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**Editorial:**

## Challenging Times for the Human Rights Movements in India

In an unprecedented manner, in the early morning hours of 28<sup>th</sup> August, 2018, the Pune - Maharashtra police, assisted by local state police, simultaneously launched a multi-state raid in the houses of 5 prominent human rights activist in Delhi, Gurugram, Hyderabad, Mumbai and Thane arresting Sudha Bharadwaj, National Secretary of PUCL, well known journalist and human rights activist, Gautam Navalakha of PUDR, noted poet of Andhra, Varavara Rao and human rights activists and lawyers Vernon Gonsalves and Arun Ferreira in Thane and Mumbai respectively. The reason put forth by the police was that they were all connected with a conspiracy behind the Bhima Koregaon incidents that occurred in Bhima-Koregaon outside Pune on 31<sup>st</sup> December, 2017 – 01<sup>st</sup> January, 2018 and that they had collectively conspired with others to cause nationwide unrest and eventually planned to assassinate the Prime Minister. The stealthy manner of carrying out the arrests was accompanied by a shrill media outburst, orchestrated by the police forces, that these 5 activists were part of 'Urban Maoists' and selective leaking of so called letters allegedly recovered by the police in the course of investigation.

An event carefully orchestrated by the police forces to create fear in the minds of the larger human rights community and meant to silence anyone from questioning the police and investigation forces, resulted in such a backlash of anger and indignation from across India, that within a day, numerous cities witnessed agitations and protests. In Delhi, Mumbai, Chandigarh, Jaipur, Bengaluru, Chennai, Hyderabad and innumerable other towns and cities, angry citizens vocally protested the open violation of all laws in the manner of arrests, brazen sense of impunity exhibited by the police secure in the knowledge that they enjoyed protection from the political executive and lack of accountability with which the police was functioning. Conversations amongst ordinary citizens were replete with references to the current situation being like in an "undeclared emergency", the state agencies resembling "fascist forces", and acts of the central and state government being "anti-democratic acts of the BJP led Central and State government".

The shocking nature of the raids and arrests and the need to seek accountability of both the central and state investigating police resulted in a PIL being filed by prominent citizens led by Romila Thapar, Satish Deshpande and others questioning the manner of arrests and demanding the constitution of a Special Investigation Team (SIT) by the Supreme Court to independently investigate not just the arrests but the genesis of the case, the Bhima Koregaon case itself. The apex court ordered that the 5 activists be returned to their respective homes and

kept under house arrest while the entire case was heard at length by the court.

In high voltage hearings, the Supreme Court heard a battery of the country's senior most lawyers appearing in the PIL filed by the prominent citizens, as also for the 5 arrested activists, as also other accused arrested earlier in the same Bhima Koregaon cases, as also for the Central and State governments. By the time this issue of the PUCL Bulletin is published the apex court will have passed Orders in the case.

We are carrying a number of

statements and articles related to the above arrests in this issue. We intend carrying more articles in following issues of the Bulletin.

Numerous members and friends in the human rights community have asked PUCL to resume training programmes earlier conducted by PUCL members in different states, to educate citizens about the constitutional protections provided to us, about the scope and nature of fundamental rights especially the expansion of the right to life, the DK Basu judgment and the Commandments to Protect citizens against arbitrary and illegal actions

of the police and investigating authorities, about the provisions of UAPA and other draconian legislations and finally about how we all can protect, promote and preserve the constitutional rights and our Constitution itself. We invite readers and members to write to us about issues that they will like us to address or explain, to send in their critical notes in the form of articles and other useful information like case laws, reports of expert agencies like NHRC, National Crimes Record Bureau (NCRB) and so on.

**Dr. V. Suresh**, Editor and General Secretary, National PUCL. □

**PUCL Press Statement: 28<sup>th</sup> August 2018**

## **PUCL Strongly Condemns and Denounces the Arrests under the Draconian UAPA of -**

1. Sudha Bharadwaj, PUCL National Secretary
2. Gautam Navalakha of PUDR,
3. Prof. Anand Teltumde of CPDR,
4. Vernon Gonsalves and Arun Ferreira, advocates, and
5. Varavara Rao, noted poet and rights activist.

**PUCL also denounces the simultaneous multi-city raids conducted today, 28<sup>th</sup> August 2018 in a concerted and pre-meditated manner across the country at the premises of other eminent human rights activists including:**

- Father Stan Swamy in Jharkhand;
- Senior Writer and Poet Varavara Rao, as also the houses of his two daughters and sons-in-law, Anala and the Hindu journalist KV Kumaranath; and Pavana and her husband, Prof. Satyanarayana, of English and Foreign Languages University;
- Namaste Telangana journalist Kranthi Tekula in Hyderabad;
- Anand Teltumbde in Goa;
- Gautam Navalakha in Delhi,
- Arun Ferreira, Vernon Gonsalves and Susan Abraham, Advocates in Mumbai.

PUCL asserts that the arrests and

raids are nothing but a targeted crackdown and attack by the police and state on civil liberties and democratic rights activists across the country in a concerted attempt to crush human rights interventions and silence voices of dissent;

Such systematic and pre-meditated crackdown on human rights activists is unprecedented and unheard of in a democracy and PUCL strongly condemns this unconstitutional crackdown by the state and police;

PUCL stands firmly in solidarity with advocate Sudha Bharadwaj, National Secretary, PUCL and the other human rights activists who face raids and have been arrested under false and fabricated charges.

We would like to point out that in a Habeas Corpus petition filed before the Delhi High Court, his transfer on transit warrant to Pune has been stayed pending further hearing of the habeas corpus petition tomorrow 29<sup>th</sup> August, and he is currently under house arrest. As per sources, Anand Teltumbde's house in Goa was raided by the police in a completely illegal manner, in his absence, after

procuring keys from the security guard. While some news channels state that the raids and arrest have been made in the Pune case of Bhima Koregaon caste violence, where the prime accused are Hindutva right wing groups and leaders who are enjoying state impunity and at large, some other news agencies are alleging that the arrests are linked to claims of alleged plot to assassinate Prime Minister Narendra Modi and Chief Minister Devendra Fadnavis.

It is pertinent to note that just last month on 4<sup>th</sup> July 2018, a scurrilous, motivated, fabricated and malicious media propaganda and hate campaign was run by Republic TV and its anchor Ms. Shivani Gupta, Deputy Editor Mr. Shrawan Sen and its Managing Director, Mr. Arnab Goswami, by way of a series of programmes presented as "Super Exclusive Breaking News" and also showcased by way of a national debate on Prime Time TV. Relying on a fabricated letter allegedly addressed by her to a Maoist named 'Comrade Prakash', the channel repeatedly aired, completely false, unsubstantiated

and scurrilous accusations against Advocate Sudha Bharadwaj, falsely profiling her as “Urban Naxal”. The allegations were categorically denied by Advocate Sudha Bharadwaj in her rebuttal statement. The programmes were aired with headers of “#UrbanNaxalsExposed” and similar allegations were made against other human rights activists like Mr. Gautam Navlakha in part 2 of the programme, via a second letter supposedly procured by the Channel. PUCL has previously issued a statement dated 7<sup>th</sup> July 2018 strongly condemning the incident and demanding strict action against the Channel. Advocate Sudha Bharadwaj also issued a legal notice in respect of the Channel's illegal acts.

The current arrests and raids are taking place in the backdrop of the arrests of five human rights activists – Advocate Surendra Gadling, Professor Shoma Sen, Rona Wilson, Mahesh Raut and Sudhir Dhawale – who were also arrested under UAPA on 6<sup>th</sup> June 2018, relying on a similar fabricated letter produced by Republic TV allegedly addressed to the same “Comrade Prakash”, in the same Pune case. Following this, on 7<sup>th</sup> June 2018, Advocate Sudha Bharadwaj had addressed a press conference organized by the Indian Association of People's Lawyers (IAPL) in New Delhi to condemn the arrest of Advocate Surendra Gadling of the Nagpur High Court. Susan Abraham, Arun Ferreira and Vernon Gonsalves are in fact representing the Bhima Koregaon accused in Court.

Advocate Sudha Bharadwaj has been a dedicated trade unionist for more than three decades and has served as a general secretary of its Chhattisgarh branch, during which time the branch did remarkable work in the State. She is also associated with the Chhattisgarh Mukti Morcha, which was founded by the late Shankar Guha Niyogi.

She started her legal practice in the year 2000 and has since, fought innumerable cases of workers, farmers, adivasis and poor people in the fields of labour, land acquisition, forest rights and environmental rights. Since the year 2007, she has been practicing in the High Court of Chhattisgarh at Bilaspur and was nominated by the High Court to be a member of the Chhattisgarh State Legal Services Authority. She also supported young lawyers to set up the Jagdalpur Legal Aid group as a civil society initiative to provide legal aid to incarcerated Tribals. She is a visiting faculty at the National Law University Delhi, where she teaches the course on tribal rights and land acquisition.

PUCL believes that the intention of the state and police in targeting the aforesaid human rights activists by foisting false and fabricated cases against them, is clear and apparent from their profiles of work. All the aforesaid human rights activists targeted in this multi-city “operation” by the police have been tirelessly involved in advocating the cause and fighting for the rights of the most poor, marginalized sections of society against serious state violations and unscrupulous corporates. They have stood for the principles of human rights enshrined in the Indian Constitution and the international standards on human rights.

PUCL strongly condemns the actions of the state and police. This simultaneous crackdown against human rights activists across the country signals the imposition of an unofficial Emergency in our nation and is a direct attack on Indian democracy. This is a deliberate strategy of the state to target noted human rights activists in a clear act of reprisals against them for calling out the human rights violations by the state and police, and to intimidate those who are fighting for justice.

PUCL cautions the public at large

on the concerted efforts underway to stifle voices of dissent and threaten the democratic fabric of the country.

**In light of the above, PUCL makes the following urgent demands:**

1. PUCL calls upon the state and the police to immediately and unconditionally release human rights activists, Sudha Bharadwaj, Gautam Navlakha, Anand Teltumbde, Varavara Rao, Arun Ferreira, and Vernon Gonsalves and withdraw the false and fabricated case against them;
2. PUCL calls upon the National Human Rights Commission (NHRC) to urgently intervene to ensure the release of the human rights activists and to order an immediate, transparent, effective and impartial investigation into the simultaneous multi-city raids and arrests of the human rights activists by the state and the police on false and fabricated accusations and charges;
3. PUCL also calls upon the democratic minded citizens of India to condemn the unprincipled manner in which human rights activists are being targeted and oppose such insidious and collusive attempts by State agencies and media outfits to silence human rights activists against the vindictive State policies and action;
4. PUCL further condemns the constant profiling as “Urban Naxals/ Maoists” and criminalisation of human rights activists working tirelessly against the state's anti-people actions and policies, in an attempt to malign them and influence public sentiment.

**Mr. Ravi Kiran Jain,**  
National President, PUCL;

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

□

## A Note about the Muzzling Dissent

### Ravi Kiran Jain

Romila Thapar gave a title to her essay in her recently published book, "*The Public Intellectual in India*". I want to borrow that title as a title of this note of mine. The title is:

To question or not to question?  
That is the question.

My concern is with silence. As a negative quality silence is a reluctance to speak up and question. Such a silence is on account of loss of sensitivity and incapacity to be disturbed. In order to emphasize on the necessity to speak and not to remain silent on this historical occasion, I quote an urdu couplet by Faiz Ahmed Faiz,

Bol, ye thora waqt bahut hai  
Jism o zaban ki maut se pehle  
Bol, ke sach hai zinda ab tak  
Bol, jo kucch kahna hai kah le  
(Speak, this brief time is ample  
Before the dying of body and tongue  
Speak, for truth still lives,  
Speak, to say what needs to be said)

'Bol', Faiz Ahmed Faiz

Asking a question as a critical attitude is not merely to produce certain kinds of answer but also to be involved in a particular process of thinking.

At the outset I put certain questions to myself and then to answer them. What is the present situation today in regard to the violation of human rights? Is anything left of Civil Liberties with the country? A man can be detained without any reason being given to him without his being told why he is being detained, without his being able to give an explanation of his conduct. The basic question is- how and why has it happened that the atmosphere in the country is worse than what it was during Emergency, though no formal Emergency has been declared.

The movement for human rights is a struggle against misrule and against unconstitutional governance. The position of human rights activists that the political philosophy of a targeted group

should not affect the protection of their rights is being misinterpreted and is being projected as political support of human rights defenders for the targeted group, be they Naxalites/Maoists/Terrorists. Taking advantage of such a misinterpretation (misconception) the Finance Minister of India Arun Jaitley says that now some Maoists have intruded in PUCL. Mr. Prabhakar Sinha one of the oldest founder member of PUCL has issued an appropriate rejoinder against this statement of Arun Jaitley

Soon thereafter five prominent activists – Sudha Bharadwaj, National Secretary PUCL, in Faridabad, Gautam Navlakha, President PUDR, in New Delhi, Varavara Rao, in Hyderabad and Vernom Gonsalves and Arun Ferreira in Mumbai were arrested on 28<sup>th</sup> August 2018 by the Pune Police, controlled by the Home Department of the BJP-Led State Government in Maharashtra.

Five eminent citizens of this country namely historian Romila Thapar, the economists Prabhat Patnaik and Devaki Jain, the sociologist Satish Deshpande and the Human Rights Activist Ms. Maja Daruwala filed a PIL in Supreme Court against the arrest of aforesaid five persons. The Supreme Court reserved the judgment after hearing the parties on 21 September and it has not yet been delivered till the writing of this note. During the pendency of the writ petition the five arrestees also moved applications to become co-petitioners with the five eminent citizens who had filed the petitions and also heard in support of their petitions.

At the cost of the repetition I put a question that how could a situation develop where the atmosphere of the country is worse than what it was during emergency, though no formal emergency has been declared.

There were not many Draconian laws during emergency. The emergency ended de-facto with the

announcement of general elections on 18<sup>th</sup> January 1977, and it ended de jure when on 23<sup>rd</sup> March 1977 (on the last day of her government) Indira revoked the emergency declared on 25/26 June 1975. MISA was enacted during Indira Gandhi regime in 1971 under the still existing External Emergency on account of 1971 war. But then it was used on large scale during internal emergency against large number of political leaders, social activists and intellectuals. MISA 1971 was repealed by Janata government on 19<sup>th</sup> July 1978. Indira Gandhi's Congress – I roundly defeated Janata Party in the Elections, 3-6 January 1980. From 1980 Central and State Govts, enacted or re enacted laws providing for preventive detention, banning strikes, and threatening freedom of speech. The justifications from such legislations typically was 'in the public interest or protection of National Security and integrity'. The National Security Act was passed on 27 December 1980 which presaged years of new repressive legislation empowering central govts as well as all the state govts to exercise the power under that Act. The Detention orders are being passed since then under NSA to prevent an individual 'for acting in manner prejudicial to the maintenance of public order' with the defence or security of India, to relations with foreign power, to protect the maintenance of essential supplies and services'. The law's intent was to combat "Anti- Social and Anti- national elements including Secessionist, communal and pro-caste elements" and elements affecting the services essential to the community. A significant fact to be noticed here is that the Constitutional validity of this Draconian Law was challenged in the Supreme Court but the Supreme Court upheld its Constitutionality at the end of December 1981.

The Terrorists and Disruptive Activities Act (TADA), came on the

statute book in 1985 just after 10 years of declaration of Emergency in 1975. The Act defines terrorists and Disruptive Activities so broadly 'as to encompass even peaceful expression of views about sovereignty and territorial integrity'; permitted detention for upto 6 months without charge ; provided for trials before designated courts ' in camera and adopting procedures at variance with the Criminal Procedure Code'; and said that if the person detained from an area, the govt had declared to be a Terrorist affected area' the burden of proving that he has not committed a terrorist act is on him'. Common law had been reversed: You are guilty until you prove yourself innocent.

There has often been a demand for the repeal of TADA. Even the National Human Rights Commission had been demanding its repeal. Merely decrying TADA as a 'Black' or 'Draconian Law' by the political parties could not evoke any response. It would be treated as a slogan of the political parties, on the presumption that the issue has its advantages for them. This temporary enactment went through renewal without any protests whatsoever within Parliament, because the opposition parties feared that objection might lead to loss of credibility and credentials as well. Only the human rights groups opposed this measure. For them, calling the Act a Black Law, Draconian, Repressive or comparing it to the Rowlett Act is not a political slogan. It conveys the quality and contempt of the law in its essential form. Broadly stated, it is more repressive in character than the Rowlett Law, which was subjected to violent criticism and protests.

Constitutional validity of TADA came to be challenged in the Supreme Court in Kartar Singh which was upheld 'Virtually proceeding on the assumption that the act is more fundamental than the Constitution', says K.G. Kannabiran in his celebrated book,

*'Wages Of Impunity'*. Kannabiran further says, "in fact, the Constitution Bench did not feel it was necessary to submit the Act to a detailed scrutiny. They embarked on a peroration against Terrorism which showed they had been impressed by the speeches made in Parliament on this subject. The Bench skirted scrutiny and confirmed the validity of the enactment. Thus, confirming to post Independence practice, a legislature, Executive, Judiciary in unison mandated the 'absolute reign of law' overlooking the fact that this is often synonymous with 'Absolute reign of lawlessness'".

After TADA came POTA (Prevention of Terrorism Act 2002). Its Constitutional validity was challenged by PUCL by filing writ petition in Supreme Court. The validity was upheld on the simple ground that it contained the similar provisions as TADA. The Constitutional validity of TADA was upheld by a Constitution Bench. Since the grounds of attack in the Supreme Court in POTA (which was decided by a 2 Judges Bench) as in TADA, the law laid down by the Constitution Bench was binding upon the Bench of two Judges.

Then in 2008, drastic amendments were made in Unlawful Activities Prevention Act (1967) incorporating all the draconian provisions of TADA and POTA. This amended Act of 1967 is known as UAPA. The preamble of this Act provides: "An act to provide for the more effective prevention of certain unlawful activities of individuals and associations and, dealing with terrorist activities and for matters connected therewith. The long preamble further provides that the Security Council of the United Nations require the States to take action against terrorists and terrorists organizations, to freeze the assets and other economic resources, ..... it is considered necessary to give effect to the said Resolutions and the Order....."

It is a matter of common public knowledge that the "Terrorists" are never booked under UAPA and that

they are being eliminated in fake encounters. The Human Right Organisations oppose such encounters. The police which kills the "terrorists" becomes the judge, jury and the executor. The Supreme Court has taken a serious view regarding these fake encounters in a petition filed by PUCL in which Supreme Court has laid down certain conditions to be complied with in a case of so called encounter. But the police of various states without following the conditions laid down by Supreme Court, shamelessly is going on with its task of killing the "terrorists" in fake encounters on a large scale. This act of police is considered by the large section of misinformed general public as an act of heroism and the opposition of the human rights groups to this act of fake encounters is misunderstood by them as an act in support of terrorism.

Now since 2008 the governments of all political hues in the Centre (UPA as well as NDA) and the states are using this Act, National Security Act and Section 124A IPC (Sedition law) to book those public intellectuals, social activists and human rights activists who are oppose to their policies. Dr. Binayak Sen and Seema Azad of PUCL became the victim of these laws. Sometimes back the government has booked an eminent professor Sai Baba who is a highly disabled man and uses wheel chair to move around. Now recently in June 2018 five activists were arrested in connection with the Bhimkoregaon clashes which occurred on 1<sup>st</sup> January. They are Advocate Surendra Gadling, General Secretary of *Indian Association of People's Lawyers* from Nagpur; Professor Shoma Sen Head of Department of English Nagpur University; Sudhir Dhawale, Editor of Marathi Magazine Vidrohi from Mumbai; Rona Wilson Public Relation Secretary, Committee for the release of the political prisoners. (CRPP); and Mahesh Rout, anti-displacement activist from *Bharat Jan Andolan*. All these five

have been involved in various pro people movements often raising their voices against both State and corporate forces.

Now the five human right activists were booked on whose behalf five public intellectuals including Romila Thapar have filed petitions in the Supreme Court in which judgment is awaited.

Now this is high time that the public intellectuals, human right activists, journalists, lawyers and other social activists act in the spirit of the

couplet of Faiz Ahmed Faiz and raise their voice against the repeal of UAPA, Section 124A IPC and National Security Act. They have to break their silence. Now they have to question by peaceful means these acts of terrorism by the states. There is no option left but to do this in as much as the Constitutional validity of UAPA is not possible to be challenged as the Constitutional Bench in Kartar Singh case, and relying upon this five judge Bench Constitution Bench, the

constitutional validity of POTA has also been upheld in the petition filed by PUCL. The Constitutional validity of Section 124A IPC and NSA has been upheld by the Supreme Court long back. Kannabiran in his quote mentioned above rightly said: Thus confirming to post- independence practice, the legislature, executive and judiciary in unison mandated the 'absolute reign of law' overlooking the fact that this is often synonymous with 'absolute reign of lawlessness'. □

PUDR Release of Report: 5<sup>th</sup> September 2018

## The Missing Terror Plot: Bhima Koregaon and the Politics of UAPA

In the wake of the recent raids and arrests of 5 prominent rights activists, Varavara Rao, Gautam Navlakha, Vernon Gonsalves, Sudha Bhardwaj and Arun Ferreira, on UAPA charges for their alleged involvement in the Bhima Koregaon case, PUDR is releasing its report, **The Missing Terror Plot: Bhima Koregaon and the Politics of UAPA**

Responding to the charges made by the Maharashtra police, of having unearthed “thousands of letters” and of having a fool-proof case against these activists and the 5 who were arrested in June 2018—Sudhir Dhawale, Surendra Gadling, Shoma Sen, Mahesh Raut and Rona Wilson—on charges of inciting the Bhima Koregaon violence and for conspiring with the underground Maoists to hatch a plot similar to the “Rajiv Gandhi style assassination attempt”, the present report, **The Missing Terror Plot**, demonstrates just that: the absence of a terror plot linking these activists with either the violence committed at Bhima Koregaon on 1 January 2018 or with any conspiracy aimed at destabilizing the nation. Based on evidence provided by the police and after a study of documents and news reports on Bhima Koregaon and its aftermath, especially the invoking of UAPA charges on a motivated FIR of 8 January 2018, **The Missing Terror Plot** draws attention to the following issues:

The police's decision to prosecute these individuals for Bhima Koregaon flies in the face of some

obvious facts: that the first two FIRs lodged soon after the clashes were against Milind Ekbote and Sambhaji Bhide; that the report submitted by the Coordination Committee in January 2018 clearly indicted them; that the Maharashtra Government has instituted a judicial commission to probe the Bhima Koregaon violence. Given these, the decision of the Maharashtra police to upstage the workings of a judicial commission and sidestep the investigation being done by the Pune Rural police and prosecute the ten activists under UAPA on charges of terror, is evidence of a growing political desperation of the present dispensation.

1. The first chapter, “Politics of Suppression” delineates the political process by which the Maharashtra Government has attempted to discredit Dalit political assertion, deflect attention from the growing evidence against Ekbote and Bhide, and create an alternate discourse of 'sporadic' yet *intended* violence incited by participants of Elgar Parishad as mentioned in the motivated FIR.
2. The Maharashtra Chief Minister's timing, of giving a clean chit to Bhide in end March, conveniently coincided with the clamor against the so-called Maoist connection with the Elgar Parishad and this coincidence was cemented through subsequent repeated demands for action against Maoists. The second chapter,

“The Politics of Omission” examines this political process and demonstrates how a similar process is at work under UAPA as far as Hindu terror suspects are concerned. Unlike the experiences of members of banned organizations who are rearrested after release, denied bail and medical aid and incarcerated in *nandacells*, the Hindu terror organizations are never proscribed and stigmatized.

3. The third chapter, “Politics of Proscription” places the present case against the ten activists within this political understanding derived from the previous two chapters. It contextualizes how, by invoking UAPA in an FIR which was originally about communal disharmony, the police hopes to create a sensational discovery of terror plot where none existed. Building on the clean chit offered to Bhide and the orchestrated campaign created by Bhide's followers, the police raided the houses of activists in April, arrested 5 of them in June and followed it up with a targeted attack through selective media channels. The recent flurry of correspondence presented in press conferences after the August arrests betray the anxiety behind the missing terror plot. Since the Centre's own information suggests that Maoist violence has dipped sharply, the question to be asked is: who is the state hunting?

4. The final chapter, "UAPA in Action" relies wholly on government data, the NCRB, from 2014 to 2016, to show some staggering statistics related to the failure of UAPA. In spite of an average of over 930 cases registered each year, the pendency rate remained astonishingly high, over 90%. The data has other shocking revelation: that only 42% of the cases resulted in charge sheets, and in 58% of the cases the police closed the cases. Worse, the average rate of conviction stands at 2.36 % and the remaining 97.64% cases either end in acquittal or remain un-investigated. Given the enhanced

powers that UAPA gives to the police over the accused, the setting up of special courts for speedy trials, the data shows the possibility of lowered threshold of investigation and increased detention periods of suspect on flimsy charges. UAPA's labyrinth of justice erected on the myth of national security is not only false, but a farce.

5. UAPA is an extraordinary yet permanent law. This contradiction, of borrowing the worst features of previous anti-terror temporary laws in a permanent manner offers the bleakest chances of hope and justice. The present case against

the 10 activists is a case in point: the backdoor entry of UAPA in the FIR via concoction of an absent terror plot, allowing for a full-frontal attack through its proscriptive powers coupled with enhanced police powers, make chances of justice slim. All in the name of the nation!

**PUDR demands:**

1. The unconditional repeal of UAPA
2. Immediate release of all political prisoners held under it and other associated laws.

**Shahana Bhattacharya,  
Sharmila Purkayastha,**  
Secretaries, PUDR ☐

**SPI Press Release: 29 August 2018**

**Arrest and Prosecute Sambhaji Bhide and Release Intellectuals/Activists**

The action of Pune police arresting a number of progressive intellectuals and human rights activists in various parts of the country is highly condemnable. The world knows that the violence perpetrated on thousands of Dalit men and women on 1<sup>st</sup> Jan. 2018 in Bhima-Koregaon, Maharashtra, was planned and wickedly executed by certain 'Hindutwadi' persons. One of them Milind Ekbote was arrested and released on bail while the Sambhaji Bhide, the real master mind of Bhima Koregaon violence, is at large, thanks to shameless and unconstitutional protection given to him by the Chief Minister Devendra

Phadanvis. Sambhaji Bhide is still indulging in propagating superstitions that eating of mango grown by him can help a couple to have a son.

Earlier also a number of progressive activists wedded to peaceful means, like Baba Adhav and Medha Patkar were arrested by the police as Naxalites or Maoists. There are thousands of intellectuals and activists who are not Naxalites or Maoists but are staunch supporters of the Adivasis, Dalits and other downtrodden sections of society.

Now that the Maharashtra Police ATS has unearthed a number of 'Hindutwadi' terrorists at Nala

Sopara, Jalna, Aurangabad etc. the Maharashtra Government aided and abetted by Modi Government at the center, is trying to present a counter by arresting these intellectuals and activists after more than seven months of the Bhima Koregaon incident and misleading the people by giving a bad name to the dog before shooting him.

I, on behalf of the Socialist Party, call upon Devendra Phadanvis to unconditionally release all the arrested intellectuals/activists and arrest Sambhaji Bhide immediately and prosecute real perpetrators of violence of Bhima Koregaon.

**Pannalal Surana,** Senior Leader, Socialist Party (India) ☐

**Press Release: 30 August, 2018**

**Statement by People's Alliance for Democracy and Secularism (PADS) against arrest of five Intellectuals and Human rights Activists on 28 August, 2018**

Pune police under BJP government in Maharashtra arrested five well known left leaning intellectuals and activists under UAPA on 28<sup>th</sup> August. Eighty years old Varvara Rao is a famous Telegu poet. Sudha Bhardwaj is general secretary of *People's Union for Civil Liberties* (PUCL), and a leader of Chhatisgarh Mukti Morcha. Gautam Navlakha is a journalist and has been associated with Economic

and Political Weekly and *People's Union for Democratic Rights*. Arun Ferreira and Vernon Gonsalves are lawyers. They were arrested by Maharashtra police years ago for being associates of banned CPI (Maoist), but were acquitted by courts of all charges as there was no evidence against them. Arun Ferreira has been an active campaigner for the rights of people detained under black laws like

POTA and UAPA. Police also raided house of Prof Satyanarana, the son in law of Varvara Rao in Hyderabad, and of Dalit scholar Prof Anand Teltumbde in Goa, and eighty year old Father Stan Swamy in Jharkhand. Police claims these arrests to be a follow up of the arrests of Prof Rona Wilson, Dalit activist Sudhir Dhawale, civil rights activists Shoma Sen and Mahesh Raut, and lawyer Surendra Gadling,

on 6 June. For the time being the Supreme Court has stayed the police custody of the accused, and ordered their house arrests till 6<sup>th</sup> September.

All of the people arrested have been active in public life for many decades. Their ideas, political ideology, and activities have been in public domain all these years. Pune police has accused them of being urban contacts of the CPI (Maoist), of being part of a conspiracy to spread caste violence at Bheema Koregaon gathering of Dalits in January, and of the plot to kill 'high political functionaries' in the style of 'Rajiv Gandhi assassination'. These charges would be laughable, but for the sinister intent of the BJP government.

Ever since Mussolini's March on Rome in 1922, rightwing authoritarian parties have used spectacular show of strength to attack and terrorise their political and ideological opponents, and shore up popularity. Simultaneous arrests of these well known critics of the Modi government in different cities of the country are designed to produce similar public impact. As if on cue, the jingoistic media has latched onto the news and 'Urban Naxals' is the new label with which opponents of the regime are getting targeted.

There are other reasons too why these people are under attack. The Elgar Parishad meeting organized by a number of Dalit groups on the eve of Bheema Koregaon gathering

had publicly declared BJP government as the 'New Peshwai' for its anti Dalit politics. This represented a new phase of anti-Caste politics, which can disturb the caste calculations behind the social engineering of RSS. In response the Modi regime has gone all out against politically active Dalits. Cases have been filed against Jignesh Mevani for speaking at the Elgar meeting. In Western UP Chandrasekhar has been in jail for close to two years. And, thousands of cases have been filed for protests against Supreme Court judgement diluting the law against atrocities on Dalits. Current arrests are a part of the long term strategy to prevent any association between left groups and anti-Caste Dalit politics.

It is well known that all of these five people have written, protested and fought legal cases against state violence on the most marginalized adivasis of Central India. Democracy is not only a collection of institutional practices, but is animated by a set of core ideas and values. Protection of the most vulnerable from injustice and oppression is one of these ideas. It is also ingrained in the Constitution via special provisions for oppressed castes and adivasis. While these people have tried to keep this essential idea of democracy alive in popular consciousness through their writings and activities, Modi regime wants to criminalise this idea and banish from public domain people

who espouse it. Only then can it fully succeed in its majoritarian agenda.

Prof Satyanarayana and Ms K Pavana, daughter of Varavara Rao, have detailed in public what they went through when police raided their house in Hyderabad. Years of scholarly work stored in laptops and hard drives was summarily confiscated. They were told why they have pictures Phule and Ambedkar but not of gods and goddesses. Pavana was told 'Your husband is a Dalit ... but you are a Brahmin, so why are you not wearing any sindoor.. (and).. dressed like a traditional wife?' Clearly, police acted as casteist thugs and agent of Brahmanical Hindutva, rather than officers of a democratic state.

Many Indians have already raised their voice against the brazen misuse of state power by the Modi regime and condemned these arrests. Most of the opposition parties too have come out against this action. People of India need to be vigilant against BJP's machinations. The very possibility of democracy in the country is at stake.

PADS demands immediate release of all arrested on 6 June and 28 August. It demands stringent action against police officials who framed trumped up charges against the accused, and violated the right to dignity and privacy of Prof Satyanarayana and KPavana.

Released by: **Battini Rao**,  
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## **Statement by Sudha Bharadwaj on 31-08-2018**

### **"Regarding the letter issued to the Press by Pune Police"**

1. It is a totally concocted letter fabricated to criminalize me and other human rights lawyers, activists and organisations.

2. It is a mixture of innocuous and publicly available facts and baseless fabrication. Various legal and democratic activities such as meetings, seminars, protests have been sought to be delegitimised by alleging that they are funded by

Maoists.

3. A number of human rights lawyers, activists and organisations have been deliberately named to cast a stigma over them, to obstruct their work and incite hatred against them.

4. There is an effort to delegitimise IAPL an association of lawyers whose president is Retd J. Hospet

Suresh and which has been active in speaking up against attacks on lawyers.

5. I categorically state that I have never given Rs. 50, 000/- to hold any programme in Moga. Nor do I know any "Ankit from Maharashtra" or "Com Ankit who is in touch with Kashmiri Separatists.

6. I know Gautam Navlakha, a senior and respected human rights

activist whose name has been mentioned in a manner to criminalize and incite hatred against him.

7. I know Jagdalpur Legal Aid Group well and have never solicited any funds for them least of all from any banned organisation. I categorically state that their work has been absolutely legitimate and legal.

8. I know Advocate Degree Prasad

Chouhan a dalit human rights activist who is active in PUCL and works with the Human Rights Law Network. Totally baseless allegation has been made against him.

9. There has been an effort to criminalize and incite hatred against various lawyers activists and organisations who have exposed HR violations in Bastar, Chhattisgarh.

I once again declare that this is a fabricated letter, which I had refuted when it was flashed on Republic TV on 4th July, and which has not even been brought before either the Pune Court nor the CJM Faridabad while seeking to whisk me away to Pune.

Sudha Bharadwaj

Dated 31.08.2018

**Through my lawyer Advocate  
Vrinda Grover ☐**

## Indian Human Rights Activists Must be Protected

Pushkar Raj

One of the depressing political realities of India today is that human-rights activists are hounded, framed and sent to jail to suffer as political prisoners for years.

Swami Agnivesh, the veteran human-rights activist, was assaulted in Delhi as he was on his way to pay homage to former prime minister Atal Bihari Vajpayee, who died recently. The anti-bonded labor campaigner was earlier assaulted in Pakur, Jharkhand on July 18 when he went there to attend a civil society meeting.

On July 4, a TV channel close to the government claimed that it was in possession of a letter that established a link between Sudha Bhardwaj, the national secretary of the People's Union for Civil Liberties (founded by Jayaprakash Narayan to fight the state of emergency declared in 1975) and Kashmiri separatists, suggesting she was an anti-national.

In an inter-state operation in June, police arrested five human-rights activists from different parts of the country at odd hours. They included Mahesh Raut, a young graduate from Tata Institute of Social Sciences, who organised natives at Gadchiroli against mining; Rona Wilson, who advocated against the death penalty and release of political prisoners;

Surendra Gadling, a lawyer who fought the cases of political prisoners like Dr Sai Baba; Shoma Sen, who voiced against growing sexual violence against women in conflict zones; and Sudhir Dhawale, organiser of Elgaar Parishad, an assembly of over 250 Dalit and minorities' organizations that deliberated to fight implications of caste and communalism in daily life.

All the activists were framed under sedition laws and the Unlawful Activities Prevention Act (UAPA). It is alleged that they were working against the interest of the country and were indulging in unlawful and disruptive activities.

The cases against the activists, however, do not hold water. For example, Mahesh Raut, a prime minister's national rural fellow, demanded implementation of the Panchayats (Extension to Scheduled Areas Act), or PESA, which prohibits mining in inhabited tribal areas like Gadchiroli. He organized people of the area, who resented the impact of mining on their lives and livelihood.

Similarly, Sudhir Dhalwale, an Elgar Parishad activist, was arrested for organizing a meeting to discuss strategies to counter injustices that India's 300 million Dalits and 260 million other minorities face in the name of caste

and religion on daily basis.

On an average, a human-rights defender becomes a victim of state misuse of power every three days. According to the National Human Rights Commission, 30 such cases were reported between April and June this year. These included failures to take lawful actions and abuse of power like unlawful detention, false implication and illegal arrests.

These people are among 293,000 under-trial prisoners who, like Chandrashekhar Azad Ravan, make up 67.2% of India's total prison population, spending six months to five years in overcrowded jails. This is reminiscent of the ordeal of Josef K in Franz Kafka's novel *The Trial*.

A human-rights activist

The human-rights activists feel the pain of violated fellow human beings and reach out to protect them at great personal risk. They are the heroes of war and peace alike. These are extraordinary people who, to borrow a sentence from veteran economist Ashok Mitra, "instead of being a top brass in the government system, assert their rationality, which is an integral element of the human mind, against the rampant asymmetry of the human condition." They contribute no less than a soldier, general or a prime minister.

Human-rights activists have an inevitable role in any society – lawful or lawless – due to skewed power distribution in society, which operates on the Darwinian principle more than altruism, a concept further elaborated by Richard Dawkins in the book, *The Selfish Gene*.

The degree of hostility to human-rights activists in a society and state is a measure of injustice in society and the tyranny of the state. Presently, the human-rights activists are alone against a mighty state, except for a civil society network that alerts the National

Human Rights Commission (NHRC) about the persecution of human-rights activists across the nation. However, the NHRC has its own limitations and the only people who miss, mourn or fight for human-rights activists are friends and family members, which is an excruciating battle of David against Goliath.

Given the daily battle with the courts that the human rights activists' families and friends face, it is incumbent on civil society to rise above regions and ideologies and set up a human-rights defender fund to support worthy people.

The government, considering its international obligations as a member of the UN, must also act on the Universal Declaration of Human Rights defenders to adopt “laws and policies that specifically guarantee the protection of human-rights defenders.”

By jailing the human-rights defenders, a society can neither be free nor democratic, but just a notch up from the one that put Socrates to death in 399 BC.

Link: <http://www.atimes.com/indian-human-rights-activists-must-be-protected/> □

## **Stand up and Speak-out for the Oppressed Against Injustice of all kinds, unafraid of all consequences**

**Rohit Prajapati, Activist, Gujarat, 03.09.2018**

August 28, 2018 witnessed raids at the houses and arrests of prominent activists and intellectuals Advocate Sudha Bharadwaj from Faridabad, Gautam Navlakha from New Delhi, Professor Varavara Rao from Hyderabad, Arun Ferreira, Vernon Gonsalves from Mumbai and house raids of Fr. Stan Swamy in Ranchi, Anand Teltumbde in Goa, daughters of Professor Varavara – Anala and Pavana, journalist K V Kumaranath, EFLU Professor Satyanarayana, journalist Kranti Tekula and Naseem in Hyderabad and Susan Abraham in Mumbai.

Similarly, in June 2018, Shoma Sen, Sudhir Dhawale, Suredhra Gadling, Mahesh Raut, and Rona Wilson were also arrested.

All these raids and arrests are allegedly connected to the attacks of dalits in the Bhima Koregaon violence following the Elgaar Parishad public meeting, where infact the real culprits and main conspirators right wing leaders Bhide and Ekbote are at large. However, it is clear that these

attacks on rights activists is nothing but targeting them for their work for the people, for social justice and against the state's unjust actions and policies. This is nothing but an attempt to crush voices of dissent and political opposition against the ruling party.

Colleagues, comrades, and friends in past few days have condemned, criticised these unjustified raids and arbitrary arrests and detailed the sinister agenda of the government to undermine the founding principles of Indian democracy and her Constitutional guarantees.

The government and a biased media are using intimidatory tactics and as a result, it is possible that we could get silenced, perhaps a wee bit frightened, and even "pragmatic" as "advised".

Perhaps this is the time not to be "wise" and "pragmatic" even if we sense fear as the brute, unjust, and oppressive state seeks to browbeat us.

I believe this is just the right time to speak out, continue speaking, do

what needs to be done, support and join the movement against exploitation, present destructive development model, repressive state and continue doing what we do, with renewed solidarity and lessons learnt anew.

We owe this simply to our ideals and the lifelong struggle for a just, equal society; to our all friends and comrades who strive for a just society; to brave people who envision and strive for justice and basic amenities for all.

The present times could be scary, in the face of threats, violence, and repression in this fascist regime. To be scared is very human but it is equally human to overcome those fears and threats and to continue being what we are, continue doing what we do and what needs to be done, now!

We should resolve to continue our fight for Justice and Truth, to uphold the values of Human Rights, to stand up and speak-out for the oppressed against injustice of all kinds, unafraid of all consequences. □

Dear friends,

At the times when we need many more senior journalists like Kuldip Nayar Ji, unfortunately, he has left us. But he will always be remembered as a human rights activist, a peace lover. He always supported people's movements and was very approachable at the time of need. Our friend Advocate Sanjay Parikh Ji who practices before the Supreme Court of India and the National Green Tribunal and has widely known for his decades of work in defending the constitutional and human rights of different sections of marginalized and disenfranchised people and fought in the matters of environmental justice in the courts of law. He is also the National Vice President of the Peoples' Union for Civil Liberty (PUCL) and travel around the country and abroad asserting the democratic rights of people has written an article on the life of Kuldip Nayar Ji. We are sharing the same with you.

## Remembering Shri Kuldip Nayar From between to beyond the lines Sanjay Parikh\*

On 26<sup>th</sup> June, 2018, human rights organizations had assembled at the Gandhi Peace Foundation, Delhi to remember the dark days of Emergency. This was an annual affair and Shri Kuldip Nayar was a regular speaker in these meetings. This time, too, he came and spoke. But his speech was different; it came from his heart and was quite moving. He ended by saying that the fight has not ended – there are issues much more serious than the Emergency and they have to be fought fearlessly with deep conviction – by listening to the voice of one's own inner-self. Never give up on truth, was his message to the audience. I told him: 'Today, you were different-very powerful!' He smilingly replied: 'Today, you were more receptive!' It was a long journey for him – 95 years, divided into pre and post Partition. His memories were full of the sad days of the Partition. He knew the price people have paid and therefore, stood for the values India should have after independence. He wrote through out his life relentlessly- as editor, writer, columnist on every possible issue which he thought were relevant for the people and the nation. His heart bled for the poor. He came out openly in support of all those people's movements where he found tyranny and repression of human rights and civil liberties by the State. He was a staunch defender of the freedom of press and expression and therefore, wrote fearlessly against the emergency imposed by Smt. Indira Gandhi in 1975. He was detained in the Tihar jail under the MISA. His wife, Smt. Bharti Nayar, filed a Habeas Corpus petition in the Delhi High Court to quash his

illegal detention. The petition came up before Justice S. Rangarajan, a brave and bold judge during the emergency. After the judgment was reserved, the Government decided to release Kuldip Nayar and revoke his detention before the judgment was pronounced. Coomi Kapoor in her write-up (23<sup>rd</sup> August, 18 in the Indian Express) on Shri Kuldip Nayar, recalls this story. However, Justice Rangarajan not only delivered the judgment (*Bharti Nayar Vs Union of India*, dated 15.9.1975) but added a 'post-script' to it as to why he was delivering the judgment. He said that Habeas Corpus writ being a public law remedy, after the judgment was reserved, "courtesy to the court demanded that we were apprised about the intended action *before* it was actually taken." Indira Gandhi was quite upset with these remarks and the courage shown by the judge and therefore, transferred him to Gauhati. After Justice Rangarajan retired, I joined law practice with him in 1982. He was quite proud of his judgment in Kuldip Nayar's case, which was praised, among others, by Lord Denning. I read the judgment and was quite curious to know why he wrote the post-script. He replied that the day when he was going to pronounce the judgment, he felt some unease inside. He added: "I got up around at 3am in the morning and typed myself the post-script on a manual typewriter. Thereafter, I felt relieved of the burden on my conscience." I did not know Shri. Kuldip Nayar at that time. Justice Rajindar Sachar introduced me to him after he had retired and joined the Supreme Court Bar. Since 1990, it was

almost regular to see him in one meeting or the other with Justice Sachar or without him. In one of the conversations recently, I told him what Justice Rangarajan said about the 'post-script'. His response was: "***even during Emergency, there were judges who were guided by their conscience rather than the ambitions***".

I remember that he was very much upset when the domicile requirement under the Representation of Peoples Act, 1961 was removed by an amendment with effect from 28.8.2003 for election as MP in the Rajya Sabha. It meant that one could be chosen as a M.P. from any place to represent that constituency in the Rajya Sabha, though he had no connection with the place. He was of the view that this amendment will destroy the sacrosanct function of the legislature because the Rajya Sabha is a place where every Bill has to be debated properly keeping in view federalism, interests of all the States and their peculiar problems. This amendment was challenged in the Supreme Court and it was heard by a Constitution Bench. Mr. Rajindar Sachar argued and I assisted him in the case. The Constitution Bench upheld the amendment (August, 2006). Shri Nayar was very disturbed. He wrote as to how the judgment was wrong. Thereafter, whenever we met, he kept on reminding me that he would like to challenge the judgment before a larger bench of the Supreme Court. The last reminder was when he spoke, as mentioned above, on the anniversary of the Emergency.

If there were meetings in Delhi on

any human rights issue concerning people in general, everyone would expect Kuldipji (Kuldip Nayar) and Sacharji (Justice Rajindar Sachar) to come as if they could command (out of regard and affection) their presence. Both of them would never disappoint and it would be an exception, not to find them there. We lost both in a short span. It appears as if a generation has

gone: the generation, which represented a selfless breed of human beings on whom we could always depend for guidance. As a young student, we were asked to memorize renowned authors and their works. I remember one such author was Kuldip Nayar and the book was 'Between the Lines'. I did not understand it then - the meaning of invisible gap between

the lines. Now I see the gap and look at the great man who was incessantly searching between those visible lines, the invisible truth that spread 'beyond the lines' - over the wide canvass of his writings as an independent journalist- which truly he was till his last breath!

**\*Advocate, Supreme Court and National Vice-President of People's Union for Civil Liberties (PUCL) □**

## Meeting to Condole Kuldip Nayar's Passing

A condolence meeting was held at 5 pm on Friday, 24 August 2014, at the Alternative Law Forum (ALF) premises following the demise of veteran journalist and human rights activist Kuldip Nayar in New Delhi the previous day. A short video of his recollection of arrest and jailing during the Emergency was watched, his contributions recalled and a minute's silence observed. Kuldip Nayar was one of the founders of the People's Union for Civil Liberties as well as of Citizens for Democracy and had opposed

the Emergency (1975-1977) during which he had been jailed for some months. As a journalist he had established a reputation for scoops of major political developments in India and Pakistan. He had risen to and occupied the highest rungs of the profession as editor of The Statesman and later Indian Express newspapers. Subsequently his syndicated columns ran in scores of newspapers in India and abroad. Not only was Kuldip Nayar an indefatigable human rights activist,

he was also an ardent votary of peace and amity between India and Pakistan. He served as an informal member of numerous "Track II" initiatives for dialogue with Pakistan. In recent years his had been among the most prominent voices warning of an undeclared state of emergency. Kuldip Nayar's mission of defending civil liberties and democratic rights has to be carried forward drawing inspiration from his illustrious example.

**Rajendra Y J, President, PUCL Karnataka □**

## Homage of Citizens For Democracy to Shri Kuldip Nayar, A Noble Journalist

Citizens For Democracy (CFD) is deeply grieved over the sad demise of Shri Kuldip Nayar who died at the age of 95 at New Delhi. Shri Nayar was member of the National Council of CFD for several years during the decade of 1980s and then it's President for a couple of years since 1990. He initiated various campaigns on behalf of CFD for protection of human rights and promotion of communal harmony. Under the auspices of

CFD, he started the candle light vigil at Wagha Border in 1994 for the promotion of Indo-Pak friendship which has become a regular annual feature attracting thousands of peace loving Indians every year. He again became the President of CFD in 2012 and vigorously promoted its aims and objectives. He was a Titan among journalists and a Great Humanist. He represented a strong stance against authoritarianism, castism,

communalism and was a pillar of strength to all those who cherished human and democratic values. His demise is a loss to all that is decent and moral in our society. CFD pays its Homage to his illustrious memory and conveys its deep condolences to the bereaved family.

**N.D.Pancholi, Anil Sinha, Secretaries, Citizens For Democracy □**

## Gautam Thaker Passed Away on 08<sup>th</sup> September 2018

Gautam Thaker passed away at his home early on Saturday. He died following a heart attack. A book on articles by experts in the labour sector, compiled by him, was scheduled for release on Saturday. He passed just hours before the release. Thaker would have turned 74 next Tuesday.

A condolence meeting will be held at 6:30 pm on Monday at Ahinsasodh Bhavan of Gujarat

Vidyapith.

Thaker was suffering from heart diseases and was undergoing treatment at a city hospital. He was discharged last Sunday. He complained of chest pain around midnight on Friday and was taken to a hospital, where he was declared dead at about 3:45 am.

Thaker's father, Dasrathlal Thaker, was a freedom fighter. He began his career as a bank employee and

rose to become a union leader of Central Bank of India. After late Natwarlal Shah became the Speaker of Gujarat Legislative Assembly, Thaker led all the unions of banks in the state.

"Thaker took part in anti-Emergency freedom movement. Many of the leaders were arrested but Thaker was told to stay low profile and that is how he managed to be a link among other leaders,

keeping communication channels alive," said Prakash N Shah, president of PUCL in Gujarat.

Mahesh Pandya, member of national executive of PUCL said that Thaker was very active on Friday as his book was to be released on Saturday. The book '**Ajvala Ane Avkash – Asangathit Kaamdaorni Duniyama Dokiyu**'

is a compilation of articles by experts in the unorganized labour sector.

"He took on all governments, advocating the rights of Dalits, tribals, women and children. He created awareness about the rights enshrined to citizens in the Constitution of India. He was greatly influenced by the ideas

about liberal humanism of revolutionaries like MN Roy as well as that of a total revolution of Jayprakash Narayan," said Hemantkumar Shah, member of national executive of PUCL.

<https://www.dnaindia.com/ahmedabad/report-ahmedabad-civil-rights-activist-gautam-thaker-passes-away-at-73-2660982> □

## Condolence Messages for Gautam Thaker

It's a shocking news. He was a great fighter. His sudden passing away is great loss to PUCL. Heart felt condolences to the bereaved family. **Ravi Kiran Jain**, National President, PUCL. □

Gautam ji was a very dynamic person, full of energy and enthusiasm. He used to call me often. He would say we have to do it immediately, it is urgent. We worked together on the electoral reforms and other issues. We have lost a great defender of human rights. May his soul rest in peace. **Sanjay Parikh**, National Vice-President, PUCL. □

As Mihir informs, I also share the sad news about the sudden death of Shri. Gautam Thakker, General Secretary of PUCL Gujarat early this morning in Ahmedabad. He was active till the end. He'd attended the last National Executive Meeting in Delhi on 1<sup>st</sup> July 2018.

This is very sad news. On behalf of the entire PUCL family we express our condolences to Gautambhai's family members, friends and PUCL colleagues. **V. Suresh**, National General Secretary, PUCL. □

Gautham Thakar was wrote many letters to pucl members all over india. He was opposed Modi 's fanatics act.he took many joint movement to save democracy at Gujarat with like minded people. It was really shok to hear his demise. We would remembering him, in all months his letter not reached our door steps.Good bye Great soul. - **S. Balamurugan**, General Secretary, TN & Puducherry PUCL □

## Tributes to Gautam Thaker

The *Indian Renaissance Institute* is deeply grieved over the sudden and untimely demise on 8th September 2018 of Shri Gautam Thaker, the veteran radical humanist and well known human-rights activist. Shri Gautam Thaker had been closely associated with the radical humanist activities since his young days. His late father, Shri Dasrath Thaker, was a 'Royist', a veteran radical humanist, dedicated trade union activist and selfless social activist. Gautam bhai duly followed in the footsteps of his father and made valuable contribution to the radical humanist movement. He organized large number of seminars, conferences, study-camps to promote rationalist ideas and human rights movement in the country. He was Life Trustee of the Indian Renaissance Institute. Besides that, he was President of the Indian Radical Humanist Association, General Secretary of the P.U.C.L. (Gujarat unit) as well as General Secretary of the Citizens For Democracy (Gujarat unit). His demise is a severe loss to the radical humanist and civil liberty movements in the country. The Indian Renaissance Institute deeply mourns his passing way and conveys its deepest condolence to the bereaved family.

**Dr. Ramesh Awasthi**, President, *Indian Renaissance Institute*

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With the sad demise of Shri Gautam Thaker, a part of us, a part of IRHA, a part of IRI, a part of PUCL, a part of so many of those activities in Gujarat has gone, never to return. Ever since I first met him in Gujarat in 1975 during the emergency, till his last day, never did I ever hear him utter a bad word for anybody. Such a soothing presence is no more. My heartfelt condolences to his family.

**Vinod Jain**, Former President, *Indian Radical Humanist Association* □

## Announcement of PUCL National Council Meeting

The PUCL National Council Meeting will be held on **24<sup>th</sup> & 25<sup>th</sup> November 2018** (Saturday & Sunday) at **Gandhi Peace Foundation, 223, Deen Dayal Upadhyaya Marg, New Delhi 110002.**

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

# Why Mail Today Will No Longer Be Carrying My Cartoons<sup>1</sup>

Satish Acharya

*The Wire*, 12<sup>th</sup> August, 2018

*Note in the article: This article has been edited to append a response from the editor of Mail Today, which was received by The Wire at 3:57 pm on August 13, 2018*

## 'Drop the cartoon and carry a photo'

That's how my cartoon column with *Mail Today* ended on Saturday. That's how the editor looked at a cartoon and cartoonist's opinion. That's how the editor chose to silence a voice.

The cartoon he rejected was about how China is surrounding India by spreading its influence in countries like the Maldives and other countries. The editor said the cartoon is 'Very defeatist and the China problem is being overplayed'.

I thought, this is how a cartoonist looks at the growing influence of China on Indian interests, so I said it's debatable and the cartoonist's opinion should be valued. And in response, he asked the news desk to drop the cartoon and carry a photo.

For many days now, I have been battling to protect my freedom, to protect the sanctity of a cartoon column. Perhaps for the editor a cartoon is just three column spaces, but for a cartoonist it's a whole world. A world where the cartoonist is free to express his opinion. A world to challenge his own creative boundaries. A world to voice protest, criticise, lament, cheer etc.

This is what I experienced:

- First they rejected a cartoon showing a cow, saying, 'The editor is not too happy with the cartoon with a cow'.
- For a cartoon on lynching I received this message: 'There's a bit of an issue. The India Today Group has decided not to come out with any community-based cartoons.'
- For one cartoon on Modi, they asked 'if I can replace Modi's character with any general BJP character'.

· And then, 'Editor is not comfortable with Muslim angle in the cartoon.'

· And, 'Editor didn't like the demonetisation link with 100% electrification.'

· And more of 'this doesn't make sense', 'this is unacceptable', etc etc.

(And many of these rejected cartoons were used by other clients and some of them went viral, being shared/retweeted by many including journalists).

It became very difficult to do cartoons, as too many barriers were placed around me. Out of desperation, I approached many senior journalist friends for feedback. They sympathised with me; some asked me to wait, some asked me to stay strong.

Giving up is easy in such a situation, as I'm a freelance cartoonist contributing to other clients too. But I thought I need to fight for my rights. I thought I need to do justice to the cartoon space that goes with my name.

But at the end, I was rudely reminded that the space is owned by the editor, the paper. And they can just drop my cartoon and carry a photograph instead.

Of course, there's a strange relief. Now there's a thought that when I sit to draw a cartoon, I don't have to worry about what my editor thinks/says about the cow in the cartoon, lynching in the cartoon, Modi in the cartoon or a Muslim/Hindu guy in the cartoon.

But this humiliating experience is hurting.

As a cartoonist, I expect my editor to respect my opinion and also trust the boundaries I have drawn for myself. Cartoonists are not bound to mimic an editor's voice. Cartoonists are supposed to and expected to express an independent voice.

Of course, an editor is within his rights to differ with a cartoon and inform the cartoonist. But he should be open to discuss, without being dictatorial.

My cartoons used to appear in the op-ed page of *Mail Today*, where I thought some of the columnists enjoyed more freedom than my cartoons!

Luckily, I have a few other clients, where the editors respect my opinion and trust my cartoons, even when they don't agree with me. I hope we will have more such large-hearted editors. And I also have social media, where independent voices get an audience.

Ironically, the personal website of Bharatiya Janata Party chief Amit Shah carries most of my cartoons featuring him, many of which are very critical. As famously quoted, when they are asked to bend, they chose to crawl!

## Dwaipayan Bose, Editor, *Mail Today*, responds:

Freelance cartoonist Satish Acharya has been a regular contributor to *Mail Today*, and this is the first instance in the recent past that his contribution has been dropped. As a newspaper, we are under no obligation to carry content that fails to pass our editorial standards; the cartoon in question did not. On some other occasions, when his cartoons have been on sensitive issues – including particular communities or courts – we've discussed it with him and carried a mutually agreed revised version. For sure, Acharya has a right to creative differences with us, but so does the newspaper, and to make baseless accusations and try to assign motives where none exist is unethical. We do not act on the dictates of any entity. Our editorial integrity is inviolable – and stays unaffected by Acharya's false allegations.

*This article was first published as a Facebook post on the author's profile and has been republished with his permission. The article has been lightly edited for style.*

<sup>1</sup><https://thewire.in/media/mail-today-cartoons-satish-acharya> @ 15Aug2018

<https://www.facebook.com/cartoonistsatish/posts/10155381160636924> @ 15Aug2018 □

## Uttar Pradesh: State of Repression False Charges against Adivasis and Activists

As you all might be aware, that there has been systematic repression unleashed by the state of Uttar Pradesh on the Adivasis and other forest dwelling communities in Sonbhadra, Uttar Pradesh. On 22<sup>nd</sup> May, 2018 villagers from Lilasi, largely from tribal communities, were attacked and harassed by policemen. Twelve people were arrested, out of which ten were women, and filed FIR against 24 people including General Secretary and Deputy General Secretary of All India Union of Forest Working People over false charges manufactured by the Forest Department and Uttar Pradesh Police. Later they were released on bail, despite them not having committed a crime. The police attacked and forged cases against them over false allegations of felling trees illegally, inciting violence against public servants and criminal conspiracy.

Furthermore, on 8th June, 2018, All India Union of Forest Working Peoples' leading activists Sukalo Gond, Kismatiya Gond and Sukhdev Gond were unlawfully arrested. They were on the way back from Lucknow. They had a meeting with the Forest Minister- Mr. Dara Singh Chauhan, Forest Secretary- Mr. Sanjay Singh and other officials to lodge complaints against the police brutalities and the Forest Officials who falsely accused them. They were forcefully picked up from Chopan railway station and were held for over 24 hours, during which the activists were not allowed to contact anyone

for help. They are still being held in jail, filed under false charges through sheer malpractice at the State level.

The State and the police forces have acted in an unConstitutional manner and continue to target Adivasi communities, so that they can be driven out of their lands. These series of arrests and harassment against Adivasi women is a retaliation of the State against its people who have empowered themselves under the Forest Rights Act, 2006. Despite the law, the State refuses to acknowledge their rights and has targeted Adivasi women time and again, assuming them to be soft targets. This has to be condemned and the perpetrators of the state should be severely punished for manhandling women and minor girls as well as senior citizens.

Even though formal complaints were lodged with multiple State authorities, the police continued to visit the village and threaten the villagers, harass women. Similar to the other Adivasi inhabited regions, this seems to be another ploy to stop Adivasi communities from claiming their land rights legally. Land is a contentious issue in most tribal areas, where they are being forcefully acquired by the State for various corporate projects and the lives of thousands of Adivasis are being put in jeopardy. The State does not take any responsibility of its citizens and refuses to protect them.

On 23<sup>rd</sup> July, 2018, an arrest warrant had been issued against All

India Union of Forest Working Peoples' leader, Com. Ashok Choudhary. He is booked under section 147, 148, 149, 307, 323, 504, 332, 333, 336, 353, 427, 120-B of Indian Penal Code 1860 and 3/5 of 7 CLA Act 1932 and 5/26 of Indian Forests Act 1927.

This move by the state has been initiated after Rahul Gandhi, Congress President and Akhilesh Yadav of Samajwadi Party showed solidarity with the jailed Adivasi women and their struggle through their messages. The Uttar Pradesh government seems to have gone into full drive to arrest key leaders of the movement. It is a highly condemnable act and only shows the fear of the state and the central authorities while engaging with people who are aware of their rights.

We, the undersigned condemn the unlawful manner in which the Uttar Pradesh government is targeting senior and ground level activists of the AIUFWP. We stand with the tribal communities battling for their rights under the FRA 2006, we stand with the Union's leaders, and we demand that the Uttar Pradesh government to immediately withdraw the false cases lodged against the tribals and other activists and targeting them forcing the people into silence.

**Com. Hannan Mollah- Bhumi Adhikar Andolan**

**Medha Patkar- Narmada Bachao Andolan**

**Teesta Setalvad- All India Union of Forest Working Peoples** □

**Note: We are carrying a few articles on the raging controversy over the NRC process underway in Assam, by way of gaining better perspective on the issues. We thank the respective publications from where we are sharing the articles.**

## Decades of Discord: Assam Against Itself<sup>1</sup> Manash Firaq Bhattacharjee

The Wire, 11<sup>th</sup> August, 2018

"I hear echoes of wailing,  
O' foreigner friend, ill-fated  
~ Bhupen Hazarika, 'Chameli Memsahib'"

Years ago, when I finished reading Sanjib Baruah's book, *India Against Itself: Assam and the Politics of*

Nationality, I had said that I expected his next book to be titled *Assam Against Itself*. Since that book never appeared, I am using my own imagined title for this piece. I am a second-generation refugee from Assam. My paternal roots are in Mymensingh. My father, after a

brief stint as a clerk in IIT Kharagpur, had joined the Northeast Frontier Railway as a stenographer in 1951. I was born to Bengali Hindu parents in Assam. I am an Indian citizen. But it will be accurate to designate myself a refugee-citizen, to emphasise the

detail of my hyphenated identity, being tied to Partition. This identity – more acutely for the Bengali Muslim refugee-citizen – is today once again under severe pressure to prove its legal credentials in Assam. I do not have any personal ties with Assam today, except for a few cousins and friends who continue to live there. But I am concerned about the fate of every refugee-citizen. They are my only political kin. Our suffering has a similar ring, though I am much privileged in comparison. I witnessed the peculiar face and language of the Anti-Foreigners Movement in Assam as a schoolboy between 1979 and 1984. I learnt the meaning of “curfew” and “bohiragata” (foreigner, in Assamese), on a cold day in December 1979. It was the first day of many curfews.

We were escorted home from the makeshift central government school by the ghat of the Brahmaputra by an official car. The scenes of that day are still vivid. I remember the grim air, ripe with a strange fear. As we were taken through the streets, I noticed all the shops were shut. Shops would shut every Thursday, but never were the streets so deserted. And never were the streets so full of gun-wielding policemen. Even the doors and windows of houses in 'Sudden Colony' (named after a locality suddenly sprang up from an abandoned railway yard), were shut, as if following someone's decree.

A friend had whispered to me in the classroom, “The Assamese are at war with the Bengalis.” I was bewildered. I had heard of no such war in these years. Things were fine even that very morning when I left for school. What caused a war within these few hours? I thought the boy had heard some dreadful rumour. I was pursued by a strange fear, because I did not know the reasons behind that fear.

As I reached home, my relieved parents rushed to hug me. They were shaking with worry. What I had thought was a rumour, was on everyone's lips in the neighbourhood. I was gripped by the faceless animal of fear. I trembled without knowing why I was trembling. I saw black smoke bellowing out of what we

recognised as 'Petrol Pump', a place few kilometres away. News of stone throwing at Bengali homes was pouring in. The realisation quickly dawned upon me, that home, school, street and neighbourhood, were no longer safe places.

Fear changes the configuration of the world. It occupies your breath and eyesight. Fear was the defining feeling of my entry into history. I learnt I was an outsider in my own birthplace. A status I earned from the Assamese Hindus, who claimed to be the sole natives of Assam. My schizophrenia vis-à-vis my homeland was born.

**The ghosts of the past:** On July 30, 2018, the Indian government released an updated draft of the National Register of Citizens for the state of Assam. It is meant to classify the legality of citizens living in Assam, on or before March 24, 1971. Four million people found their names omitted from the register, their status turning illegal overnight.

As news of people who claimed their names were wrongly missing from the register trickled in, a flurry of debates appeared. The majority community of Assam – the Assamese Hindus – who spearheaded the Anti-Foreigners Movement in 1979, has largely defended the NRC against its critics.

The liberal section among them broadly forwarded two sets of arguments in its favour: one, that even though the NRC may contain loopholes, it is procedurally sensitive to wrong omissions. Therefore it may be trusted rather than challenged. Two, the NRC was not, as was being made out to be, designed to target any particular community, language or religion. Its sole interest was to help the state hush the legitimate citizens from the illegitimate ones. This would enable the state to unburden the demographic imbalance in Assam and pave the way for peace and prosperity of the region. The point was also made about the necessity to safeguard the lives of Assam's 'indigenous people', whose cultural environment was under threat due to the unchecked influx of refugees from Bangladesh. These refugees then created unwelcome

imbalances in the livelihood of citizens, causing socio-political unrest and a perpetual sense of threat.

Before I address these biased concerns, I want to add that all those who made the above arguments either refrained from making any critical remark on the Assam Movement, or upheld its cause. Such tacit or overt display of political fidelity, fuelled by a willing ethnic complicity to an inherently communal movement, puts the efforts made by Assamese Hindus to put forth objective and ethical concerns in favour of NRC under grave doubt.

The concerns of the Assam Movement were clearly majoritarian. Its language was unabashedly crude. In the torchlight processions that passed by our lanes during the days of the anti-foreigner stir (as we were forced to observe 'blackout' or risk our windowpanes being stoned), the Assamese battle cries of 'Foreigners get out', 'Drive out foreigners', would include a slogan of racial and communal profiling: 'Ali, coolie, Bongali (Bengali) / Naak sepeta (blunt-nosed) Nepali'. Ali was for Muslims, coolie, for Bihari labourers, the word 'Bongali' carried a tone of abuse for the community, and Nepalis who came for livelihood from North Bengal, were also seen as encroachers.

The slogan proves Assamese sentiments were not restricted to being anti-Bengali. All migrant communities were resented, even though they contributed to the economy. The diverse range of migrants bore the brunt of Assamese xenophobia.

**The language battle:** The problem with Bengalis goes back to colonial times. The British had imposed Bengali as the official language in colonially administered Assam between 1836 and 1873. It included the Bengali-majority areas of three districts (Cachar, Hailakandi and Karimganj) in the Barak Valley region. The map of Assam was treacherously drawn by the colonialists, where many languages and communities (ethnic and indigenous) overlapped. The railways also occasioned a mobility of workforce from other parts of India.

With the advantage of an English education, Bengalis monopolised clerical jobs in the railways. On October 24, 1961, Assamese became the only official language of the state. It propelled the 'Bhasha Andolan', or 'campaign for language', by Sylhet-speaking Bengalis in Barak Valley, who protested the imposition of Assamese. History was playing old games in reverse. Bengali protestors were fired upon by the state police and 11 people lost their lives. The Assam government relented and Bengali was granted official status in Barak Valley. Ethnic violence against Bengali Hindus goes back to the 1950s and 60s. It took a stringent turn in 1979.

The Assamese Hindus were not keen towards sharing official status with Bengali, a language they considered a symbol of cultural hegemony. During the colonial period, the Assamese, aided by American Baptist Missionaries, had to prove the distinct linguistic status of their mother tongue vis-à-vis Bengali, to regain their eventual official status. There was a competition for recognition, and it took political turns. The cultural chauvinism of Bengalis in matters of language (and literature), and their hegemony in government jobs, did not endear them to the native Assamese. All these factors contributed to the vengeful passions ignited during the Anti-Foreigners stir of 1979.

What appears to be clear from the story so far, as I play it back and forth, is that the Assamese people, facing the cruel vagaries of a colonially demarcated region torn by multilingual and multiethnic identities, reacted in the most extreme fashion. A twin battle, on both political and legal lines, was waged against Hindu and Muslim minorities who spoke Bengali. They were termed "foreigners".

The Assam Movement initially demanded 1951 as the cutoff mark to identify illegal citizens. But the Indian government insisted on 1971. The Assamese leaders acceded to the proposal in 1984, during the Assam Accord with the Rajiv Gandhi government.

**Ethics and morality:** Today, the issue has returned to haunt minorities as the NRC has created a

statistical scandal of identification as many citizens who have enough papers to prove their legality have found their names missing in the register. There are foreigner tribunals for people whose nationality is in doubt. There are detention camps for people whose names haven't appeared on the NRC. An uncomfortably large number of people may soon be declared stateless. The official process of identification has been held far from satisfactory. The workforce mainly comprises people belonging to the majority Assamese community, and its neutrality is under question. After all, it concerns the future of millions of lives. The process of identifying "foreigners" is by no means a simple bureaucratic exercise. It is a bitterly fought and contested, political issue.

It is strange to read Sanjib Baruah give credit ('The missing 4,007,707', Indian Express, August 2, 2018), to the All Assam Students Union (AASU) and the Asom Gana Parishad (AGP) for bringing about the NRC. It is to grant legitimacy to extremely unethical political formations. The Movement had unleashed (and inspired) the crudest xenophobic movement in modern, Indian history.

Baruah should get to hear some stories from Bengali Hindus and Muslims. The murder of a young Bengali doctoral student, who, after he getting off his medical college bus in Maligaon Chariali in Guwahati, was greeted by around 40 boys waiting for him with hockey sticks. My young neighbour, who was about to join the Indian Air Force, was knifed in the street by his childhood Assamese friend. The friend was helped by his mother, who was a nurse. The four young men who tried to abduct my elder sister as she was returning home from tuition. She saved her life with a nib pen. The next day at the police station, she identified the boys as students belonging to Guwahati University.

The minorities whose names haven't appeared in the NRC, despite the assurance that they can challenge their currently assigned status, are in a state of panic and nightmarish difficulty.

I remember the endless nights of fear of a "surprise attack". Our

hunchbacked, old help from Dhaka would collect some iron grills just in case. I remember, during one of the torchlight processions, as a "blackout" was enforced, a young man broke out of the march and knocked on the door of a Bengali neighbour. The wife came out. The man asked for a glass of water. The woman fainted.

Such was the palpable state of fear. These are stray incidents from a memory cupboard full of skeletons. I remember neighbours shivering from the cold, glued together to the Philips transistor, listening to the Bengali news service of the BBC and Voice of America. AIR hardly aired what was happening in Assam. We were learning about ourselves from foreign radio stations. This, more than anything else, made us feel like foreigners – that we were living in another country. Do refugees deserve the fear they inhabit? The Assam Movement can be granted moral legitimacy only if we agree that refugees are other people.

In the same article, Baruah writes, "The judicialisation of matters that are ultimately political is always a mixed blessing." I disagree. It is, at best, a mixed curse. But in no uncertain terms, it is a matter of dubious means. The judicialisation of the political is to simply shift the arena of prejudice. A political movement based on chauvinism and hate deflects its strategic energies into the legal realm, seeking to create an authentic discourse of delegitimising "illegal populations". Such a move turns the legal into the political.

What Baruah calls judicialisation of the political, is actually the opposite: It is the politicisation of the judicial. The minorities whose names haven't appeared in the NRC, despite the assurance that they can challenge their currently assigned status, are in a state of panic and nightmarish difficulty. There is literally – and legally – no ground beneath their feet. It is true, the "liminal legality" Baruah speaks of, does pose a challenge for democracy. Isn't it primarily, the ethical responsibility of Assam's majority community?

Baruah raised more interesting questions in his earlier article, (Stateless in Assam, Indian

Express, January 19, 2018), where he quotes Hannah Arendt to define the state of stateless people, caught between the concentration camps offered by their foes and detention camps offered by their friends. The exclamation attributed to Aristotle by Montaigne, "O my friends, there is no friend", seems to be the current plight of the Bengali refugees in Assam.

It reminds me of Bhupen Hazarika's song, '*O Bidekhi Bondhu*' from Chameli Memsahib (1975), which is perhaps the only instance in Assamese popular culture, where the foreigner is spoken of in endearing terms. "You are entrapped in a cyclone/lost your anchor" goes the song, which comes eerily close to the plight of those facing the mess of the NRC.

One of the great cultural figures of postcolonial Assam, Bhupen Hazarika was a man of two cities, two languages and two sensibilities. He belonged to Assam as much as he belonged to Bengal. Did anyone accuse him, the way someone had accused me, holding me roughly by the collar in the middle of the street, of having my heart in Calcutta? Why can't our hearts belong to more than one place?

**Why can't we, unlike trees, have parts of our roots – elsewhere?:** I want to however reiterate here, that the worst sufferers of the Assam crisis are the Bengali Muslims.

There is no equivalence among the many victims of the political calamity unfolding in Assam. The Nellie massacre in February 18, 1983, where Bengali Muslims living in fourteen villages faced the rawest violence yet unleashed by the Assam Movement, confirmed the most vulnerable "foreigners" in the state.

Subasri Krishnan's documentary, *What the Fields Remember* (2015), made 30 years after the event, recounted the violence through the voices of two old, Muslim men. Their stories are unbearable. What is equally disheartening – and illuminating – is that they have waited in vain for justice. How can people dubbed foreigners, and whose families have been massacred with impunity, expect a hostile place and people to render them justice?

What is true of the Nellie survivors, is a logical fear that can be extended to all those who are facing the trial of citizenship by the NRC. The privileged Bengali Hindus of Assam, whether their names find place in the NRC or not, will not also speak for the Muslims, the way they did not speak for them in 1983. The cruel irony of history makes existentially enjoined sufferers remain separated by the religious narrative of Partition. Many Bengali Hindus are selfish refugees,

incapable of forging larger solidarities because of communal considerations. It diminishes them, ethically, as people.

Today, the Bengali Muslim most heavily bears the tag, "Bangladeshi". The government at the centre is more interested in rehabilitating Hindu refugees. But to simply blame the BJP for being partial is not enough. The impartial communalism of the majority in Assam, eager to drive both Muslims and Hindus away by erecting a legal quagmire, is the primary problem.

The bottom line on NRC is not implementation. It is the sniffer-dog idea of the state, hunting down "foreigners". A democracy has to determine the costs of a method, legal or political, before unleashing it on people. It is not simply a question of human rights, but of human costs. To throw people into detention centres and camps will perpetually turn them into stateless animals, stripped of enough protection by the state.

**Manash Firaq Bhattacharjee** is a poet, writer and political science scholar. He is the author of *Looking for the Nation: Towards Another Idea of India (Speaking Tiger Books, 2018)*.

<sup>1</sup><https://thewire.in/rights/assam-nrc-anti-foreigner-bengali-assamese> □

## **NRC debate: How the 1947 Sylhet partition led to Assam's politics of the foreigner<sup>1</sup>**

Shoaib Daniyal, *The Scroll*, 12<sup>th</sup> August, 2018

There are few parallels to Assam's National Register of Citizens process in India or, indeed, anywhere in the world. As the state government updated its list of Indian citizens in Assam, applicants had to provide documents proving that they or their ancestors had entered the state before midnight of March 24, 1971. The final draft of the National Register of Citizens, released on July 30, excluded four million people, creating potentially one of the largest stateless populations in the world.

What has led to such a politics of antipathy towards alleged foreigners in Assam? To understand this, it is instructive to

go back to 1947.

While the cataclysms of that year are usually identified with the partitions of Punjab and Bengal, the fact that Assam was also divided is little known. The district of Sylhet, majority Muslim and almost completely Bengali, was transferred from Assam in India to East Bengal in Pakistan after a referendum.

**The paradox of colonial Assam:** In the 1930s, an unusual demand was raised in the Central Legislative Assembly – the closest thing British India had to a federal legislature. A member, Basanta Kumar Das, moved a resolution to rename the province of Assam as,

he argued, Assamese speakers were a minority in the state. Indeed, the number of Bengali speakers in Assam was twice that of Assamese speakers.

This unusual situation was because in 1874, the district of Sylhet – rich in tea plantations – had been transferred from Bengal to Assam to boost the latter's revenues. Nearly three-quarters of all Bengalis in Assam after this relocation were Sylhetis. This, in turn, gave rise to a demand among Assam's Assamese leaders to reverse the situation and lob Sylhet back to Bengal in order to given Assam a more homogeneous

linguistic character.

**Demand for homogeneity:** In 1945, the Assam Pradesh Congress Committee released a manifesto, ahead of elections, that spoke of the need for a culturally homogeneous Assam:

“Unless the province of Assam is organised on the basis of Assamese language and Assamese culture, the survival of the Assamese nationality and culture will become impossible. The inclusion of Bengali speaking Sylhet and Cachar and immigration or importation of lacs of Bengali settlers on wastelands has been threatening to destroy the distinctiveness of Assam and has, in practice, caused many disorders in its administration.”

In 1946, therefore, the prime minister (as the head of a province was called under the Raj) of Assam, Gopinath Bordoloi, told a British delegation, which had come to India to discuss transfer of power, that Assam would be quite prepared to hand over Sylhet to Bengal.

**The referendum:** As a result, Sylhet, along with the North West Frontier Province (now Khyber Pakhtunkhwa in Pakistan), were the only places that were allowed a referendum on whether they would like to join India or Pakistan after the British had transferred power. The voting was held on July 6, 1947 and July 7, 1947 amidst flooding as well as allegations of intimidation by Muslim League cadre bought in from North India. Broadly following the Hindu-Muslim population break-up of the district, Sylhet voted to join East Bengal. Other than a small Hindu-majority pocket, most of the district was transferred to Pakistan.

In the wake of this, some commentators had blamed the Assam government for its hostile attitude towards retaining Sylhet, an allegation that played a bitter part in Bengali-Assamese relations in Assam post-1947. Historian Sujit Chaudhuri writes:

“The Bengali speaking district was regarded as an ulcer hindering the

emergence of a unilingual Assam. Hence, when the decision for the referendum was announced, Gopinath Bordoloi, conveyed to all concerned, that the Cabinet was not interested in retaining Sylhet.”

In 1954, as the Cachar States Reorganisation Committee submitted a memorandum to the States Reorganisation Committee to create a new Bengali-dominated state of Purbanchal in the North East, it said, “At the time of Partition in 1947, it is well-known that Assam made no serious effort to win the plebiscite in Sylhet and even allowed propagandists from the Punjab to preach in favour of Pakistan while it harassed men sent from Calcutta to speak in favour of retention in the Indian Union.”

To this was added the charge that “Sylhet leaders were discouraged when they tried to salvage a portion of the district through an effective representation to the Boundary Commission”. Historian Amalendu Guha writes, “It was indeed the lifetime opportunity for the Assamese leadership 'to get rid of Sylhet' and carve out a linguistically more homogeneous province.”

**Bengali refugees of Partition:** While the allegations of the Assam government influencing the vote in favour of Pakistan remain contentious, the exit of Sylhet did fulfil the aim of building a more homogeneously Assamese province. Addressing the Assam Assembly on behalf of the Congress government in September 1947, the governor of Assam said:

“The natives of Assam are now masters of their own house. They have a government which is both responsible and responsible to them. The Bengali no longer has the power, even if he had the will, to impose anything on the people of these hills and valleys which constitute Assam.”

However, this situation was short-lived as just after Partition, large numbers of Hindu Bengalis started to migrate across the border back to Assam, allowing politicians in

Assam to eventually frame the pre-1947 question of cultural homogeneity as one of infiltration by foreigners. “Had there been no Partition, there would not have been any 'foreigner issue' in Assam,” writes Sujit Chaudhuri. Themes such as evicting immigrants and even the deletion of names from voter lists first emerged in that post-Partition moment.

**Linguistic and religious interweave:** Assam, at the time, saw a complex interplay of religious and linguistic factors. Linguistic factors drove Bordoloi to seek Sylhet's separation from Assam. And a communal referendum – in which Hindu Bengalis and Muslim Bengalis voted separately – was conducted in Sylhet for this division to take place. Communal riots took place at the time of Partition, but after the influx of Hindu Bengali refugees into Assam, “it was the language question that was to become increasingly the rallying point of anti-social, divisive forces and vested interests to organise riots”.

To add to this, many Muslim Bengalis in post-Partition Assam cited their mother tongue as Assamese to census officials. As a result, the 1951 Census said that Assamese speakers had grown by 150% compared to 1931. Since Muslim Bengalis were economically and educationally backward at the time, an alliance with them suited the Assamese elite who were competing with the elite Hindu Bengalis. Because of these inflated Assamese numbers, demands – largely by Hindu Bengalis – for a Bengali-majority state to be carved out of Assam were rejected when the states were reorganised on linguistic lines in 1956, allowing the Assamese elite to retain power.

Of course, this alliance would also go through its share of ups and downs. With the numbers of Muslim Bengalis growing and the Hindu Bengali elite losing power, the former are now perhaps seen as

more of a threat to Assamese cultural homogeneity than the latter.

**From 'outsider' to 'foreigner':** In the late 1970s, as the Assam Agitation to evict undocumented immigrants took off, the memory of Partition was used to invent the term "foreigner" as opposed to "outsider", the term that had been popular till then. According to Sujit Chaudhuri, while the terms were synonymous, they were used in different contexts. He writes:

"In short, the term 'outsider' is still used in non-official conversations within Assam since it sells well in the domestic market, whereas the term 'foreigner' is a later innovation for the consumption of the national press and national conscience.

Thus the same commodity is being sold with rare acumen under two different brand names in two different markets to suit the taste and demands of two different varieties of consumers."

This division of labour has been seen in the wake of the National Register of Citizens too, with the Bharatiya Janata Party, at the national level, trying to paint it as an exercise targeting only Muslim Bangladeshi immigrants while many Assamese politicians concurrently argue that the process identifies both Hindu and Muslim Bangladeshi immigrants.

<sup>1</sup><https://scroll.in/article/889905/citizens-register-how-the-1947-sylhet-partition-led-to-assams-politics-of-the-foreigner> □

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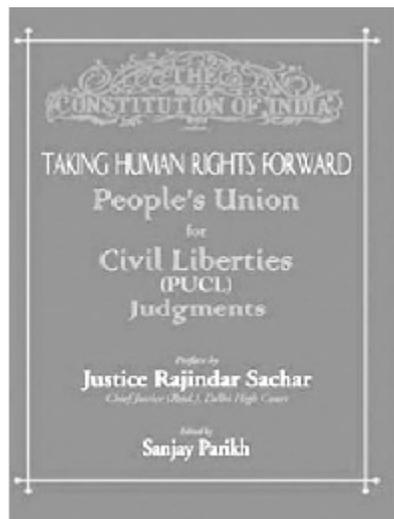
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