

Inside :

EDITORIAL : Why Viceroy Mountbatten fixed August 15, 1947 as the Independence Day - **Rajindar Sachar** (1)

ARTICLES, REPORTS & DOCUMENTS:
Prisons Escape Law, Not Prisoners - **Dr. Murali Karnam** (3); Report of Session on Bastar, 16th December, 2016, Raipur (11); Report of Proceedings of the "Youthspeak" Session, PUCL National Convention (13); PUCL – Greater Chennai: Fact-Finding Report on the Police Action, 23 January 2017 (15); Note on the Ongoing, Unceasing Violence Unleashed on Tribal Communities by Chhattisgarh Police and Security Forces (19).

PRESS STATEMENTS, LETTERS, AND NEWS:
Proceedings of PUCL National Convention, Raipur, 16-18th December, 2016 (4).

Annual Subscription: *PUCL Bulletin* (w.e.f. January 01, 2017)

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Why Viceroy Mountbatten fixed August 15, 1947 as the Independence Day

Rajindar Sachar

Some people have attributed Congress acceptance of partition of India in 1947 to the fact that "the persuasive voice of Gandhiji which made the working committee accept the partition and which but for Gandhiji's intervention, working committee might not have approved".

This is grossly unfair and presents a wrong picture of final efforts by Gandhiji to prevent partition throughout, upto the final stages. In fact it is now well known that when Jinnah was insistent, Gandhiji made a last desperate attempt by asking Nehru and Patel to step aside and let Jinnah be the first prime minister of undivided India and also let him from his ministry, the way he likes, including the choice if he wants to have only Muslim League Ministers in the Central Cabinet and assuring him that the Congress will not object. One cannot say what Jinnah's reactions would have been. But considering that Jinnah is on record on insisting that his house in Mumbai/ Delhi be not declared evacuee property because he wished to have good Indo – Pak relations and would like to spend one month every year in India and continue his contacts, it would have been worth while trying. But this suggestion could not be given a concrete shape because Nehru and Patel forthright said negative to this proposal. So for many of us who were quite grown up at that time this reference to Gandhiji's acceptance of partition is painful and does not represent true factual position.

In fact a reference to the socialist leader. Dr. Rammanohar Lohia's book, "Guilty Men of India's Partition", and who was present in that final Congress working committee meeting gives a correct factual position.

Dr. Lohia who along with Jayaprakash Narain attended that meeting has written, "I should like especially to bring out two points that Gandhiji made at this meeting. He turned to Mr. Nehru and Sardar Patel in mild complaint that they had not informed him of the scheme of partition before committing themselves to it. Before Gandhiji could make out his point fully, Mr. Nehru intervened with some passion to say that he had kept him fully informed. On Mahatma Gandhi's repeating that he did not know of the scheme of partition, Mr. Nehru slightly altered his earlier observation. He said that Noakhali was so far away and that, while he may not have described the details of the scheme he had broadly written of partition to Gandhiji.....I will accept Mahatma Gandhi's version of the case, and not Mr. Nehru's and who will not? One does not have to dismiss Mr. Nehru as a liar. All that is at issue here is whether Mahatma Gandhi knew of the scheme of partition before Mr. Nehru and Sardar Patel had committed themselves to it. It would not do for Mr. Nehru to publish vague letters which he might have written to Mahatma Gandhi doling out hypothetical and insubstantial information. There was definitely a hole in the corner

aspect of this business. Mr. Nehru and Sardar Patel had obviously between themselves decided that it would be best not to scare Gandhiji away before the deed was definitely resolved upon. Keeping turned towards Messrs Nehru and Patel, Gandhiji made his second point. He wanted the Congress party to honour the commitments made by its leaders. He would therefore ask the Congress to accept the principle of partition. After accepting the principle, the Congress should make a declaration concerning its execution. It should ask the British government and the Viceroy to step aside, once the Congress and the Muslim League had signified their acceptance of partition. The partitioning of the country should be carried out jointly by the Congress party and the Muslim League without the intervention of a third party. This was, I thought so at that time and still do, a grand tactical stroke. Much has been said about the saint having simultaneously been a tactician, but this fine and cunning proposal has, to my knowledge, not so far been put on record.....there was no need for anyone else to oppose the proposal. It was not considered. I am writing this to put record straight”.

Gandhiji's anguish at the partition of the country was so unbearable that he refused to be in Delhi on 15th August – what nobility that the greatest fighter for the freedom of India refused to share this glory and left Delhi to fight against the communal carnage taking place at Calcutta and to give solid assurance of safety to the Minorities.

There is another aspect which is not so publicly commented, namely that though I accept that conditions in the country had reached a level that it was not possible to prevent partition, but yet we have not given sufficient thought to the fact that millions of death, most immeasurable destruction in the process of partition could have been averted if the leaders of the parties had shown statesmanship in carrying out the process of partition. It is well known that Prime Minister Attlee had given June 1948 as the date by which British government will leave India when Mountbatten was sent to India in March 1947.

Had this schedule been observed necessary and detailed arrangements for the safety of millions of population moving from both sides of India and Pakistan could have been made.

No doubt, pain, slaughters and

mutual hatred would still have been there. But both the governments could have made safe arrangements for exchange of population and kept the government machinery intact for doing the needful. But no, it did not happen – and the reason was the unexpected unilateral announcement by Mountbatten in June 1947 that Independence Day would be on August 15th 1947, which left no time for any adequate and safe arrangements to be made for such unprecedented large migration of population.

Of course, no one knows why this sudden announcement by Mountbatten at a press conference in June 1947 fixing 15th August 1947 as Independence Day was made. The real reason was the vanity and self glorification of Mountbatten, who had accepted the surrender of Japanese Navy on 15th August 1945, when he was the Supreme Allied Commander, South East Asia Command (SEAC), of Allied powers.

Our politicians were unfortunately too self obsessed with ignorance and vanity and as consequence kept ominous silence resulting in the death of millions and the destruction of massive property. Can history forgive them – I doubt very much. □

FORM IV	
1. Place of publication:	Delhi
2. Periodicity of publication:	Monthly
3. Printer's name:	V. Suresh
Nationality:	Indian
Address:	270-A, Ground Floor, Patpar Ganj, Opposite Anand Lok Apartments (Gate No. 2), Mayur Vihar-I, Delhi 110 091
4. Publisher's name, Nationality, & address:	Same as in (3) above
5. Chief Editor's name, Nationality & address:	Same as in (3) above
6. Name and address of individuals who own the newspaper & partners or shareholders holding more than one percent of the total capital:	People's Union for Civil Liberties (PUCL), 270-A, Ground Floor, Patpar Ganj, Opposite Anand Lok Apartments (Gate No. 2), Mayur Vihar-I, Delhi 110 091
I, V. Suresh, hereby declare that the particulars given above are true to the best of my knowledge and belief.	
March 1, 2017	V. Suresh, Publisher, <i>PUCL Bulletin</i>

Prisons Escape Law, Not Prisoners

Dr. Murali Karnam

A Portrayal of a Prisoner

He is a porous anonymity. A multitude of quantified fear represents him. A ciphered stream of law surrounds him. Mobile rationalities that belong to none capture him. The long hand processes his short life. Nameless and faceless but he is exposed. His life is a stigmatized public memory. He is crime, judged, sentenced and tried sometimes. His awaiting has only the beginnings. He waits for everyone: protector, framer, persecutor, defender, bailer, witness, doctor, family; for everything: FIR, charge-sheet, hearing, verdict, parole and furlough. Procedurally tortured, he hallucinate in judicious nightmares. The system owns him, though he belongs to none. In fascistic clock of system, he experiences long seconds and short years. The concealed and exiled soul is numbered. This dead life is parked nowhere. This vulnerable monster can't kill time, time kills him. He is bolted fury, frustration and clueless future. He lives where both institutional crime and punishment meet. The suspended life and justice make his future clueless. Law ignores itself but not the ignorant of law. It violates him. Injustice terrorizes him. As victim of crime of injustice, he loses his innocence. Finally he is 'released' from life.

Prisoners' Escapes

The recent prison breaks in Buxer, Bhopal and Patiala have brought the concerns of security for discussion. Doubts are expressed on the government's ability to restrain the offenders. Editorials sputtered out on the laxity of penal institutions. In response, the accelerated security measures around prisons came as an instant balm to the public anxiety. Even the Bhopal encounter of seven prisoners appears as State's response to frenzied public outcry.

The discussions around prisons very often are very schizophrenic: both offenders and their reformer simultaneously come under radar. But the prison escapes turn the debate entirely on issues of security. This often overshadows fundamental issue of institutional reformation. In the absence of nuanced perspective, every incident of escape seems to result in tightening the grip of state over prisoners. For, the prison breaks are seen as a challenge to the power of the state rather than as yet another act of violation of law. A critical look at notions of security is due for a long time.

Entrenched Prison Security

Around six thousand citizens (yes citizens, unless we consider prisoners as non-citizens like in America after 9/11) are classified as dangerous and treated accordingly in 43 special jails across the country. These high security institutions in all can accommodate 11 thousand prisoners. Bihar alone at present huddles 3200 such prisoners. These jails have many layers of security- technological surveillance, segregation, walls and guarding. The security severely restricts prisoners' access to families, legal assistance and judiciary. A large central assistance is going towards creation of maximum security prisons across the country. Prison personnel are empowered to inspect prisons at odd hours. Prisoners' letters are censored. The vigilance cells within operate. The colonial practice of fetters survived the Prisons Act of 1864. Ample measures beyond scope of law are allowed in the name of emergencies. Even the intelligence police freely peep into judicial custodies- trampling the rights of prisoners- a frequent complaint from political prisoners. Prisons in practice no longer are under judicial control is an

unpalatable truth. The latter has succumbed to the executive mindset long back. The civil society's access to prisons is severely restricted. These measures make prisons as a symbol of State's potential.

The protests against prison escapes should confront the statistics. The NCRB data shows that while prison population has been increasing gradually, the escapes from custodies have declined drastically in the last one decade. It also indicates congested prison spaces are resulting in clashes among prisoners rather than attacks on personnel. The declining prison violence shows that the system is successful in restraining the offenders.

The practice of unnecessary regimentation is faithful to the Prisons Act, 1894 which deals with only prison security, offenses and punishments but not prisoners' rights. To reform penal institutions, Justice Mulla Committee (1983) suggested 32 measures including discipline. The Supreme Court stressed many times that prisoners lose only their right to liberty but not their residuary rights. Its expansion of article 21 has not touched the penal system. As a result, the national policy on prison reforms (2007) establishes the primacy of security over all other aspects. And the policy making platform, National Conference of Heads of Prisons has been obsessive about technological security measures. The prison regimentation has almost become substitute for justice in public imagination.

In practice, a number of prisoners classified as dangerous are acquitted. The truth is that the classification of prisoners is a political process. The political overtones underlying the classifications are barely hidden. 'ISI' is the word that greets you on the cells of SIMI prisoners. The

criteria used are hardly subjected to any credible legal scrutiny. In the criminal sphere, security anxiety dulls our capacity to suspect the arbitrary powers of the executive. As the security measures emerge victorious in prisons, the rule of law lingers as distant shadow. The history of prisons tells us that State always claimed arbitrary powers in the name of security. This trend reaches its height when every citizen is seen a suspect and all offenders are portrayed as dangerous. We unwittingly stoke its desire for arbitrary powers. Consequently, the rule of law is at discount. The result is that the penal reform has not yet become part of law. Constitutionality of prison practice has never been tested. The citizens became less deviant long before the prison practice became more lawless.

Gandhi on Imprisonment

Where should we look for reformation of penal reformation, if it is not in law? Gandhi's

understanding of prisons was so radical that he was for their abolition. He considered prison was one of the sites of violence, apart from exploitative economic system and war. Our tolerance of prisons without a murmur of protest disturbed him greatly. After all he spent around 7 years in prisons of South Africa and India.

Gandhi believed prison brutalizes and degrades offenders but does not reclaim his humanity. He thought that the foundation of imprisonment is in personal retribution. It reduces the State to the level of a deviant. It only provokes spirit of vengeance and never solves the problems. In imprisoning the offender, we lose him forever. The State even kills the human being in him, which is worse than the crime he committed. He felt that there is a need to find alternative to daily brutality of imprisonment and the state should take calculated risks to boldly experiment. He was for total

abolition of penal system. But he confessed that he could not come up with any alternative. But he believed meanwhile much could be done to improve the prisons, the fundamental change being in attitude.

The prisons should be places of reformation but not of punishing people. The prisoners can be reformed if trusted. He did not believe that criminality is inherent to citizens. For him, crime exists but not criminals. Every offense does not necessarily reflect the criminal nature of a perpetrator. An isolated act of crime does not signify a pattern. Even a repeated offender does not cease to be a human being. He considered the offender as more than sum of his actions. The offender's actions, of course should be condemned and dealt with but he should not be written off. Gandhi suggested that both offenders as well as the society have to probe their conscience.

Are we justified to take the harsher view on prisoners? □

Proceedings of PUCL National Convention, Raipur, 16-18th December 2016

We are publishing the following below:

1. The Resolutions passed in the Raipur National Convention which was finalised only after the Convention.
2. `Report of Proceedings' of two very important sessions of the Raipur National Convention which saw very intense and animated discussions on key human rights issues. The first of the Reports records the summary of discussion on current situation in Bastar area called "Bastar Speaks" in which a number of prominent persons working in Bastar area spoke; the second report is about the separate session called "PUCL Youthspeak" in which young members of PUCL from different states spoke on their

views of different challenges and issues facing PUCL and their vision of PUCL in the future.

We invite readers to respond and send in their comments.

A Note on the Resolutions:

During the Raipur National Convention, the following themes were identified, amongst a number of other themes, on which to pass resolutions at the end of the Convention. The themes were also shared with all members.

However, the Convention time was drastically reduced on account of delayed start of the Convention due to weather conditions all across north India which led to cancellation or late arrival of trains. Many members reached almost a day late. A large number of delegates had to cancel their journey. It proved difficult to make up for the

lost time. So it was decided that specific office bearers will circulate the text of the resolutions which will be compiled and released as Resolutions of the National Convention.

We share below the text of the resolutions which highlight the background context, and the larger issues and concerns underlying each thematic area. Some of the resolutions build on the work already undertaken by different thematic committees set up in the last year and activities undertaken by different state units.

There are a number of thematic issues for which resolutions are still awaited. Since they concern issues of human rights importance we shall share them at later time as issues of common concern.

V. Suresh, General Secretary.

Resolutions from the 14th PUCL National Conference, Raipur, December, 16 to 18th 2016

The PUCL passed a series of resolutions in the 14th National Conference that took place in Raipur between December 16-18, 2016. The resolutions present both the PUCL understanding of the issues and position on many of these issues and also attempt to draw a plan of action.

The resolutions are on the following themes:

1. Demonetisation and its impact.
2. On the increasing threat to democracy, rising Majoritarian communalism and approaching fascism.
3. Human Rights Violations in Tribal Areas.
4. Human Rights Violations In Bastar.
5. On Elections.
6. On Education and Health.
7. On Cancellation of FCRAs of NGOs.
8. On the conflict in Jammu and Kashmir.
9. On the caste question.
10. Against Sexual Violence.

Resolution 1

Demonetisation and its impact

The *People's Union for Civil Liberties* (PUCL) in its National Convention held at Raipur between December 14th to 16th 2016 took a seriously critical view of the Central Government's ill planned, anti-people, pro corporate move of questionable legality demonetising notes of Rs 500 and Rs 1000 denominations overnight. The move was announced on the night of 8th November, 2016 by Prime Minister Narendra Modi himself declaring that abovementioned currency was no longer legal tender, giving people time only till December 30 to exchange or deposit the old notes they had with them. The ostensible reason given for this was to make redundant the black money hoarded by the corrupt in cash and the counterfeit

currency used to fund terror in India by Pakistan-based state and non state players. But as the weeks progressed, the government kept changing its narrative, deadlines and mechanism for depositing and exchange of demonetised notes and placed ceilings on withdrawal from the banks of people's own money. The government's flip flop is evident in the following:

- The contention that black money is usually hoarded in cash, and mostly in high denominations of Rs 500 and Rs 1000. These denominations amounted to around 86 percent of money in circulation, most of it held and transacted by small earning daily wage workers, low paid workers in the unorganised sector, farming sector which needs cash in hand for paying agriculture labour, buying seeds and fertilisers locally and sowing operations, small and medium scale enterprises, small retailers and vendors, middle class households for small expenses and housewives and widows for savings of their own to have some control over their own finances and lives. It is an insult to the common people of India to insinuate that they had been holding and transacting black money. Studies show that most of the black money is hoarded and generated through false invoicing, gold, real estate, stocks and overseas accounts and benami property none of which seem to have been seriously impacted by the demonetisation move.
- The government changed this narrative to claim subsequently that the move was aimed at making India a cashless economy; this claim too however changed when it was pointed out that a plastic money based economy like the US also 48 percent cash transactions to argue that the demonetisation decision was to create an economy based on

'less' cash. The subsequent narrative changes show that either the government was lying through its teeth in the first instance or was incredibly incompetent.

The *People's Union for Civil Liberties* (PUCL) condemns the Demonetisation decision for the following reasons.

- A major part of the economy has been hit by overnight demonetisation and placing ceilings on withdrawals has caused great hardship to common people, in a largely cash based economy. The severe hardships caused by demonetisation is highlighted in loss of jobs amongst daily wage earners, migrant workers and the informal sector across the country; massive retrenchments in the industrial sector because companies are cutting down budgets; and increasing farm distress in an already crisis ridden agriculture sector when farmers have been unable to sow a large part of their land because of unavailability of cash in a drought hit situation. The anti - poor and common people bias of the government is obvious.
- Most of India's people are non literate and without bank accounts, despite the much trumpeted Jandhan accounts. It is unrealistic and futile to expect easy and seamless shift to operate cashless transactions amongst a population largely illiterate and uninformed about effecting electronic transactions. It leaves the field open for a new breed of exploiting middlemen and black money generation. This is like rubbing salt on the wounds of the poor.
- The move proved a great injustice to senior citizens and pensioners who are still suffering long hours in the bank queues. Many senior citizens have lost their lives standing in the .queues outside banks.

More than a hundred people have lost their lives in the queues.

- The move has destroyed women's small savings, kept usually in cash. The demonetisation decision has thus proved to be anti-women.
- Cashless or less cash economy will benefit only the international finance that controls the plastic money transaction system. Big credit card companies like the American owned 'Master Card' and 'Visa Card' will tend to gain from most of the transactions with their service charges and usurious rate of interest of 2 – 2.5 percent interest every month. Considering that interest is compounded annually, this means that usury is back in India through this decision. What exposes the lie of the government that it was a secretive decision known only to a handful of people is the fact that on the very next day after the demonetisation decision was announced, the international e-wallet company, 'PayTM', with a huge investment from the Chinese Company Alibaba, advertised full page in news papers with Prime Minister Modi displayed as a model in these ads. Never before a government has handed over India's financial keys to international capital in such a huge and brazen way.
- That the purpose of the government was not to unearth black money stacked in big denomination notes is highlighted by the fact that post-demonetisation of old notes, the Government announced introduction of a higher denomination note of Rs 2000 and reintroduction of Rs 500 notes in a new format. In effect, generation of black money has found another channel in the exchange of old notes with a cut by unscrupulous elements. The

counterfeit money argument is also dubious because fake new high denomination notes have also been seized.

- That people with insider information have benefited from the move is coming to light with news reports coming in of BJP state units buying land in cash in various states like Bihar just before the 8th November announcement.
- The move has distressed bank employees who were forced to suspend other banking operations due to increased workload in the aftermath of demonetisation. They also had to face the frustrated and furious wrath of thousands of people queued outside banks for days on end without being able to withdraw their own money.
- The move is discriminatory as it discriminates between different classes and categories of people – for instance with people with bank accounts and those without it.
- By limiting access to your money held legally the move violates the statutory right to property.
- The main repositories of black money have been left untouched. Most of the amount attributed to the demonetised notes is back in the bank countering the hoarded black money and counterfeit notes argument of the government.
- It tries to rectify the balance sheets of banks skimmed off by big time corporate loan defaulters through forced collection from the poor so that money can be loaned back to defaulters.
- Such a major policy decision was taken by executive fiat, not an act of Parliament or an ordinance. To rectify this anomaly, an ordinance was issued a few months later to somehow circumvent this constitutional procedure. (This happened subsequent to the national conference)

- The autonomy of an independent, constitutional institution like RBI was undermined and subverted as the RBI Governor himself has said that he was asked by the executive to do this without prior consultation.

It was also resolved that different studies should be undertaken to study the impact of demonetisation should be done at the earliest and the findings should be put out in the public domain.

Resolution 2

On the increasing threat to democracy, rising Majoritarian communalism and approaching fascism

The PUCL reiterates its concerns that the federal structures and democratic Institutions of India are being continuously subverted accompanied by a brazen undermining of Parliamentary and other legislative procedures. Accompanying this trend is the constant attack on the freedom and autonomy of educational institutions like Universities and institutions of higher learning along with the undermining on the democratic practices of these institutions to foster open and critical thinking, dialogue and debates. What is also noticeable is the planned manner by which premiere Institutions are being controlled, taken over or destroyed by appointing academically mediocre people with affiliations to majoritarian / Hindutva organisations and RSS at the helm of affairs, thereby threatening the independence of these institutions and ultimately affecting the secular fabric of the country.

What is especially condemnable is the rewriting of school textbooks, particularly in the BJP ruled State's, through the introduction of distorted histories, endorsement of the caste system, and subordination of women as well as the doing away with scientific temper and methodology. It was also observed that the text books were emerging

as propaganda material for the majoritarian communal and revivalist ideology marginalizing the multi-cultural, multi-religious, plural and diverse character of Indian Society. .

The PUCL also expresses shock and concern at the way civil society groups are being disabled through legal persecution and surveillance along with denying them the right to be registered and receive funds from the agencies they choose, including receiving charities from abroad. The targeted attack on institutions run by the minorities is clearly an attack on their freedom of association as enshrined in the Indian Constitution.

The rise of vigilantism by storm trooper groups like the Bajrang Dal and so called Gaurakshaks and the increasing bullying by vigilante groups and trolls on the social media, under the benign encouragement of the Government in power, is also a matter of great concern for the PUCL and has to be condemned.

The PUCL notes with concern the taming of the media by inducements or persecution, by Government and non-Government agencies, including replacement of independent editors by media houses, thus throttling dissent and clipping the freedom of the press which is fundamental for a well informed and vibrant democracy.

What is of serious concern is the branding of discussion on certain topics like Bastar, JNU, Kashmir etc as anti-national thereby making it out of bounds for public enquiry and discussion. The PUCL condemns all such efforts by the Indian State to thwart initiatives and persecute citizens raising these issues. The attack on our freedom of association and speech and expression is not acceptable.

The PUCL expresses its concern that the larger agenda of profiling of Muslims and polarising society on religious grounds, through indiscriminate arrests first in the name of SIMI, then Indian

Mujahidin and now the Islamic State (IS) continues unabated. The PUCL condemns this attitude of the Indian State.

Another matter of great concern to the PUCL is the alleged encounter killing of 8 men accused in SIMI cases, who reportedly escaped from the Central Prison in Bhopal. The brazen justification by the Madhya Pradesh Police and the political leadership that these men were Muslim and "anti nationals" and that they therefore deserved to be killed, is condemnable. PUCL demands that that investigation into the encounter killings should be handed over to a 'Court monitored SIT', with police from outside MP, as there is no faith in the state police conducting an impartial investigation in the case.

PUCL also notes with great concern the targeting of Adivasi Christians whose legal, religious, social and cultural rights were constantly under threat as a part of the planned attack on Christianity by majoritarian Hindutva forces, especially in Chhattisgarh and Jharkhand states. PUCL calls upon all democratic forces to unitedly oppose such divisive and communally polarising and violence forces.

It was also publicly committed that 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, who, in effect, do not have basic citizenship rights.

The PUCL resolved to continue with evidence based documentation and legal challenge of the attack on Indian democracy. It was also decided to build a national network with PUCL members on this issue, where constant sharing of information and strategy could happen. Public action and building public opinion against these forces through meetings, workshops at the national and subnational level, needed to be organised regularly.

Resolution 3 Human Rights Violations in Tribal Areas

The People's Union for Civil Liberties expresses its grave concern at the intensifying human rights violations in the tribal areas of our country.

Despite a specific constitutional dispensation in the notified Scheduled Areas (under the Fifth Schedule) where the Governor, as a representative of the Union Government, has quasi-judicial powers to repeal or amend any legislation passed by the Parliament or State Assembly, on the advice of the Tribes Advisory Council in the interest of peace and good governance; in practice the Governors have failed to exercise such powers or even to submit effective annual reports to the Union Government. The Tribes Advisory Councils have remained for practical purposes on paper, often being chaired by non-tribal Chief Ministers. On the other hand, the autonomy guaranteed under the Sixth Schedule in the notified Tribal Areas has more often been reduced to naught, because the legislations passed by the autonomous tribal councils have remained pending with the respective Governors.

Thus while constitutional protections have been denied, the tribal areas, being usually areas of dense forests and hills, and being rich in mineral resources are being subjected to intensifying and rampant resource extraction, environmental devastation and involuntary displacement. The traditional tribal laws of communal ownership and self governance being in conflict with modern day laws, has caused considerable social tension.

The Panchayat (Extension to Scheduled Areas) Act, 1996 which mandates consultation with the Gram Sabha prior to development projects, even after 20 years, has usually been violated even by the public sector companies such as the Coal India Limited.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, which is now ten years old, claims in its preamble to have been enacted to correct the “historical injustice” upon the tribal people, who began to be treated as “encroachers” by the colonial British government, in the very forests they have conserved since times immemorial. However in practice, the Forest Rights Act has been implemented poorly and reluctantly, and only after much struggle by the tribal people. Individual forest rights have not been granted to more than half the forest dwellers and the pattas have been for much less land than occupied. Community forest rights have rarely been granted, particularly the rights over resources. In particular the present Government has issued several notifications with an intention to dilute the provisions of the Forest Rights Act.

In the struggle over resources the State has clearly sided with corporate and mining interests over the tribal people, local communities and even the environment. Tribal communities have been displaced by land acquisition and mining leases, denied rights over occupied forest lands, defrauded and been forced into migration and bondage. In many of these areas tribal communities agitating against displacement have faced brutal police repression and fabricated cases as “Naxalites” - Niyamgiri (Odisha), Lalgah (West Bengal), Naryanpatna (Odisha), Badkagaon (Jharkhand), Dumka (Jharkhand), Kalingnagar (Odisha) etc. Even where the Supreme Court specifically intervened to direct Gram Sabha consultation as in the case of Niyamgiri, Odisha, police repression has been unleashed against the local tribal activists and leaders.

In conflict areas, studies show that thousands of ordinary adivasi villagers are languishing in overcrowded jails as undertrials, charged with grave Naxal offences.

Refused bail, rarely produced in court on account of lack of guard, speaking only in adivasi languages which are not understood by the court, unable to afford lawyers, jailed far-away from their villages and family members, waiting for formal witnesses usually policemen to turn up, these adivasi spend years together before they are inevitably acquitted. The criminal justice system is clearly weighted against them.

The People's Union for Civil Liberties urges that the constitutional scheme of Fifth Schedule and Sixth Schedule be implemented in its letter and spirit; that the implementation of the PESA Act and Forest Rights Act be strictly enforced; that all other laws pertaining to acquisition, mining, surface rights, coal bearing areas, forests, environment and wild life be brought into line with the PESA Act and Forest Rights Act; and that the Law Commission form Committees in each state with significant tribal population to oversee the functioning of the criminal justice system in tribal areas. In particular, development projects in the tribal areas should be closely monitored to ensure prior informed consent, minimum acquisition and displacement, adequate rehabilitation and resettlement, and improved and dignified life and livelihood options to the tribal people.

Resolution 4 Human Rights Violations in Bastar

PUCL is deeply concerned at the alarming increase in the level of militarization in Bastar and the almost daily occurrences of false encounters, coerced surrenders, sexual violence, mass beatings etc. by police and security forces. In this last year alone, the State has claimed to have eliminated 134 Maoists, whereas ordinary villagers are challenging the majority of these as fake encounters. The brutality of these human rights violations is compounded by the

impunity of the perpetrators, who are never brought to justice and continue to occupy positions of tremendous power over the highly vulnerable and marginalized adivasi populations of Bastar, further increasing their alienation from the State. The fact that air to ground strafing exercises have been carried out twice in the last year further increase our concern.

Adivasi communities such as those affected by large scale mining operations in Bailadila or the upcoming Raoghat mines are facing forcible eviction, destruction of forests that sustain their lives, and complete loss of their culture, traditions and way of life.

Particularly in the past year we have witnessed continuous assaults on human right defenders, be it journalists who dared not to tow the official version of events; leaders and party members of opposition parties, or lawyers who dare to take up cases of human rights violations. The recent arrest of 7 human rights activists from Telangana under the Chhattisgarh Vishesh Jan Suraksha Adhiniyam; the murder case foisted on academic Nandini Sundar and others which was questioned by the NHRC and the Supreme Court; and the recent incident of threat to Advocate Shalini Gera of the Jagdalpur Legal Aid given by the SP of Bastar in person of being implicated in a case of “exchanging old notes of Naxals” are shocking, particularly when Advocate Gera was present in Jagdalpur for the implementation of a High Court Order that was well within the knowledge of the local administration.

In the recent National Convention of the PUCL at Raipur, in a special session on Bastar, ex Union Minister Arvind Netam and many adivasi social activists from diverse backgrounds shared their anguish regarding the grave humanitarian crisis. Subsequently a delegation from the PUCL headed by the National General Secretary visited Village Metanaar, district Dantewada where more than 100

villagers, family members of victims of human rights violations shared their experiences.

PUCL recognizes that the insurgency in Bastar is rooted in socio-political causes and cannot be dealt with as merely a military problem. PUCL resolves to work towards creating an environment where there is a political dialogue between different stakeholders, and the underlying problems of equity and ownership of resources are addressed substantially. PUCL also recognizes that there cannot be any peace without justice and resolves to work towards establishing the rule of law in the Bastar division, where instances of grave violations of human rights are investigated in an independent and impartial manner, and their perpetrators are brought to justice.

Resolution 5

On Elections

PUCL demands:

1. A ban on corporate funding of the political parties.
2. Full disclosure of income and expenditure of political parties and their obligatory auditing by the Election Commission
3. Bringing the political parties under the RTI Act, 2005

Resolutions 6

On Education and Health

- (1) Privatisation of the education and health sectors from top to bottom is a serious concern from the human rights perspective, specially when we see this happen at the cost of disintegration of public system of education and health, and their replacement by expensive private system. PUCL strongly demands the enhancement of their budget at least at a level promised earlier.

We urge upon the State to own up the constitutionally mandated responsibility given in this regard by Part III & IV and find adequate resources for the same.

- (2) In addition, we are

apprehensive about the dilution of constitutional values in the curriculum & text books, and re-definition of quality merely in terms of elementary skills for a majority. The revised organizational principles also undermine freedoms of institutions, teachers and students, eroding the basic ethos of democracy.

- (3) PUCL draws anguished attention to the large-scale prevalence of under-nutrition in children as well as adults in the form of both calorie under-nutrition, and predominantly carbohydrate diet with very low levels of protein, fat and other nutritional factors. The State should evolve institutional mechanism and ensure that all people have adequate and appropriate diets.

Resolution 7

Cancellation of FCRA Registration of NGOs

PUCL Condemns the Central Government's action in cancelling the FCRA Registration of NGOs critical of its policies and working for promoting the principles enshrined in the Indian Constitution – Secularism, Socialism, Democracy and Liberty.

The licenses had not been renewed reportedly on the basis of reports of field agency without stating what the objectionable acts committed by the NGOs were. Though the Central Government claimed that the actions were based on Intelligence Reports, these reports were never communicated to the NGOs and their explanations sought before the decision to cancel the Registrations were taken. Worse, the Government cancelled FCRA registration of NGOs which had been renewed earlier indicating that nothing objectionable was found about their functioning previously. It is clear that the decision to refuse renewal or cancellation of renewed FCRA registrations is motivated by the

politics of vendetta, victimisation and an effort to silence the voices of dissent and democracy. Selective targeting is abhorrent and anti-democratic. The PUCL therefore demands that the refusal for renewal and / or cancellation of FCRA licenses of NGOs like Sabrang Trust, ANHAD, Lawyer's Collective, Greenpeace India, Navsarjan Trust, RDRC, INSAF, RCDRC, CPSC, People's Watch and others should be revoked and their FCRA Registrations / licenses be immediately reinstated and restored.

We also realise that members of Civil Society are not the only ones facing an attempt at victimisation. Others, including Judges, journalists, media professionals, lawyers, intellectuals, writers, artistes and others are also being targeted through various means of intimidation for opposing the draconian and anti-constitutional acts of the government.

PUCL demands a comprehensive review of the Foreign Contribution (Regulation) Act, 2010 and the bringing in of necessary amendments to ensure that the functioning of the regulatory agencies under the FCRA are transparent, accountable and participatory.

PUCL stands in solidarity with all those organisations who have been victims of arbitrary, vengeful, motivated and punitive actions of the Central Government by cancelling or non-renewal of their FCRA licenses and supports their peaceful acts of resistance.

Resolution 8

On the conflict in Jammu and Kashmir

An all India team of the PUCL visited the Kashmir valley between 14th and 22nd October, which was after the 100th day of people's protests beginning 9th July, 2017. The use of security forces to silence the people resulted in a spate of killings, causing large scale injuries and numerous arrests of people under the draconian public safety

act, where activists and lawyers were also not spared. The PUCL team was devastated by the scale of all round human suffering it witnessed in Kashmir. It also observed that the demand for Azadi by the people, clearly expressed alienation from India and their lack of faith in the Indian State. It was also perceived that as compared to earlier occasions of protests, this time there was an overwhelming support of ordinary citizens, cutting across class, rural/ urban, education, to the "hartal" called by the Hurriyat along with a strict adherence to the weekly calendar put out by them.

The preliminary report along with the demands was shared in the plenary (please visit www.pucl.net for the report) following which it was resolved that since most people outside Kashmir, particularly in the rest of India, know little about Kashmir or even the ongoing conflict, the urgency and importance of a more informed and meaningful engagement with Kashmir needed to take place, including organizing visits to Kashmir and organising citizens' dialogues on Kashmir. This was important not only to understand the situation of human rights violation but also in order to assert our own freedom of speech and expression, both as individuals and as the PUCL.

It was also demanded that PUCL must urge the Government and security forces to lift restrictions throughout the Valley and cease all hostilities against the civilian population. There should be demilitarization of the Valley including withdrawal of security forces from civilian areas along with an immediate ban on the use of pellets guns on protests and demonstrations

There was unanimity that the draconian Public Safety Act (PSA), 1978 and AFSPA must be repealed from the statute books apart from releasing the 380 civilians detained under PSA and the Hurriyat leaders.

It was also strongly felt that there should be no curtailment of the right to freedom of speech and expression of the media and also of civil society organisations and people. All peaceful protests should be permitted.

The centre should hold unconditional talks with the Hurriyat and representatives of the other sections of the people, including the youth, in order to break the current impasse and move towards a permanent resolution of the Kashmir dispute.

It was also demanded that immediate sanction should be provided by both GOI and the J & K Government to the large number of files pending 'Sanction to Prosecute' the government, police, security and army personnel who were found guilty of having committed offences based on investigation in cases pending in criminal courts. It was also urged that specific guidelines provided by the Supreme Court of India in the matters involving custodial violence, encounters and forced disappearances and other human rights excesses should be implemented.

Finally, it was resolved that the PUCL would carry on a concerted campaign on the matters of human rights violations and seek justice for victims of these violations in courts of law.

Resolution 9

On the Caste Question

The PUCL resolves to prioritise the agenda of 'atrocities' on Dalits occurring in a major way all across India. It will bring a special focus on its work on the elimination of manual scavenging as well as work towards addressing the basic survival needs of the nomadic and semi nomadic tribes, who number more than 660 communities, making a population of approximately a sixth of the population approximately 20 crores. These tribes cannot access their right to life with dignity. The right to housing, shelter, food, nutrition, health and education,

including even the right to bury their dead is not theirs; in fact, many of such communities in Rajasthan and Gujarat, bury their dead in their "deras", in the spaces where they sleep. The PUCL would provide legal and other support and also organize campaigns.

It is also proposed that with the rise in atrocities, increasing marginalisation and its vibrant combat by Dalits, women, minorities and Adivasis, and other vulnerable sections, **a separate thematic group** addressing the above must be formed, so that these issues could be examined intersectionally and sectorally, within a human rights framework.

Resolution 10

Against Sexual Violence

PUCL is committed to fighting sexual violence in all its various forms. It recognises the fact that that this form of violence is woven into the very grammar of the most familiar of institutions. Within the family, women and children are raped everyday – by uncles, brothers, fathers, husbands. The State uses it in a variety of instances to quell dissent. It is used repeatedly against sexual and religious minorities as a tool to assert power. And ever so often, it is used to assert the authority of that most cruel institution – caste. In all of these instances of this very particular form of violence that is sexual, there is one thing that is shared in common: impunity. An impunity that serves to maintain existing social inequalities. PUCL resolves to challenge this impunity and speak out against it under any pretext.

PUCL is committed to expanding the dialogue that surrounds rape, ensuring that it not only moves away from seeing rape as the fault of the victim, but also to include issues of rape within marriage and family, the need to repeal laws such as the Armed Forces Special Powers Act (AFSPA), and to take up issues of sexual violence perpetrated by security forces, violence against sexual minorities,

and caste-based sexual violence. We recognise that when the assertion of power by dominant groups takes on this form of violence, the bodies of women and people of varied genders become the sites on which these cruel acts are played out. Whether it is the numerous dalit women who are raped by upper caste men – from Khairlanji to Bhagana, or the many adivasi women who have been raped by members of the security forces under the guise of anti-naxal operations in Chhattisgarh, the Muslim women in Gujarat and Muzaffarnagar who were raped by Hindu mobs or the trans-women across the country who are repeatedly sexually assaulted by the police – time and again we witness sexual violence being meted out in the name of the religious dominance, the assertion of caste status and the preservation of 'national security.'

In 2011, a young girl, Meena Khalko, who was out to graze sheep was gang raped by policemen and murdered. They called it a naxal encounter. Four years later, a reluctant state admitted the truth, stating that there was no encounter, and that Meena was in fact raped and murdered. No action has been taken on any of the 23 identified officers. In Betul

District of Madhya Pradesh, Janaki Bai, a 50 year old dalit woman was raped by four policeman in a thana. In July 2004, Manorama, a young woman from Manipur was dragged out of her home by security forces. They first raped and then murdered her. They then fired shots around her private parts, using bullet wounds to cover evidence that would reveal rape. The brutal crime did in fact bring many out on to the streets, but in Manipur, there is a law that serves to protect the perpetrators rather than grant justice to the victim – the Armed Forces Special Powers Act. More recently, between the 19th and 24th of October, 2015, security forces entered 5 villages in the Basagudathana area of Bijapur District, on a routine combing operation. They looted and plundered, molested and raped. A 13 year old girl was gang raped by the men in uniform. A four month pregnant woman was repeatedly dunked in a stream and gang raped. A breast feeding mother's breasts were milked to prove that the child she held was in fact hers. In January 2015, over 13 women were gang raped in Nendra, a village under the same thana area. All these instances, which are but a

fraction of the whole, point to how acts of sexual violence are not isolated events carried out by a handful of deviant individuals, but violence that is entirely institutionalised. The PUCL would continue to be a part of the struggle for justice in the Shopian and Kunanposhpora cases of sexual violence in Kashmir, where security forces carried out mass rapes.

Given this, PUCL shall continue to demand that the custodians of caste and the state be held accountable. We resolve to fight against rampant militarization, the spread of communal forces, the repeated assertion of caste authority and the demonising of religious and sexual minorities, since all of these forces and institutions have everything to do with sexual violence. It is in the very fabric of these institutions that enjoy impunity that this most particular and cruel form of violence is woven. PUCL resolves to speak out against them.

The PUCL shall campaign to engage with the issue of sexual violence and ensure that all modes be accessed for remedies by victims, including courts, the National and State Human Rights Institutions and all forms of media along with public action. □

Report of Session on Bastar, 16th December, 2016, Raipur

Coordinator: Anubhav Shori, Youth Activist, Kanker

Speakers (in order of appearance):

1) Arvind Netam, former MP and Rajya Sabha Minister, Jagdalpur; **2) Sanau R. Netam**, veteran social activist, Kanker & Raipur; **3) Keshav Shori**, Veteran Social Activist, Kanker; **4) Ramkumar Darro**, rural socio-cultural activist and mass-mobiliser, Antagarh; **5) Kamal Shukla**, senior journalist, Kanker & Janjgir-Champa; **6) Adv. Shalini Gera**, lawyer and human rights activist, Jagdalpur &

Bilaspur; **7) Shreya Khemani**, human rights and education activist, Raipur; **8) Adv. Sohan Singh Jhali**, lawyer and minority-rights activist, Jagdalpur; **Special Speaker on behalf of PUCL – Rajinder Sachar**, former President, PUCL & Ex-Chief Justice, Delhi High Court

Summary of the Speeches

1) **Arvind Netam**: Mr. Netam, based on his vast experience in the democratic/electoral political sphere, emphasized on the sheer lack of empathy and understanding

with which the Government of India, through its different agencies and agents, have ignored the condition of the adivasis throughout the country in general, and specifically with regards to Bastar, ever since independence. He spoke on how the policies, legislations, rules etc. that are made for the tribal people both at the Central and State level are made without hearing the tribal people out, and thus, how the adivasi perspective is missing from such policies and laws. Furthermore, *vis-a-vis* governance

in tribal areas such as Bastar, he stated that the participation of adivasis is ignored even by the Collectors and SDMs; thus, what exists is a top down system of governance and administration in which the rural communities are at the receiving end of administrative decisions. Pointing to a recent incident at Raipur where, when the Prime Minister, Narendra Modi, had come, SRP Kalluri, the notorious IG of Bastar, was the first person to greet and welcome him (even before Raman Singh, the CM of Chhattisgarh, and thus in breach of protocol), Mr. Arvind Netam said how this is symptomatic of the problem that prevails in Bastar where rule of law takes backseat and state-endorsed murderers are given primacy and are duly rewarded for the inequities they perpetrate on the adivasi people.

2) **Sanau R. Netam:** Mr. SR Netam, or, as he is fondly called by the communities of Bastar, Sanau-dada, spoke about how laws such as PESA (Panchayat Extension to Scheduled Areas Act, 1996), FRA (Forest Rights Act, 2006) that are enacted to uphold the rights of the adivasi and *moolnivasi* forest-dwelling people are seldom implemented and inevitably honoured in breach by the executive in Bastar. He said that this non-implementation is willful, and various state agents like the Collectors and SDMs are consciously kept unaware about such laws so that the rights of the adivasi people of Bastar are never kept in mind while making administrative decisions – leading to large scale loss of land, resources, cultures and identity of the people of Bastar. He highlighted a few specific instances, including how a rural family was robbed of 10,000 Rupees overnight in the Pakhanjur area of Kanker, North Bastar.

3) **Keshav Shori:** Mr. Keshav Shori, who, through the organization DISHA (of which he is the founder-member), has been

instrumental in seeking to push the state machinery to implement the FRA-2006 through disbursement of Community Forest Rights Pattas to the forest dwelling adivasi communities of North Bastar, recounted his experiences and the difficulties in the process. He stated how the Raoghat Iron-Ore mines and Railway Tracks are being built in complete violation of FRA and other laws despite the unwillingness of the villagers. He highlighted how, despite repeated and focused efforts of the communities that stay in the deeply forested Raoghat region (spanning across Kanker and Narayanpur districts), for over three years, their community forests rights have not been settled due to administrative inaction. He also pointed to the heavy presence of armed forces in the Raoghat region where almost every village has either a BSF or an SSB camp attached to it apart from which there are camps at close intervals.

4) **Ramkumar Darro:** Mr. Darro is an adivasi resident of village Kuhche, block Antagarh, distt. Kanker, and is directly affected by the iron-ore mines and railway tracks that the Bhilai Steel Plant is building in Raoghat. His has been a voice of resistance coming from that region against the detrimental impact of these mines and railway tracks which are being built without obtaining consent of the villagers of the Raoghat hills. Raoghat hills bear immense cultural significance for the Gondi adivasi people of Bastar and beyond, and Mr. Darro, along with a few other adivasi activists from the region, had sought to undertake cultural documentation of the space – which they were forcefully prevented from by the state-forces. Close to Mr. Darro's village lies village Kalgaon, where a Gram Sabha was conducted at gun-point in presence of heavy deployment of security forces and the erstwhile SDM of Antagarh Block and Sub-Division to extract 'consent' from

the villagers for building a housing-complex for the mine-employees. Mr. Darro's speech graphically exposed the grim realities that his community faces today.

5) **Kamal Shukla:** Mr. Shukla is a journalist from Bastar whose writings have been crucial in making people outside aware of the inequities that are being perpetrated by the state forces and capital (industrial interests and corporate bodies) on the adivasi communities of Bastar. He has thus been instrumental in bridging the information gap and breaking the silence on Bastar. He himself has been persecuted much by these forces for this. He, in his speech, emphasized on how, in the name of suppressing Maoism, the state, through its armed forces, has unleashed intense nightmare on Bastar. He spoke on the loss of voice, agency and identity of the communities that all this has led to.

6) **Adv. Shalini Gera:** Adv. Shalini Gera, along with a few other young lawyers from across the country, has been working for access to justice through free legal aid to the adivasi people of Bastar. Local adivasis, because of impoverishment, linguistic difficulty (tribal languages being different from Hindi), remoteness of habitation and a host of other factors, have been languishing as undertrials in false and fabricated offences, often related to Maoism. Keeping people in custody and as undertrials in prisons for years on end without trial has become a norm in Bastar. She, along with the other lawyers who are working in facilitating access to justice of the adivasis of Bastar, have faced severe challenges from the state in this regard. Adv. Shalini spoke at length about the plight of rural communities at Bijapur district – which is the most counter-insurgency affected district of Bastar division. In this densely forested district most of the villages are so remotely located that reaching the courts itself takes

days on end of walking for the tribal people. Encounters and rapes committed on adivasi women by marauding state-forces, including the Central CRPF and the state's own DRG battalion, have become the order of the day. She narrated a few specific instances. She spoke of the encounters at Arandi-Harrapara village in Bijapur that began on Feb. 16th 2016 and went on till the 18th, leading to the death of adolescent Kuhdami Ganga on the 16th and disappearance of 8/9 year old child Sodhi Sonnu on the 18th. Other situations of blatant atrocities, including the September 2016 encounter of adolescents Sonku and Payku of Burgum village, also in Bijapur; their corpses were allegedly disfigured to hide marks of atrocities. Eventually, the state admitted before the High Court, the two youth killed were not Maoists, but students.

7) **Shreya Khemani:** Shreya Khemani, a young teacher at Shahid Shankar Guha Niyogi School at Raipur, has been a part of the arduous and painstaking work that brought to public-knowledge and also before NHRC the series of rapes perpetrated by the state security forces on the women of villages Chinegellur, Peddagellur, Gundam, Pegdapalli & Burgicheru in Bijapur on October 2015 and again on the women of village Bellamnendra between 11th-14th January 2016. She narrated the difficulty and obstacles that were faced while trying to get the survivors to file FIR and initiate and continue with the process of seeking institutional justice – efforts which bore fruits on January 2017, shortly after the PUCL National Convention, when the NHRC sent notice to the police authorities regarding the rapes.

8) **Adv. Sohan Singh Dhali:** Adv. Dhali is an advocate and minority-

rights activist. The attack on Christian communities in and around Jagdalpur, and in fact throughout Bastar has been on the rise. The perpetrators are RSS and other Hindutva Sangh-Parivar activists – who are very politically powerful in and around Bastar. There have been multiple instances of attempted forceful conversion into Hinduism, aspersions and rumours have been spread about attempts for forceful conversion into Christianity leading to communal tensions, rampage on Churches by the Hindutva-goons and desecration and destruction of cemeteries, and atrocities and hurt committed on the person and property of several Christian people. Multiple such instances came to light through Adv. Jhali's speech, revealing the insecurity that all minority communities face in and around the towns and villages of Sanghi dominated Bastar. [Report compiled by Atindriyo Chakrabarty, Chhattisgarh] □

Report of Proceedings of the “Youthspeak” Session, PUCL National Convention 18th December, 2016 at Raipur.

A ‘Youth Session’ had been scheduled as part of the National Convention at Raipur, Chhattisgarh to take place on 18th December, 2017. Since this was the first time that such a special session was planned, a preliminary brainstorming meeting was held on 17.12.2016 to gather the views of all young PUCL members on how to conduct the session, the issues to be discussed and other modalities. This session was conducted separately where only youths participated and gave their views.

In the preliminary brainstorming session the following people took part:

1. Sarfaraz; 2. Pragnya; 3. Radha; 4. Furquan; 5. Isha; 6. A.Rabeeek Raja; 7.Arjun Sheoran; 8. R. Ranjani; 9. P. Kanmani; 10.Saravanan; 11. Ashish Beek; 12. Priyanka; 13. Prithvi; 14. Swati; 15. Atindriyo; 16. Shabnam; 17. Vidya; 18.Vikas Shakya; 19.

Swaroop; 20. Rajeev Yadav; 21.Rakesh; 22.Kamal from Bihar, Chhattisgarh, Jharkhand, Maharashtra, Rajasthan, Punjab, Tamil Nadu and UP states.

Issues which were raised in Brainstorming Meeting

1. First question is about whether we understand PUCL better or not. PUCL is good at advocacy and campaign, like electoral reform, Right to food etc.
2. Workshop, seminar etc should be organized regularly to sensitise youth about Human Right, Acts, Constitution, police etc.
3. There should be amendment in constitution of PUCL. We must discuss issues like nationalism self-determination. It will make us more democratic. The fight and struggle for freedom should not be called anti-national. PUCL should support all those struggle.
4. There is no PUCL in Kashmir.

PUCL is debating Kashmir issue. There should be clear stand on state violence and non-state violence. We must support self-determination issue occurring in AFSPA zone.

5. There must be convention of youth members at least annually. Where they will discuss about their own understanding on different issues.
6. PUCL should use social media. Theatre artistes, folk artistes should be invited to attract young people.
7. Social media use should be smart. Everything can't be put on social media.
8. Before using social media we should understand internet, how to use internet how to campaign. On the other hand there are some dangers in using internet .Digital governance should be understood properly.

There should be a separate media team.

9. There should be more sittings (frequent) to understand political processes.
10. There should be simple language narrative. We should prepare primers for youths.
11. There should be no compulsion to agree with all the rules of the Constitution (PUCL).
12. We should discuss deeply about relationship of PUCL with other organization.
13. More discussion on Adhaar card, demonetization, digital security surveillance, etc because it is attack on civil liberty. We can use pamphlets etc to aware public about these issues.
14. Privatisation of education has hit the aspiration to join human right groups. Students are too busy in career making to think about civil liberties and human rights.

A full-fledged session was held next day with all the members of PUCL participating in it. All the youths were invited on the stage to present their views.

This meeting was moderated by Sarfaraz from Bihar.

1. **Furquan:** It is very necessary that young people should understand PUCL, its objective, vision and nature etc. Otherwise there is greater chance that objective and vision of PUCL might be diluted in coming days. The documents of PUCL should be a narrative which people can understand easily.
2. **Atindryo:** There is confusion on idea of self-determination politics which rises in Kashmir and north-east. We should think what we can do on such issues.
3. **Shabnam:** There is lack of clarity about PUCL among youths. We should organize workshops, seminars, programmes like stand of PUCL on different issues must be organized to clarify.
4. **Kamal:** We should associate

different progressive people even if they are not the member of PUCL. So that varieties of people and ideas associate with PUCL.

5. **Saravanan:** Many important material including constitution of PUCL are not in regional language.

Youth convention should be organized next year.

6. **Radha:** PUCL is not visible in colleges, universities. PUCL should set stall in colleges programme, go to colleges. There are many things which are not known about PUCL.

7. **Rakesh:** We should put question. There should be more association with youths. PUCL bulletin should be in Hindi.

8. **Vidya:** I feel that there is no programme for gender sensitization. There is no teaching about transgender in schools, no acceptability of people like us in society. There is very poor response from govt. and its institution like police. There is no structure in the family where transgender can feel secure. Transgenders are boon but people think that we are criminal.

9. **Vikas:** There should be change in working style of PUCL. There is lack of communication. There should be increase in membership fees and its distribution between state and national.

10. **Anant:** PUCL is a democratic organization but representation on gender basis, caste basis, tribal is lacking.

11. **Ranjani:** PUCL should reach out to dalits and women. Issues of youths can be presented by youths only. There should be few youth in National Council of PUCL.

12. **Swaroop:** Bulletin should be in Hindi. The focus must not be on only Kashmir or Bastar. Human Right violation is everywhere. Youth should be informed and should be part of all the work of PUCL.

13. **Rajeev Yadav:** Arresting, torturing and killing of youth on the name of terrorism and naxalism must be made a national agenda. PUCL should include this agenda and also should discuss new political discourse like Dalits and Muslims. The torturing of Muslims had started from south and coming to north.

Response to issues raised:

Prabhakar Sinha, former National President, PUCL

1. PUCL will support only non-violent means.
2. There can be various political views. If we believe in any one political view then it will be very difficult to invite any person of other political view.
3. We can't say anything on self – determination.
4. We can't join any federation. We can't compromise with our principle.

V. Suresh, National General Secretary, PUCL

1. We are ready to discuss issue like nationalism, patriotism, self-determination etc. so that our members are well informed about different arguments on these issues.
2. We will organize workshop and youth convention next year.
3. To be active on social media we need help of young people.
4. In many states units few people are reading the PUCL constitution. This is an issue of concern.
5. We accept and respect the third gender as equal members of society and are committed to ensuring that their right to equality, dignity and inclusion in all policy decisions is protected.
6. We should understand that our members come from all political persuasions. So when debating an issue we take care to see that our position is based on upholding human rights principles and is not based on a particular political position. For example there are members holding contrary or

contradictory views on say, big dams or nuclear power. While we refrain from taking a pro or anti stand by itself, we raise issues of democratic rights of people to participate in the decision making process, etc. The test in any of these issues and debates is whether the fundamental rights of citizens are violated; whether the rule of law is respected. The crucial issue is to have open ended and wide ranging discussions

and debates inside PUCL which will strengthen the democratic character of the organisation.

7. Let's have series of workshop for which we should do the following:
 - Prepare Primers or Readers containing key articles, reports and policies as reading materials.
 - Compilation of all important laws, arranged subject wise.
 - Design training programmes

including 'Training of Trainer' programmes so that youth members can conduct training programmes in colleges, schools and in local communities.

8. We will go forward with all the suggestion .We will try to make fora of youth, dalits, transgender etc.

The meeting ended after the votes of thanks given by Sarfaraz.

Report compile by Sarfaraz, General Secretary, PUCL - Bihar □

PUCL – Greater Chennai: Fact-Finding Report on the Police Action, 23 January 2017

Content

- I. Context and Character of Youth Protest on the Marina, Chennai
- II. Marina Beach
- III. Report of death
- IV. Government Royapettah Hospital
- V. Nochikuppam
- VI. Rutherpuram and Meenambalpuram
- VII. Nadu Kuppam
- VIII. MattanKuppam
- IX. Ayothiyakuppam
- X. Sivarajpuram, Old Katta Thotti street, and Sungu var Street
- XI. Interaction with Police
- XII. Findings
- XIII. Recommendations
- XIV. Team Members

PUCL Fact-Finding Report on the Police action against Jallikattu protestors, Chennai 23 Jan 2017

I. Context and Character of Youth Protest at the Marina, Chennai:

The protests launched on 17th January 2017 by disparate groups of young people – both students and non-students – mobilized primarily through the use of social media. Incensed at the Judicial ban and Government inactiveness on jallikattu, it attracted hundreds and thousands of common people from several cities, towns and villages all over Tamil Nadu. They spent six days and nights on the Marina beach in Chennai, in a unique display of dispersed, autonomous and democratic dissent.

Though centred on Jallikattu, the

range of issues were raised and questioned including corruption, political apathy, governance, farmers suicide, demonetisation, flood and Tamil culture and dignity. The protestors themselves were surprised at the numbers who turned up. They quickly self-organized themselves to marshal the crowds with the adoption of a few simple ground rules including respect for the law and the rights of lay users of the roads and the beach; regard for each other expressed in the care shown by volunteers distributing food, water, mats, shawls and picking-up rubbish with the medicos among them offering first-aid; the staunch rejection of party politics, media adulation, celebrity leadership and like forms of demagoguery; the adoption of soapbox oratory in groups numbering from 50-500 as against a single-dais centred mass gathering, funded by small contributions in cash and kind from thousands of anonymous supporters besides a few individual donors. Almost all sections of the Tamil populace including high functionaries of the State and members of the Tamil diaspora around the world were unanimous in their praise for the discipline and responsibility exhibited by the protestors.

By most accounts, the numbers of people gathered on the Marina ranged between 200,000 and 300,000 on 18th and 19th January, swelling to between 500,000 and 800,000 on Friday 20, Saturday 21 and Sunday 22 January 2017 and tended to fall only in the early hours

each morning but picked up again during the day. There were floating onlookers, ambivalent sympathizers, enthusiastic participants and organizer-volunteers – all gripped by the overwhelming desire to register their presence. Comprised largely of young people – between 15 and 30 years of age – older people and family members including the very young had also turned out in solidarity.

On Monday 23rd January the mobilization of police forces became evident to the protestors between 3.00 and 4.00 a.m., alongside reports of road blocks being set up at all entry points. Those leaving the venue of the protests for food, water or even to use the public toilets some distance from Kamarajar Salai (the main promenade) were unable to get back to the beach. In the meantime the numbers of protestors remaining had dwindled sharply to less than 10,000 by 4.30-5.00 a.m., clustered in six or seven tightly knit groups huddled together in the sand. At around 6.00 a.m. that morning, the police threw a cordon around the sleep-deprived youngsters and ordered them to leave the beach immediately. An argument ensued, as the protestors demanded time and the police refused. In half an hour the situation had deteriorated into one where the police were abusing the protestors while physically pulling, pushing and shoving them towards the main road. Even those who ventured to help others, who were hurt or reeling from being

manhandled while fatigued and hungry, took a beating or kicks to the back and neck while down.

A second wave of police advanced with lathis to commence a brutal assault on the thousands that were now fleeing towards the water and the few hundreds who persevered by entwining their arms and presenting a human wall to their aggressors. Several hundred protestors who fled towards Kamarajar Salai but found the exits blocked, sought refuge in the fishing hamlets of Nadukuppam, Ayodhya kuppam, Maatangkuppam, Nochhikuppam, Sivarajapuram, Ambedkar Paalam, Rotherpuram and Meenambalpuram around the Marina. At no point did the escalating violence of the police assault during the first several hours meet with retaliatory stone-pelting or other forms of violent protest by the young people gathered on the beach but rather entreaties and fervent pleas to halt the beating.

It is extremely important to note that such a democratic and totally non-violent nature of the protests involving lakhs of participants led by diverse groups was conducted with remarkable self-restraint and discipline over six days and nights into the early hours of Monday 23rd January 2017. This is contrasted with the high-handed, lawless and brutal response of the State Government as witnessed. Hence, such a peaceful and complex dissenting protest deserves not only the protection of Constitutional mandates guaranteeing the right to life and personal liberty; freedom of speech and assembly but also recorded and encouraged.

Hence, an emergency meeting of Greater Chennai PUCL was held on 24th January 2017 to discuss the event unfolded that shook the Chennai city on 23th January 2017. Many student and youth representatives who took part in the week long protest shared their experiences. Based on the discussion it was decided to constitute a fact-finding team. The detailed report is presented below based on the team's visit to the sites on 25th and 26th January 2017.

II. Marina Beach: On 24th January 2017 many students and youths who have participated in the pro-jallikattu protest came to PUCL office and shared their experiences. According to them on 17th January 2017, Tuesday at about 7.30 a.m. only 50 people went to the beach to protest. Through social media campaigns they were able to attract more number of participants. As the day progressed more and more people came to participate. Initially there was only one group but latter they could see a large number of groups sitting there. The group did not allow political parties to address the gathering and informed the police that their protest will be peaceful. During the course of the day, media's presence was visible though the protesters were not eager to get media support. Day after day more and more youngsters came there to participate. On 22nd January 2017, Sunday several lakhs of people participated in the protest. Sunday night at about 11.30 pm all media quit the venue. The participants too were asked to leave the venue. But they refused to move out and told the police that they will leave the avenue after legislation / ordinance is passed.

On 23rd January 2017, Monday at about 6.00 a.m. police came there and showed them a piece of paper purported to be a copy of ordinance in it. There was no official seal or signature. When the police insisted they asked to spare them half a day, then 4 hours and finally 2 hours of time to consult a lawyer. Police personal flatly refused and asked them to leave. Student and youths stood their ground. About 6.30 a.m. police began to corner them. At about 7.30 a.m. police began to beat them and asked them leave. Police used filthy words on women. Police pushed them towards light house. But the students ran towards the seashore and sat there. Then the police began to brutally attack the students who were scattered across Marina beach with lathi. As the protesters were bleeding, they requested ambulance service to take them to hospital. Their request was not heeded.

Some of the wounded and bleeding youth ran towards Nadukuppam and asked for help. Fisher folk gave them shelter to save them from the fury of police. First aid was also given to them by the fisher folk. But the police men rushed there also. Police began to break open the doors and pulled out the students and youth. The police once again thrashed them with sticks and attacked fisher folk also.

Actor Raghava Lawrence, an active protester managed to enter sea shore after 2 hours with a help of police. When he finally entered at about 11.30 a.m, policemen had used force to evict the protestors. Actor Lawrence requested the crowd to disperse since ordinance has been passed. After his speech several students and youths left the place and about 1000 people continued their protest at the seashore. Later Director Seeman came by boat to address the youth but the crowd asked him to move out. Later, Director Cheran also joined the protest along with Director Gauthaman. He was there till 02.00 p.m. By evening, R.J. Balaji also spoke with the youngsters for 10-15 minutes and left the place immediately.

Finally, it was left to Justice Hariparanthaman to go to Marina and read out provisions of the ordinance to convince the last batch of protestors.

III. Report of death: Manikandan s/o Kalayanaraman from Ambattur, Chennai participated in the Marina protest along with his friends. He too went to the shore and stood at waist deep water, when cornered by the police. He was washed away and his body was found out at Kanathur sea shore.

IV. Government Royapettah Hospital: The injured and the bleeding protestors sent and went to Government Royapettah hospital for treatment. At the protest site at about 8.45 a.m one boy named Karthik, who passed out from Arul Ananthar College, Karumathur, Madurai, was hit by the police resulted in bleeding from the nose. One Mr. Karupaiah, a police, called 108 stationed nearby and referred him to Government Royapettah Hospital. His condition is still a mystery.

Even though some were in need of hospitalization, they were turned away and were given only first aid. The police who stood near the counter forcibly snatched the outpatient slips given to patients. The protestors said that this deliberate act done by the police was to show to the world that more policemen were injured than the public. Even those who were helping the injured were threatened and about to be lathi charged by the police inside the hospital premises.

V. Nochikuppam: The team had discussion with 30 men folk and 10 women folk of fishing community. On 23rd January 2017, around 6.00 a.m two fisher men while going out for a walk on the beach observed a large number of police personal surrounding the protesting youth. Later, the youth moved towards the sea and began to stand at waist level water. As the sea was rough on that day, fearing for the life of students the two men ran towards their kuppam and asked for help. The residents of Nochikuppam rushed to the beach and they were shocked to see the plight of the students. The police did not allow them to help the youth. Soon the youths were pleading for water and food due to thirst and hunger. As the fisher folk rushed towards the students with water and food, the police got hold of them and destroyed them.

So the fishermen loaded up their fibre boats with water and food and began to sail towards the protestors. The Coast Guard tried to prevent them. But the boatmen were able to evade them and supply food to the youths. In this process two of their boats were damaged. They told the team that it was a high tide period. Even fishermen would not venture in to sea for fishing. To save the lives of youth from rough sea they did not give heed to the warning of the police.

Later in the evening some women folk heard cries of pain from nearby police station. Some women folk rushed to the police station and could see seven youths in underwear, crying for help. Then the women folk began to plead with the police to release them on humanitarian ground. The police

then warned the villagers that they are helping anti-social elements. But the fishermen were strong on their conviction that they have helped only honest youths as they have already verified them with their Identity Cards. Soon the police took the youth away.

VI. Rutherpuram and Meenambalpuram: The team could see burnt van and a jeep near Ambedkar Palam below MRTS railway line. Also at the entrance one can find burnt vehicles, which include one cycle, eight bikes and autos. A burned sofa set was found opposite to a carpentry shop. Workers of the shop told that in the afternoon around 150 people gathered near 'city centre' mall and began to protest against police for beating students at Marina. As the police chased them with lathis in their hand the people rushed towards the street. As they were afraid, they closed down the shop and left.

One women resident of the locality said that the policemen in uniform burnt all the vehicles that were found on the street using pouring some liquid. Also, many vehicles were damaged. Some women tried to prevent the police when they tried to lathi charge children, elder women and pregnant ladies. The Policemen used abusive words to women. Seven youngsters were brutally beaten by the police and were lodged in Puzhal prison. One woman lamented that she could not visit her wounded son as he was taken away to the prison. Though some were granted bail, their families could not raise enough money to bail them out. Several women stated that roofs of many houses along the street were destroyed due to stone throwing by uniformed policemen.

VII. Nadu Kuppam: People living in 7th street informed that uniformed policemen threw blue metal stones and caused damage to the people and properties. According to them police has used steel rods to beat and break vehicles, smash glass windows and to ransack their houses.

The people living in the 8th street expressed their anger against policemen as they have destroyed the roofs and windows of their

houses. According to them the police had also sprinkled some chemical powder on the roof of the fish market and set it on fire. The fish market has been completely burnt down.

VII. Mattan Kuppam: According to the people living in canal road 1st street, police used iron pipes to damage two wheelers and attack the residents. Police has also destroyed many house hold items like T.V, washing machine, etc. One house owner informed the team that the police took away Rs.30,000/- , a gold chain and a mobile phone from their house. The police action was launched at around 2.00 pm and went until 7.00 pm.

IX. Ayothiyakuppam: The team discussed with two people of Ayothiyakuppam who have witnessed the event that unfolded on 23rd January 2017. At about 10.00 a.m. the police thrashed the students both male and female with sticks in order to vacate the beach area. As time went by, youths were in need of water, food and wanted to access toilet. However, the Police did not allow the public from nearby area to provide them water, or food or to move the bio-toilet near to the sea shore. The girls in particular were found very tired as they were not allowed to refresh from early morning till 10.00 a.m. Few youths used bed sheets and sticks from fishing boats to prepare an enclosure so that the girls could use for the natural call near shore. On the road side the fisher men gave them shelter in some of the newly constructed housing colonies and hid them in some houses as police came after them. They did not clash with police.

X. Sivarajpuram, Old Katta Thotti street, and Sunguvar Street: As the Police's attack on the youth spread across the fishermen area, people started moving towards the beach area but were not allowed to enter. Arguments flared up leading to stoning on both sides. At this point, the attacked and injured youths fled from the beach area to the fishermen residential area to protect themselves from Police attack. The family members of fishermen protected the youths by letting them inside their home as they would protect their own kids.

Villagers in Sivarajapuram were recounting that around 30 police men entered. They seemed to be young, tall, armed with full protective gears. They started attacking the vehicles parked next to each house and brutally attacked residents. Police went inside the houses, if the door is locked, they broke it. If any youth was found hiding, they pulled the youth out and beat them till they bleed. Even some children were beaten up mercilessly and were taken to police stations.

Policemen used abusive words to women and did not give respect to them. The policemen also used words with high sexual connotation. Few women police teased women as they would tease sex workers. Roofs of many houses were damaged due to stone throwing by uniformed policemen. The residents at these locations showed the team those stone. The residents believed that the Police carried bags of stones when they arrived. While attacking the public and residents in the residential area, police accused the residents that they gave shelter and food to the terrorists (protesters).

Few residents had successfully safeguarded the youths by helping them to hide themselves in their homes. Later they sent them by offering different coloured clothes instead of their black coloured dress.

The people reported that the Police were aggressive and continued their brutal attack. People even now were afraid to talk to outsiders and to the media as policemen would come at nights and ask for the male members of their families. People told the team the the Police were supposed to protect them and not indulge in beating.

Many expressed that everyday police came at nights asking for the male members of their families. Hence, the male members stayed out and resided with their relatives or friends.

XI. Interaction with Police -

Mr S. Manoharan, Joint Commissioner, Mylapore, Chennai: Prof. Sankaralingam and Prof. Gladston met Mr S. Manoharan, the joint commissioner of Mylapore on 28th January 2017.

According to Mr Manoharan, the protests started with a gathering of about 500 people who were campaigning for Jallikattu. The crowd grew to thousands and took control of a stretch of Kamarajar Salai. The posters of Osama bin Laden, Velupillai Prabhakaran and the speeches of Tamil Nationalism, vulgar and abusive language against the Prime Minister and so on were quite suspicious. The protest did not seem to be spontaneous; it was more planned and organized.

While narrating the incidents of the 23rd January 2017 he said, "On that day there were about 500 protesters on the beach. We approached them with utmost caution. We asked them to disperse in peace as the ordinance was passed. They demanded the chief minister to come to the venue. They refused to move even after the announcement came from the Governor's residence. They moved on to several other issues. With much restraint we approached them and we have to disperse them. The Republic day was soon approaching and it was impossible to have the rehearsals. We had to clear them or else they would have sat for many more days".

Having suspected the presence of antisocial elements, the police started to evict them. In the meantime violence started to erupt in four areas. He showed several photographs and videos to support his argument of the presence of antisocial elements. The photos of men carrying or throwing petrol bombs, pelting stones at the police and burning vehicles were shown. He used these materials to substantiate his arguments that the crowd that they were dealing with was not peaceful as all the people thought it to be.

He said that the investigation had already begun on the incidents to find out what really happened in Ambedkar Palam, Nadukuppam and the other areas. He was concerned that the whole society was banking on a few videos on social media and had turned against the police in such a short span of time.

XII. Findings: The fact finding team visited several localities from Nochikuppam to Sivarajapuram,

bordering Marina beach and found a pattern of similarities in the police action. They used the same tactics. In other words police used a carefully planned strategy to achieve a specific end.

1. There has been physical attack on people especially on children and women. A number of women had head injuries.
2. There seems to be a pattern of police attack in neighbourhood communities. More planned infrastructural damage (fish market, damage to autos and two wheeler and houses) than physical attack in the place where fishermen live as one community. Both infrastructural and physical injury, especially to women, children and elderly in places where different communities live or places like Rutherpuram where dalits live predominantly.
3. Attack on the youth seems to be not to disperse them from the protest area but to brutally attack them or to kill them.
4. Youths have being dragged from homes and beaten till they bleed. (multiple fractures and head injury).
5. It is clear that the attack on the residential area of the fishermen had been executed with the intention to destroy their properties and livelihoods.
6. In some cases, the policemen had looted cell phones, money and jewels, which is most alarming.
7. Use of foul language and accusing residents of aiding terrorists has created psychological trauma. It also created a negative image and loss of trust on police.
8. Police entered houses by Force and have even damaged doors if they were locked/ latched.
9. Damage to properties and vehicles especially to two wheelers has been caused.
10. Blue metal stones have been used to injure people and to damage roofs.
11. Innocent individuals were charged under various sections of IPC.
12. Family members were made to wait until 2:00 a.m on 24th January 2017 in the police

station and detainees were beaten in front of family members.

13. By snatching away the in-patient/out-patient slips, the police had deliberately down played the number of people hospitalised/wounded when compared to police personnel.
14. When asked about the presence of Anti-Social elements, The Joint Commissioner of Police said that the matter is under investigation. One can conclude that action has been taken on assumption and not on facts.

XIII. Recommendations

1. The Government should suitably compensate those people whose properties like

house, household articles and vehicles are damaged due to arson.

2. All those arrested should be released forthwith and the cases withdrawn unconditionally.
3. The Government should rebuild the burnt down fish market with fire proof material.
4. Suitable compensation should be given to the family of the deceased.
5. The police personnel who used arson to set fire on vehicles, houses and fish market should be suspended and departmental action should be taken after enquiry.
6. These incidents should be investigated by a sitting high court judge.

XIV. Team Members: Prof. Francis Adaikalam, District Secretary, Greater Chennai, PUCL, led the team. Other members are: **1) Prof. Sankaralingam**, Vice President, PUCL Tamilnadu & Puducherry; **2) Mr. Mugesh**, Treasurer, Greater Chennai, PUCL; **3) Mr. Aavin Babu**, Organising Secretary, Greater Chennai, PUCL; **4) Mr. Francis**, Organising Secretary, Greater Chennai, PUCL; **5) Prof. Gladston Xavier**, Member, Greater Chennai, PUCL; **6) Mr. K. Balakrishnan**, Member, Greater Chennai, PUCL; **7) Mr. Maria Antony**, Member, Greater Chennai, PUCL; **8) Ms. Harsha**, Student Volunteer; **9) Mr. Rajkumar**, Volunteer; **10) Mr. Britto**, Student Volunteer; **11) Ms. Sibija**, Volunteer; **12) Ms. Dhivya Bharathi**, Student Volunteer. □

Note on the Ongoing, Unceasing Violence Unleashed on Tribal Communities by Chhattisgarh Police and Security Forces

Readers will recall that we have been carrying numerous reports documenting the steadily worsening human rights situation in Bastar area of Chhattisgarh due to arbitrary, violent and repressive action by the state police who have thrown constitutional directive and fundamental safeguards to the wind. Despite the huge mountain of facts and documentation that has been piling up over the years about false encounters, tortures in custody, sexual assaults and violence, including individual and mass rapes, as weapons of repression and subjugation, official institutions mandated to oversee the implementation of constitutional safeguards have been conspicuous by their lack of response. It appeared as though the state police and security forces had been granted carte blanche powers to wilfully and brazenly violate the law and get away with impunity for all the unimaginably violent acts committed by them in the name of fighting the Maoists. Things slightly changed when in October, 2016 the CBI submitted the Police Final Report or

Chargesheet, as it is popularly called, naming 7 SPOs and 26 *Salwa Judum* leaders for the arson, looting and burning of tribal houses in Tadmela many years previously in 2011. Thereafter in January, 2017 the NHRC declared that they found 16 women, prima facie victims of rape, sexual and physical assault by the State police personnel in Chhattisgarh in. The incidents took place in the five villages Pegdapalli, Chinnagelur, Peddagelur, Gundam and Burgicheru where the women had alleged that State Police personnel had sexually harassed and assaulted more than 40 of them and gang raped at least two in Bijapur district of Chhattisgarh. It was also reported that belongings of many villagers were destroyed, stolen or scattered by the forces passing through the villages. The NHRC issued notice as to why compensation should not be provided to the victims. The NHRC followed this by summoning before the Full Commission on 30th January, 2017, the Chief Secretary of Chhattisgarh Government and Mr. SRP Kalluri, IPS, Inspector

General of Police, Bastar range, who was seen to be the key person overseeing police and security forces' actions in the region. Mr. Kalluri did not appear on the ground that he was unwell. The NHRC thereafter issued a Statement detailing the lists of action plans submitted by the Chhattisgarh government to the NHRC to protect human rights and ensure action against guilty police officials. Some days thereafter it was announced that the Chhattisgarh government had asked Mr. Kalluri to go on long leave and replaced him with another police officer. We carry below the NHRC statement as also an important statement issued by the WSS pursuant to the transfer of Mr. Kalluri. We also carry a compilation of events of violence committed by the police forces prepared by Nandini Sundar.

On NHRC's intervention Government of Chhattisgarh submits six point action plan to ensure protection of human rights and bring to book the guilty officers , 03.02.2017.
<http://nhrc.nic.in/dispArchive.asp?no=34201> □

Press Release by National Human Rights Commission, New Delhi on 3rd February, 2017

The senior officers of the Chhattisgarh Government, who attended the hearing of the National Human Rights Commission on Monday, 30th January, 2017 were directed to inform by Friday, 3rd February, 2017 about the Action Plan of the State Government to protect human rights in Bastar in the wake of the allegations of police hostility against civil society representatives including academicians and journalists. The Commission in its *suo motu* cognizance of the reported allegations had observed on the 16th November, 2016 that it was deeply disturbed by the state of affairs in Chhattisgarh over last one year or more.

In response, the Government of Chhattisgarh has informed that they have prepared a six point Action Plan to ensure that human rights are adequately protected in Bastar. As an urgent measure, the State Government has given standing instructions to the Special DGP/Additional DGP (Naxal Operations) to immediately recommend action to the Additional DGP (CID) in a case of gross violation of human rights wherein the action is found to be slow, lacking or inadequate at lower levels.

The other measures include:

1. Director General of Police to organise training and orientation of the police force posted in Bastar Division to sensitise them on the human rights issues and to ensure that human rights are not violated in the course of their duties;
2. All police officers to ensure that human rights are not violated

in the course of their work, be it in Naxal affected areas or elsewhere. Human Rights violations will be inviting consequences. They would also be responsible for ensuring compliance among other police personnel under their command;

3. There will be a clear, separate entry in the Annual Performance Assessment of All Indian Police Services and State Police Service Officers about their performance on human rights issues;
4. A District level Human Rights Protection Committee headed by a District Magistrate/Collector has been constituted in each of the seven Naxal affected districts of Bastar to receive complaints on human rights issues and to make suggestions to the State Government for taking necessary action. This committee comprises six district level administrative, police, law officers and two-three eminent citizens;
5. A State Human Rights Protection Committee has been constituted under the Chairmanship of Secretary, General Administration Department. This will consider only those cases which has been not been disposed off at the district level or where the complainant is not satisfy with the action by the Districts Committee. This committee comprises seven senior level administrative, police, law officers and two-three eminent citizens/NGO Representatives. □

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PUCL BULLETIN

Editor : V. Suresh
Editorial Board : Rajindar Sachar
Assistance : Babita Garg

Printed and Published by:

V. Suresh, General Secretary, PUCL,
270-A, Patparganj, Opp. Anandlok
Apartments, Mayur Vihar-I, Delhi-110091
for *People's Union for Civil Liberties*
Printed at: Dixit Printers, 108, Basement
Patparganj Indl. Area, Delhi-110092