PUCL members and others on 19th December, 2016:

Dated 20.12.2016

To,
Mr Srinivasa Kamath,
National Focal Point - Human
Rights Defenders and Joint
Registrar
National Human Rights
Commission, Manav Adhikar
Bhawan, Block C, GPO Complex,
INA, Delhi,

Subject: Urgent appeal to stop harassment and intimidation of Mr Sukul Prasad Barse, a local adivasi leader from Matenar, Dantewada by police officials of Bastar Range for hosting a conference on adivasi rights organised by the People's Union for Civil Liberties.

Sir,

This is to bring to your attention an urgent situation of intense harassment and intimidation of a human right defender and a local adivasi social activist by police officials in Dantewada district of Bastar Range. Yesterday, i.e on 19th December 2016, a one day conference was organised on Adivasi rights by People's Union for Civil Liberties (PUCL) in village Matenaar of Dantewada district. Villagers from various districts came to speak at the event. The event, i.e venue and other arrangements were made and organised locally by Mr. Sukul Prasad Barse, an approximately 70 year old well respected local

adivasi social activist from Maatenar. News coverage of the event is attached with this mail. Around 100 villagers from 3 districts, i.e Dantewada, Sukma and Bijapur, comprising of family members of various adivasis who have been killed in fake encounters, victims of sexual violence and other human rights abuses by the police and security forces spoke at the conference.

Since today morning, police officials from Kotwali thana, Dantewada have been continuously going to Mr. Sukul Prasad's house and harassing and intimidating him for organising this event even though a prior information was given to the local authorities. Mr. Sukul Prasad Barse is an elderly adivasi social activist who works closely with Soni Sori and has been continuously raising issues of human rights violations by the police forces.

This act of harassing a respected elderly adivasi leader on part of the police officials is in line with the previous acts of harassment by the police towards anyone and everyone who have been raising or helping local adivasis to raise issues of excesses and human rights violations like fake encounters, gang rapes, etc by the police and security forces. There have been concerted efforts to stop entry of human rights activists and journalists in the Bastar division

area so that the excesses by the police and security forces go unquestioned. Just last month the National Human Rights Commission took cognizance of action against Professor Nandini Sundar and others, and other such acts of hostility and intimidation towards researchers and activists by the Chhattisgarh Police.

As you are aware, PUCL is India's oldest and largest human rights organisation. This conference was organized with the intention to hear and understand the plight of local adivasis and to give them a platform to express their grievances.

It is shocking that in a democratic country like ours, Mr. Barse is being harassed for hosting and helping in organising a peaceful event in his own village. We request you to intervene at the earliest and stop further harassment of Mr. Sukul Prasad in order to instill some sense of security and safety amongst the residents of Bastar division and also to maintain a space for dissent without any fear of harassment.

Sincerely,

Sudha Bharadwaj, Advocate,
General Secretary, PUCL
(Chhattisgarh)

Copies to-

1. Mr. A. N. Upadhyay, DGP, Chhattisgarh
2. Mr. D. M. Awasthi, Special DGP (Anti Naxal Operations), Chhattisgarh ☐

Obituary References:

PUCL expresses its deepest condolences at the passing away in Chennai on 1st December, 2016 of Inquilab, the famous Tamil poet and dramatist, who till his death remained a staunch defender of the rights of the most oppressed and exploited communities. Inquilab whose actual name was Shahul Hameed, was a Marxist Leninist poet whose most famous poem '*Manusangada, naanga Manasangada*' (Humans, we too are humans) was about the killing by burning of 44 Dalits in Keelvenmani, Thanjavur district. Inquilab was a life member of PUCL for many years.

Odisha PUCL: Press Statement: 14th December, 2016

The PUCL expresses its deep concern at the repressive actions of Odisha Police against the leaders and farmer-members of *Navanirman Krushak Sangathan*, a farmers' body fighting for the legitimate rights of farmers in the state. On 12th of December 2016, two leaders of the organisation, Sri Akhsya Kumar and Sri Seshadeba Nanda, were picked up from a Press Conference and were arrested later. The two arrested, along with other leaders, were holding a Press Conference to announce the programme for a farmers' convention in Bhubaneswar scheduled to be held on 14th of this December. Nabanirman Krushak Sangathan had announced this programme long back, and was also granted police permission for it. However, from 13th onwards, police began picking up many farmers' leaders from various places. According to media reports, many of them have been picked up from their homes when they were asleep. And on the 14th, the scheduled day for the farmer's convention, there have been massive police deployment to forcefully detain the farmers coming to Bhubaneswar to participate in the convention. Hundreds of farmers have been taken into police custody from buses on the road and from train stations, in complete disregard of the law of the land.

The PUCL strongly believes that in a democracy people have a right to assemble peacefully and register their protest against any injustice meted out to them by the government of the day. Nabanirman Krushak Sangathan has been consistently raising the issues of farmers, particularly demanding better price for their produce and pension. These demands of the Sangathan need to be seen in the context of increasing pauperisation of the farmers community in the state and the phenomenon of farmers' suicide due to indebtedness. The government, however, instead of addressing the genuine demands of the farmers, through dialogue and discussion, has resorted to police repression and even has prevented them from assembling peacefully.

The PUCL strongly condemns this undemocratic action of the government. The PUCL also demands that the arrested leaders and farmers of the Nabanirman Krushak Sangathan be released unconditionally.

Ms. Pramodini Pradhan, Convenor, PUCL (Odisha) □

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