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Presidential address for the National Council Meeting on 24-25th November 2018 at GPF, Delhi:

Responding to Danger to Indian Democracy Ravi Kiran Jain*

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This meeting of the National Council is being held in extremely a grim situation. This situation is an inevitable result of Modi's election campaign and then his rule after coming into power in 2014. The 2014 elections were based on emotive communal divide which had literally dumped the basic issues into the dustbin of electoral politics and Modi's communal divide plank became a determinant of success of his election. The new political scenario has certainly brought the atmosphere of communal hatred and grave fear in the society as a result of which the fundamental questions like elimination of poverty, the distribution of national wealth, the assurance of social justice in civil society of our time are being brushed aside under the carpet.

Recent years have witnessed systematic attacks on human right defenders and fearless journalists, writers and rationalists. 2019 polls are going to be between democracy and authoritarian rule.

Human Right Defenders and journalists are specially becoming the victims of the policies of the Modi Government to silence any voice raising dissenting view against the misdeeds of his government.

13th J.P. Memorial Lecture was delivered by Shri V.M. Tarkunde on 23rd March 1993, (just after 3 and a half months of the demolition of Babri Masjid on 6th December 1992). I deem it necessary to place the following quotes from that speech:

"In the meantime, a graver and most serious danger to Indian democracy has appeared in the horizon. It is represented by the growing strength of the Bhartiya Janata Party and the power behind it – the R.S.S and the *Sangh Parivar* consisting of such organizations as the Akhil Bhartiya Vidyarthi Parishad, the Vishwa Hindu Parishad and the Bajrang Dal. They are giving to the Indian people a heady mixture of aggressive Hindu communalism and equally aggressive Hindu Nationalism. In that process they are promoting animosity between Hindus and Muslims."

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"As I will show later; the movement which is being fostered by these forces contains all the essential characteristics of Fascism".

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"I am of the view that the communalist nationalism which is being propagated by the BJP and *Sangh Parivar* represents a far greater danger to Indian Democracy than the personal authoritarian rule which Mrs. Indira Gandhi and the Gandhi- Nehru family were likely to impose on the country".

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"Our difficulty arises from the fact that a theocratic State may possibly be established in the country after the next elections and therefore it is necessary that besides a long-term program of a socio- cultural transformation, we must have a short term program which would prevent a communal party coming into power in the country in near future."

"There is indeed a great deal of similarity between the politics of BJP and that of Hitler's Nazi party. Hitler fostered a sense of pride among Germans on the

ground of their Aryan's race and hatred for the Jews because the Jews diluted the ethnic purity of that race. The BJP and the *Sangh Parivar* are striving to promote the pride of Hindus in their Hinduism and to foster hatred for Muslims. Secondly, the Nazis were aggressively Nationalistic and wanted Germany to be the strongest and the greatest nation in the world. The BJP and the *Sangh Parivar* is also intensely Nationalistic and although it cannot under the existing circumstances think in terms of India being the strongest country in the world, they want it to be militarily a strong country so that it would dominate over the neighbouring states. Recent events, moreover, have demonstrated that, like the Nazis, the *Sangh Parivar* have no regard for law and thus believe that Might is Right. Although there are, some obvious differences between the Nazi movement and movement of Sangh Parivar, they have basically the same Fascist characteristics.

“What We Can Do”

“We must now turn to the steps which people like us, democrats and humanists, can take to meet the danger of communal chauvinism which is being promoted by the BJP and the *Sangh Parivar*. We must have both a long term and a short term program. However, it is obvious that even a long term program has to be commenced immediately and not to be postponed. In my opinion, the long term program must be aimed at promoting the values of democracy and humanism in the broad masses of the people.....”

(There is a lengthy note in the speech relating to the “long term program” in which there is a suggestion of spreading the democratic values of liberty, equality and fraternity among the broad masses of the people which should be carried out by non-party activists working at the grass root level and so on).

Then about the “short term program”, the quote is as follows:

“Our short term program must be directed to the objective of ensuring that a party which wants to create a theocratic state in the country is not elected in the next or subsequent elections. It is not safe to depend upon political parties which claim to

be secularists for creating a joint secular anti—communal platform. We cannot forget that the main reason why the Babri Masjid was destroyed on 6th December 1992, was that the Central Government of the Congress-(I) did not want to take any firm action against the so-called *Kar Sewaks* because it was reluctant to alienate Hindu votes. Anti-communal secular fronts should, in my opinion be created by all the non-governmental organizations (NGOs) which believe in democracy and which are determined that India will never have an anti-humanist theocratic state. Such anti—communal secular fronts consisting of NGOs and other supporting individuals should be formed in all important cities and towns and they should propagate against communalism and in favour of a democratic and secular state. Such educative work can be carried out through the publication of literature and through meetings, processions, exhibitions, street plays and other means of mass communication. There are ample reasons to believe that such an anti-communal movement can be developed on a non-party basis and it can overcome the danger of communal chauvinism coming to power in the country”.

The situation as it existed when Shri Tarkunde delivered the J.P. Memorial Lecture 25 years ago, in March 1993 was very different than what it is today. The chain of events from 1993 is relevant to see the difference between the situation in 1993 and today. In the 1996 Lok Sabha elections, the BJP secured 161 seats and a non-Congress government was formed which could not complete its full term. In 1999 elections the BJP secured 182 seats and with its allies in NDA it was able to form government with Atal Bihari Vajpayee as its Prime Minister. Thereafter from 2004 to 2014 there was an UPA Government headed by Dr. Manmohan Singh as Prime Minister. During the UPA-II regime the Allahabad High Court verdict on the Babri Masjid case came on 30th Sept 2010. After this judgment a grave and serious danger to Indian democracy appeared on the Horizon. This verdict gave a legal shape to the political agenda of the *Sangh Parivar* “*Mandir Wahin Banaenge*” and had legitimized the Masjid demolition on

6th Dec 1992 giving *Sangh Parivar* a way to claim to construct a “grand temple” at the site of the demolished Masjid and gave a boost to the BJP to contest the 2014 elections based on this issue. The 2014 election was contested by the BJP based upon Modi's communal divide plank. After 3 years of the Modi government at the Centre, Yogi Adityanath, the Hindu Icon was installed as the Chief Minister of U.P. Of the 403 seats, the BJP secured a majority of 325 members in the U.P Legislative Assembly. Yogi has the reputation of being a hardcore Hindu leader. His elevation to the post of the U.P Chief Minister shows that Hindutva is sweeping the country.

In U.P there is an openly declared Encounter Raj. U.P Chief Minister Yogi Adityanath has declared that “as criminals should leave U.P or else..... there are only two places for them jail or.....as per available figures upto 14th Aug 2014, there have been 2351 shoot outs, killing 63 persons across 24 districts. The actual numbers are many more. For the list of those killed it is obvious that most of them were Muslims and Dalits. Draconian laws like UAPA, NSA and 124-A IPC,(sedition) are being used to implicate public intellectuals, writers, fearless journalists and Human Rights Activists and not against criminals/terrorists for whom these laws are made. The criminals / terrorists who should have been booked under these Draconian Laws are being killed in Encounters.

If U.P is deemed to be a “Rashtra” then it can be safely said that it has virtually become a “Hindu Rashtra” after Yogi Adityanath became its Chief Minister with a huge majority in the Assembly.

In a recently published report “Dismantling India - A Four year Report” over the period 2015-2018”, there is a note of Mathews Jacob in which it has been mentioned that HRDA has documented over 300 cases of attacks on HRDs across the country, and HRDs and members of their families are facing threats to their personal and physical securities. They are being profiled, harassed, intimidated, ill-treated and subjected to hateful abuse in the media. They are arbitrarily arrested or detained and cases filed against them. Their offices raided and files

stolen and confiscated etc.

Now comparing the situation as it existed when Shri Tarkunde delivered the J.P. Memorial Lecture on 23rd March 1993 with the situation as it exists now in the light of the chain of events from 1993 till today as described above my suggestions are as follows:

There should be a joint action by human rights organizations like PUDR and CJP (led by Teesta Setalvad), HRDA [Human Rights Defenders Alert (India)], Mass Movements like NAPM, Citizens groups and Anti-communal citizens fronts, eminent concerned citizens like Romila Thapar, Harsh Mander, Aruna Roy, Ashok Vajpayee, Ram Puniyani, Gauhar Raza, Mathews Jacob, Justice A.P.Shah, Justice H Suresh, Justice B.G. Kolse Patil, Justice P.B. Sawant, eminent journalists like, P. Sainath, Medha Dikshit, Ravish Kumar, Punya Prasoov Vajpayee, eminent scholar Apoorvanand and student leader Kanhaiya Kumar. In the July 2017 issue of the PUCL Bulletin there is an open letter of 65 senior retired officials from different Central Services. All public authorities and Constitutional bodies should take heed of the letter entitled "Retired Bureaucrats Warned of Growing Authoritarianism, Majoritarianism". Those 65 Senior retired officers may also be asked to join. What should be

that joint action may be decided in a meeting in which all the aforesaid persons or the representatives of the aforesaid organizations would be invited. The first meeting of all these persons may be held at Rajghat or at Jantar Mantar. About the long term program I recall that we had launched a three nationwide campaigns,

1. A nationwide campaign for securing the dignity of the individual in practice,
2. A campaign against great threat posed by the divisive and fascist politics of the RSS and BJP and
3. A meaningful and effective reform of the criminal justice system

The discussion to launch these three campaigns at the National level by involving all State Units was started in December 2014 at the Patna PUCL Convention and it continued thereafter till the National Executive meeting at Jaipur in June 2017. Merely announcing that "All State Units across India" will be involved in the three National Level Campaigns, is not enough. We have to find a mechanism by which the National PUCL can involve the State Units.

As a long term program to meet the "communal chauvinism which is being promoted by the BJP and the Sangh Parivar" we may focus on the second nationwide campaign namely a campaign against a great threat

posed by the divisive and fascist politics of the RSS and the BJP. We may start the involvement of the state units by holding a meeting of State Units representatives with the members of the Executive Committee of the National PUCL. The other two National level campaigns namely a Nationwide campaign for securing the dignity of individual in practice and a meaningful and effective reform of the criminal justice system have also to continue. But as a short term and a long term program as envisaged Shri V.M. Tarkunde we may concentrate on the second National Level campaign involving all state units namely a campaign against threat posed by the divisive and fascist politics of the RSS and BJP at this moment.

Having said all this, the following two campaigns which are on the agenda of this NC meeting will continue on the concrete suggestions which emerge out of the debate in this meeting.

- 1) Campaign for the release of Sudha Bharadwaj and other Human Rights Defenders/Activists
- 2) Campaign Demanding Repeal of UAPA.

** Ravi Kiran Jain, National President, PUCL & Senior Advocate, Allahabad High Court. □*

General Secretary Report for National Council Meeting on 24-24th November 2018 at GPF, Delhi:

Report of the General Secretary for the years 2016-18

Friends and Colleagues,
This National Council meeting is taking place at a very important historical juncture in the history of both our organisation, as also our country. The meeting is being held when one of our colleagues and National Secretary, Sudha Bharadwaj, has been falsely implicated and arrested in the Bhima Koregaon case of Pune, and is currently incarcerated in Pune Central Prison for Women. Alongwith Sudha, three of the four other rights defenders who were arrested on 28th August, 2018, Arun Ferreira, Vernon Gonsalves and Varavara Rao have also been arrested and are in prison, while Gautam Navalakha is still to be arrested thanks to an order of the Delhi High Court and also because

his quash petition is currently being heard by the Bombay High Court. Two other respected rights activists, Fr. Stan Swamy from Jharkhand (also a PUCL member and PUCL Jharkhand State Council member) and Prof. Anand Teltumbde are also implicated, and not arrested till date only because of their cases before the Bombay High Court.

It is important to mention this, because this is the general climate of an all out attack on human rights defenders which has been launched by the BJP-led UPA Central Government across India, characterised by the sheer brazenness in violating all the established constitutional principles safeguarding the citizens' rights against an oppressive, violent,

vituperative and authoritarian state. This apart, the government has shown that they care nothing about respecting institutional integrity, rule of law principles and democratic norms by using all the instruments of state power – the police, special establishments like the CBI, para military forces, enforcement agencies like the Enforcement Directorate, Income Tax authorities and others – to crush dissenting voices and organisations, falsely implicate individuals and groups and creating a 'Chilling Climate of Fear' by promising impunity to the police and other forces, even when they openly and blatantly break all laws of the land. No democratic institution – be it the Election Commission, the CVC, the CBI, Income Tax

Department to name just a few – have not been subverted, corrupted and made to serve the ends of the ruling right wing, majoritarian government. The Constitution exists, mainly on paper and only in name, with the judiciary too not being immune to the machinations of the Central Government, highlighted by the Public Press meeting of 4 of the senior most SC judges on 12th January, 2018 talking about the threat to the independence of the judiciary.

It is in this context of an undeclared Emergency which has swept across India, that the human rights movement has become the target of the ire of the Central and many State Governments, as they remain the last amongst few democratic voices which continue to expose the threat to democracy and human rights posed by a highly autocratic, authoritarian, fascist government that the Central Government has become. So long as organisations like our own PUCL and other fraternal organisations like PUDR, CPDR, APDR, and others remain active we remain a thorn in the flesh of the ruling government, for despite our small numbers we remain the voices of conscience, the sentinels of Constitutional rule, the defenders of hallowed principles of 'Rule of Law'. So long as the last amongst remain free, till that time we continue to be a threat to the agenda of turning India into a majoritarian state, unabashedly meant only to represent and safeguard the interests of the corporate sector, the economic and social elite and the privileged classes.

Looking back at the last 2 years of the present Term which started with the Raipur National Convention held between 16th to 18th December, 2016 on the theme, " the first portends of what awaited us became apparent in a small and innocuous, but in retrospect, a momentous event that PUCL undertook the very next day after the Convention ended, when on 19th December, 2016, a team of PUCL National and State office bearers and others visited some of the affected villages in the Bastar area of Chhattisgarh affected by brutal terrorism and lawlessness launched by the Chhattisgarh state police force under the direction of the notorious Inspector General of

Police, Mr. SR Kalluri. While the team completed the visit and interacted with the affected people to get a first hand experience of their problems, the reaction of the police to the visit was harsh and arbitrary with the state police picking up many of the local leaders, threatening lawyers working to defend rights of the locals from arbitrary arrests and false prosecutions.

During the entirety of the 2 years, 2017 and 2018, has witnessed the peaking of hate crimes and crimes of intolerance across India. The spectre of lynchings became a matter of worry in northern states like Rajasthan, Jharkhand, UP and other states. Our PUCL Rajasthan State unit has played a key role in these two years in exposing the direct links between majoritarian forces, manifested through the violent actions of different groups, the mainstream political organisations including the ruling BJP party and RSS, and state agencies including the police. The key role played by PUCL Rajasthan unit deserves appreciation and praise for they offered three key supports to the affected people:

- (i) In the immediate context of hate crimes, lynchings, mob attacks, mass false arrests of minority groups and people, immediate support and help to the victims, both by way of helping arranging humanitarian assistance, and also by assisting victims and survivors by offering immediate protection through media action, mobilising other secular forces and groups;
- (ii) Offering and arranging legal support and assistance to victims and their families, in different ways – by way of ensuring proper complaints were registered, helping in context of arbitrary and illegal mass arrests and in demanding proper investigation.
- (iii) Very importantly, in the form of documentation of these events.

During the PUCL National Executive Meeting held in Jaipur in July, 2017, which was attended by Sacharji also, a meeting was organised with leaders and prominent members of the minority community. The respect

that PUCL Rajasthan received from minority groups was apparent during the meeting when speaker after speaker spoke about the role played by the Rajasthan state PUCL group in giving them a sense of confidence and security that despite State involvement in the violence unleashed on them, there remain secular forces which will not remain quiet and will stand up for the Indian Constitution, Constitutional principles and spirit and Rule of Law. It needs to be pointed out that the violence by majoritarian forces assisted, helped and colluded by State police forces, took place not just against minorities but also against Dalits and members of marginalised communities in different states. One of the states which witnessed major hate crimes, lynchings and crimes against minorities was in Jharkhand. Similar incidents have occurred in UP, Haryana and other states too. Countering this remains a major challenge before PUCL and other rights organisations.

Amongst some of the notable activities and reports of different PUCL state units on communal violence is the PUCL Odisha report on the communal violence unleashed during Ram Navami procession in Bhadrak town of Odisha in April, 2017. Similarly, after the incident of killing of about 9 Muslim prisoners belonging to SIMI organisation in Bhopal in early 2017, the newly constituted PUCL group in MP organised a Fact Finding visit in which members from different state units participated. While the Report couldn't be brought out due to a variety of factors including that the team members could not freely visit the victims in prison or the families of affected persons, the reaching out to the affected victims and support extended to bring the true facts out has been an important contribution. So much so that the local community has sought the support of PUCL to help counter continuing state violence both in courts and outside. This will be followed up in the coming months.

Apart from communal violence different State units have launched actions in the context of violence on Dalits too. Notable is the PUCL Karnataka report on the social boycott of SCs in Hulavarthi village in

Mysore district, the starvation death of SC persons in Gokarn in Karnataka, the PUCL TN Report on violence unleashed against Aruthathiyar community in Thottiyapatti village near Madurai, the latest Report on the beheading of a 13 year old Schoolgirl, Rajalakshmi, by a member of the dominant caste for rejecting his sexual advances. More details will be provided in the Reports of the State units.

Amongst the more important initiatives during this period has been the publication of a book of important judgments of PILs filed by PUCL. This apart PUCL has also filed an important PIL in the Supreme Court on encounters in UP. This is pending. PUCL has also filed impleading petitions in the SC in the Naga Mother's Association case involving the issue of reservation of seats for women in elections to local bodies in Nagaland. PUCL has also filed a PIL in the SC on some key issues arising from the passage of the Food Security Act.

Some of our state units have taken up issues on the intersection of socio-economic and environmental rights and human rights as for example in Gujarat where the state unit has brought out a number of reports on the issue of economic plight of farmers, starvation deaths, etc. PUCL TN also intervened in the context of the police firing on anti-Sterlite protestors in Tuticorin (Thoothukudi) in south TN leading to the death of about 15 unarmed people. They were protesting against the pollution causing Sterlite copper plant which had caused major health hazards to people apart from affecting environment and ecology in the area.

I am pleased to share with you that the revival of the PUCL Maharashtra unit cannot have been at a better time. After several years of dialogue with old members and new people who wanted to join PUCL, the revival meeting was held in August, 2017 in Mumbai of old, existing members as also those who wanted to join PUCL. An Ad Hoc Committee was formed with Mihir Desai as Convenor. The newly constituted Ad Hoc Committee has been very active in the last year convening numerous meetings and campaigns including the Campaign against the arrest of Sudha

Bharadwaj and other rights activists, Campaign on the #METOO issue and other issues. Very importantly, they have been able to form a broad coalition of groups working to safeguard human rights.

The Incomplete Task: A critical look at what we have not done.

I want to focus attention now on raising a fundamental question: How effective are we as a human rights body? How consistent are we in our work? Within the constraints of being a body of concerned citizens who volunteer time to PUCL's activities can we do better work?

Right at the outset, I should confess that when I look at my contribution as GS, I have not been as effective or consistent in my work during the period of this term. Although I have a number of reasons, including health reasons and personal and professional difficulties, I feel that they are not sufficient to explain my poor performance. Be that as it may, the challenges looming in front of us are very serious and demanding. All of us need to pull ourselves up and function more cohesively and unitedly as a team; to use the limited resources we have to the best advantage; to plan our work better so that we can make a stronger impact.

Again, a self-critical and honest appraisal of our work as an organisation cannot but notice the patchy and inconsistent nature of our work. Apart from the exception of some state units, many of our activities and interventions require more continuous and consistent engagement. As an organisation, we need to have a hard look at how we can improve our functioning. Oftentimes too much initiative is required of a few individuals who are left the difficult task of shouldering numerous responsibilities – from meeting victims of rights violations and their families, to conducting field studies to ascertain facts, to writing reports and maintaining documentation, to coordinating with other organisations. While not trying to pain everything dark, I nevertheless think we need to figure out how to function better as a team.

Failure in launching the thematic Committees: An issue that I personally feel disappointed about is about the failure to launching the thematic Committees over which we have spent considerable time,

energy and effort in the last few years. The four committees, especially on the following were very important to broad base our activities.

1. Working to secure the Dignity of the Individual.
2. Majoritarian Politics and threat of fascism.
3. Development Paradigm and Environmental/ ecological problems
4. Draconian laws and failure of criminal justice system.

Somehow we have not been able to get our acts together despite having the experience to undertake the work of these committees, the contacts and knowledge. These issues are extremely important in the coming years and cannot brook any delay. We should launch these Committees at least in the coming term,

Internship programmes for students & Youth: Mobilising Young people:

One issue of great importance is in attracting more young people to participate in PUCL's activities. Countrywide there is visible a slow upsurge of young people who are not only wanting change, but willing to be part of bringing in the change. Broadbasing our membership to bring in new young members is not just an imperative it is vital to the further growth of PUCL as a human rights and civil liberties organisation. Very interestingly, students internship programmes of PUCL Rajasthan and Delhi have become very popular and are in great demand. Scores of young students have been gathering in Jaipur and Delhi, and have been engaged in very interesting work. I have had occasion to interact with several such programmes and feel that this is an area which we need to concentrate upon in the coming years.

I cannot end this Report without sharing the dire financial situation. As I speak today, we do not have money to pay even for one month's expenses. In the Allahabad National Council meeting in 2015, we had all agreed that each of the bog state units will give a sum of Rs. 50,000/- per year and the smaller units Rs. 25,000/- per year to help maintain the National Office of PUCL. This money has not been regularly forthcoming from the state units. This has resulted

in me writing urgent SOS letters seeking the assistance of our members. Some months back in March or April, 2018 our balances were so precarious that I had to approach some friends of PUCL for support. We did raise money to get through for some months. But now our situation has once again worsened. We look forward to all the state units to help find a way to deal with raising adequate financial resources to take care of at least the minimal costs of running the

organisation.

I conclude friends, by thanking Ravi Kiranji for supporting me through this 2 year period with his wise counsel and words of encouragement. I also thank the other office bearer colleagues who always responded when I called them up to sound ideas or needed their help or assistance. One great experience has been the warmth and support of all our colleagues in the state unit. Finally, thanks to the support of Babitaji and Ashokji in the National Office, that

much of our work has been streamlined and documentation remains up to date and our Bulletin comes out with regularity.

The coming months are going to be very testing and challenging. But I remain confident that we, as an organisation, will not only resolutely meet the challenges but also strengthen the human rights movement.

Dr. V. Suresh, General Secretary, PUCL, 24th November, 2018 ☐

Elected New Office-bearers, PUCL National for the 2018-2020 held in the NC Meeting at GPF on 25th November, 2018

President : **Ravi Kiran Jain**, (UP Unit)
 General Secretary : **V. Suresh** (TN Unit)
 Treasurer : **Surendra Kumar** (Bihar Unit)

3. Prof. YJ Rajendra (Karnataka Unit)
 4. Rohit Prajapati (Gujarat Unit)
 5. Prof. R. Murali (TN Unit)
 6. S. Balamurugan (TN Unit)

Vice-Presidents

1. Dr. Binayak Sen (Chhattisgarh Unit)
 2. Prof. Daisy Narain (Bihar Unit)
 3. Mihir Desai (Maharashtra Unit)
 4. ND Pancholi (Delhi Unit)
 5. Sanjay Parikh (Delhi Unit)
 6. G. Saraswati (TN Unit)

Organising Secretaries

1. TG Ajay (Chhattisgarh Unit)
 2. Arjun Sheoran (Punjab & Haryana Unit)
 3. Arvind Avinash (Jharkhand Unit)
 4. Deepika (Karnataka Unit)
 5. Kailash Meena (Rajasthan Unit)
 6. Nishath Husain (Rajasthan Unit)

Secretaries

1. Kavita Srivastava (Rajasthan Unit)
 2. Sudha Bharadwaj (Chhattisgarh Unit)

Returning Officer: Prof. Prabhakar Sinha, Former President, PUCL ☐

Report of PUCL Bihar State presented in the NC Meeting at GPF New Delhi on 24-25 November, 2018

Good morning Friends, I have the pleasure of presenting the Bihar Report 2018 at National Council before all the council members of PUCL.

This occasion is very important because we have to discuss the crucial changes and happenings in the country. The forces that are against the freedom of people are getting stronger and stronger. There is no relief in miserable conditions of people in India. The anti democratic forces are building road blocks in the path of political activism. We have seen how draconian laws are being used to curb the people's movements. Now, a new misnomer created by government called Urban Naxals is being used as a ploy to captivate political activists in a single go. Many of them are under house arrest and facing the wrath of police and administration.

This is no doubt grave problem for our country. No doubts rights of common people are in grave danger.

Scenario in Bihar: In Last one year, we have seen almost zero positive changes in lives of common people. Thank God this year we didn't face the problem of Flood but it was almost certain that had there been any situation of flood then we would have seen spree of human disaster because still government has shown no sensitivity towards such problems. Similarly, the wrong policies of development and education has almost brought a log jammed situation in the progress of young generation and poor strata of Bihar. Some of the issues are underlined in following manner –

1. Feelings of communal hatred is increasing – This year several cases of communal tensions were reported. During Ramnavmi, Durga Puja and Moharram tensions erupted between two communities but Media very irresponsibly, blacked out several important incidents which could have stirred

political storms in Bihar.

During Ramnavmi a particular political outfit openly brought tension in the society and created some administrative problems at many places in Bihar.

2. Oppressions against Dalits and Women – Every year Bihar PUCL collects data from Newspapers. PUCL Bihar has collected (from various newspapers) data of Human Rights Violation of last one year. It was found that most cases are related to women and Dalits. More than 50% cases reported in News papers were related to rape, sexual harassment, dowry death etc.

3. Increase in Police Atrocities – In recent time we have seen a trend that police has shown no mercy in using its weapons in beating people. Even they do not spare womenfolk. In an incident, in Sitamarhi police went into the

houses of common people and started beating men and women members of the family. Similar incidents were reported in Sasaram, Peero and Nawadah also.

- 4. Violation of educational rights –** There are no books for children to study. Government has deposited money in bank a/c of children to purchase books but children are unable to purchase books because books are not available in market. This is a serious issue for the school going children of Bihar.
- 5. Menace of Flood –** This aspect has although not created problem this year but the loss of lives and property in last year flood is still harrowing us. No allowances or support was available to the affected families yet. The sensitivity level of government is still very low.

Enquiry Reports:

- Enquiry for fact finding on dated 12-12-2017 in the case of Communal Violence in Siwan where violence between two communities occurred..
- Enquiry for fact finding in the case of Communal Violence in Rosera, Samastipur.
- Enquiry for fact finding in the case of Communal Violence in Aurangabad between two communities at the time of Ramnavami. It was held on 15.4.2018.
- Enquiry for fact finding in the case of Communal Violence in Bhagalpur where BJP leader Arjit Shashwat was involved.
- In Bihta, Patna a SC boy was killed in police custody in May 2018. Patna team investigated it. Report is pending.
- Sitamarhi unit conducted an enquiry in the incident of communal tension during Ramnavmi. The report was sent to BHRC
- A joint team of Muzaffarpur and Sitamarhi districts conducted an enquiry on 31.10.2018 in the incident of violence between two communities in Sitamarhi districts on the occasion of Durga Puja.

Cognizance:

- **The BHRC** took cognisance on Sitamarhi Report and ordered district police to make an enquiry on the incident.
- **IG** Weaker section ordered an enquiry in the case of Tinku Manjhi who was killed in Police Custody in Bihta Patna

Seminars and Workshop: We organized seminar on:

- 1. Seminar on Draconian Laws** on 7.10.2018 at Gandhi Sangrahalay, Patna. It was conducted by Bihar PUCL.

- A workshop was organised by Gaya unit in collaboration with Rashtriya Sewa Dal on **Democracy and Constitution of India** on 29.7.18.

Internship / Training: About 50 students completed their internship with the PUCL Bihar from May 2018 to July 2018. They worked on issues of rights of Third Gender Rights, SCPCR, Air Pollution, DK Basu Guidelines, Hate speech by politicians etc.

Correspondence: We had correspondence with SHRC describing the bizarre situation of non-availability of books in govt. schools.

Advocacy/Intervention:

- PIL filed on the issue of Flood in Bihar in January 2018.
- PIL filed on the issue of non availability of books in schools of Bihar.

Our Publication

- Understanding PUCL

Tribute:

- Bihar PUCL pays homage to its former President of Bihar PUCL, Mr. Vinay Kumar Kanth who died in December, 2017.
- Bihar PUCL deeply condoles the sad demise of its Vice President Mr. Ramashray Prasad Singh.

Total Membership 2018:

Patron : 03
Life : 114
Annual : 590
Total : 707

Contemporary challenges in front of Bihar PUCL: The faces and dimensions of violations of human rights are changing. As we have mentioned earlier in this report, there are some new faces of violations of rights as well as traditional dimensions of human rights violations have deepened and have become more challenging. Some of the stark challenges are mentioned here below –

- 1. Flood in Bihar:** Last year flood affected millions of people in Bihar. Thankfully this year Flood did not make any deadly impact. But PUCL has to fight tooth and nail to make government stand on its toes to save lives of common people.

- 2. Political support to outfits spreading communal hatred:** In last one year many big and small incidents have occurred in Bihar where two communities locked horns with each other. In Siwan, Madhepura, Bhojpur and Nawadah cases were reported and many

cases remained unreported. A new trend is found that some sporadic outfits have been erupted in remote areas that are creating problems. These outfits are formed on caste and religious line. They enjoy all the political support of ruling parties in state and centre.

- 3. Increasing police atrocities:** As it has been mentioned earlier that we have found cases where police enters inside homes without any search warrant and beat severely family members even women and girls too have been subjected to such brutality. This dark and newly emerged face of Police is a serious problem to be faced by all the Human Rights workers in coming days in Bihar.

- 4. Dalits and women rights:** PUCL believes that the rights of dalits and women are still in grave danger. The rape, molestation, harassment and murder cases are rising. It is a social challenge. Even after so much spread of education and awareness in the society still we find that these communities are subjected to cruelties.

- 5. Violation of educational rights:** There is a serious crisis of education in Bihar. From Primary education to higher education everything is in shambles. In coming days all the students of Bihar will be forced to flee from Bihar in search of Education. Absence of books in government schools is height of insensitivity towards education in Bihar.

Strategies to improve the working of PUCL

- Identify some committed people at the state, district level from different section like women, youth, dalits, minorities etc. and make them aware of the principles and practices of PUCL and involve them in organizational activities
- Follow up of investigation reports released by PUCL.
- We have to file some important PILs on the issues encompassing democratic rights of large masses.
- PUCL should conduct studies on different contemporary topics.
- Conducting more and more seminars, workshops, campaigns and awareness programmes among common people and youths

Thank you.

Sarfaraz, General Secretary, Bihar PUCL ☐

Delhi PUCL Report presented in the NC Meeting at GPF, Delhi on 24-25 November 2018

Delhi, being the hub of various ongoing activities, provide the opportunity to the collaborate, participate and organize several events. During the year 2016-18 Delhi PUCL conducted the following activities:

- Delhi PUCL observed Anti-Emergency Day and organized public meetings with other civil liberty organizations on 26th June 2017 and also on 26th June 2018 wherein the book Flavours of Nationalism, a book by Nandita Haksar was also released by late Shri Kuldip Nayyar.
- On March 24th and 25th a seminar was organized in association with the Citizens For Democracy at the Gandhi Peace Foundation on 'Challenges Before the Indian Democracy' which was inaugurated by Ashok Vajpayee, eminent writer, and where Seema Mustafa, the veteran journalist, delivered a key note address.
- Delhi PUCL organized a Lawyer's March in collaboration with other Lawyers' organizations in April 2016 protesting against the misconduct and violent behavior of some lawyers who attacked Kanhiya Kumar and other JNU students and lecturers at Patiala House court premises. The March started from Supreme Court and ended at Bar Council of India office where a memorandum was presented demanding action against guilty lawyers involved in violence at Patiala House court.
- Delhi PUCL organized a Lawyer's March in collaboration with other Lawyers' organizations on Kathua Rape (J&K) case under the banner 'Lawyers For Democracy and Rule of Law' on April 16, 2018 from Supreme Court to Bar Council of India and presented a Memorandum to the Bar Council demanding action against guilty lawyers in Jammu
- Delhi PUCL team members, N.D.Pancholi, Sheoraj Singh and Shalu Nigam joined the team alongwith K.K.Roy and Seema Azad to investigate the violence perpetrated on 26 January 2018 at Kaganj against the minority community and met the families of victims there. The report is yet to be completed.
- Several intern students of Delhi PUCL attended the Sunil Kumar Memorial Talk given by Shri Gopal Krishan Gandhi on Gandhi's Reading List on Nov 20, 2018 at SSS Auditorium in JNU
- Delhi PUCL organized meeting on 25th September at the Constitution Club on Ideals of Kuldip Nayyar: Journalism of Courage, Freedom Press and Human Rights, in association with several organizations in memory of Shri Kuldip Nayyar where large number of activists, intellectuals and political leaders participated. Meeting was also video graphed.
- Delhi PUCL is coordinating with other organizations on mobilizing on State repression against human rights defenders, repeal of UAPA and other laws.
- The interns of Delhi PUCL attended the Rashtriya Samajwadi Sammelan on May 17, 2018 at Mavlankar Hall.
- PUCL interns attended a Seminar on 'Sobbing Democracy, Growing Fascism' at India Islamic Culture Centre, Lodhi Road Delhi organized by the Muslim Political Council of India.
- A remembrance meeting was organized in memory of Justice Rajindar Sachar on 4th May 2018 at Constitutional Club in collaboration with other organizations where large number of activists, intellectuals and political leaders spoke and paid their homage to Justice Sachar. Meeting was also video graphed.
- A Press Conference was organized with PUDR on 30th August, 2018 at Press Club of India which was addressed by Arundhati Roy, Mr Prashant Bhushan, Aruna Roy, Sanjay Parikh, Bezwada Wilson, Harish Dhawan, Kalayani Menon Sen, and N.D.Pancholi on Crackdown on Right Activists at the Press Club. It was also video graphed.
- Interns at the Delhi PUCL also joined Not in My Name Protest meetings organized on several dates.
- Delhi PUCL also joined Delhi University students and faculty against scrapping of UGC on July 18, 2018.
- Students from Delhi PUCL attended Seminar on Worker's Rights and Living Wages organized by the Bandhua Mukti Morcha on July 24, 2018.
- With many activities going on in Delhi, the students of Delhi PUCL also attended the Durgabai Deshmukh Memorial Lecture on 15th July on Human Insecurities in South Asia: Challenging Market Injustice at Deshmukh Auditorium, Delhi
- Students (Interns) of Delhi PUCL also attended a dialogue on Kashmir: Road Ahead in July 2018 at IIC.'
- PUCL interns attended the Launch of Report of 4 years of NDA Rule on July 14, 2018 at VP House and took part in discussions.
- Large number of PUCL interns attended the meeting on 'Activism, State Repression and UAPA' organized by PUDR on July 13 at Urdu Ghar, Delhi where Sudha Bhardwaj and Gautam Navlakha Spoke.
- Students of Delhi PUCL also attended national conference on Unravelling Regressive Anti-people amendments to Land, Forest, Environment Coastal and other laws organized by Delhi Forum on July 9, 2018 at GPF
- Delhi PUCL organized a meeting collaboration with CFD on Threat to Democracy and Solutions on 7th and 8th July at Gandhi Peace Foundation.
- Delhi PUCL collaborated with Citizens For Democracy in organizing a Seminar on "Challenges before the Indian Democracy" on 24-25th March 2018 at Gandhi Peace Foundation, New Delhi.

- Delhi PUCL took the cause of some LLB students (some of them previous interns) who were denied migration to it by the Guru Gobind Singh IP University and took a favorable order from the Delhi High Court on 23rd November, 2018 (yesterday).
- On June 29, 2018 the students participated in the meeting on Political parties funding through electoral bonds organized by CHRI.
- Citizen's conclave was organized on June 30th at Constitution Club Rafi Marg on Safeguarding the Constitution where many interns of PUCL got the opportunity to interact and learn from the experts
- Delhi PUCL participated in a workshop on PIL drafting organized by Spetrum on February 18 at Delhi University.
- Delhi PUCL organized Dastaan e Sedition on January 20 at Gandhi Peace Foundation by the Dastaangoi where the episode on 'Sedition' was played by Team Dastangoi.
- Delhi PUCL helped in filing a PIL against Indian Red Cross Society as there are allegations of corruption and Delhi High Court has issued notice in it.
- Delhi PUCL is collaborating with several lawyers organizations in Delhi in organizing a Lawyers march to Parliament from Supreme Court on the slogan 'Save Constitution' while will take place on 26 Nov. 2018.
- Internship programme – More than 500 students from law colleges and law universities across India have been provided internship training during the year 2016-18. The members of Delhi PUCL have been taking regular classes to explain the situation of human rights and crisis within the country to these students. Regular visits are also organized to the courts, NHRC, protests and meetings. These students have prepared research reports on various issues relating to law and human rights. Some of these have been published in the different issues of the Radical Humanist
- Students have also been conducting survey on situation of homelessness in Delhi and related issues to get familiar with the ground level socio-economic situation and violation of basic human rights of common citizens.
- On Rohingya Muslims, Delhi PUCL has taken the stand that the government should provide for relief and rehabilitation.
- A Biennial meeting of Delhi PUCL was organized on November 15, 2018 and it has been decided that the focus will be laid more on organizational issues as well as strengthening the organization. It was decided that executive committee would meet every fortnight and would take up relevant issues.

N.D.Pancholi, President, **Sheoraj Singh**, General Secretary, Delhi PUCL □

PUCL Tamil Nadu & Puducherry - Report of Activities done during 2017-2018

Kannabiran Memorial Lecture: Kannabiran Memorial Lecture program was held at Tuticorin 17-12-17. Chennai High Court Advocate, Mr. Sankara Subbu and Prof. Jeyaraman, Convener of Anti Hydro Carbon and Methane Project Movement, spoke on the challenges before human rights activists today.

Fact Finding Team visit to explore Thoothukudi (Tuticorin) Police Firing: A state level FFT was formed to visit Tuticorin and visited on 28th and 29th May 2018 within a week after the police firing on 22nd May 2018 to gather first hand account of the events leading to the police firing and subsequent incidents.

In the Thoothukudi protests, on more than 250 persons many cases, from 15 upto 45, have been registered. In addition, some sections of the people are being threatened to depose as favorable witnesses. Peoples Union of Civil Liberties firmly deplores such actions. Along with the 13 Thoothukudi killings, 7 persons have been foisted with anti national cases and many have been jailed. The list of extra-judicial actions kept increasing. Apart from these individuals such as Valarmathi, Vanchinathan, Mansur

Ali Khan, Piyush Manush, Mugilan and activists belonging to organizations such as Peoples Power (*Makkal Adhigaram*), Communist Parties, Tamil Nationalists are being targeted by the police and repressed. Most of the arrests are against the guidelines given by the Supreme Court Justice DK Basu on arresting individuals. Many rules are being broken in the arrests that are being made.

- The police firing was totally uncalled for and without any significant provocation and was devoid of all norms.
- It appears that the police resorted to firing targeting to eliminate the leading persons who spearheaded the agitation. Hence it is tantamount to cold blooded murder/massacre.
- In the wake of proclamation of Prohibitory Order under Section 144 of CrPC, instead of dispersing the assembly of people wherever they gathered, it appears that the Police herded the crowd to the Collectorate, by design, and indulged in indiscriminate firing, which reminds us of Jallianwala Bagh massacre.

- The way the Police unleashed terror against the people of Thoothukudi on 22nd May and after indicates that the ruling establishment is driven by fear and thereby attempting to instill unreasonable counter fear on the civil society and blind subordination for its governance, thus obviating all democratic norms.
- PUCL's fact finding report was extensive and findings and recommendations were well received by all.

State Convention on 'Shrinking Democratic Sphere and Increasing State Oppression':

Tamil Nadu, has turned itself an epitome of denial of fundamental rights enshrined in the constitution. Ever since the historical Jallikattu struggle which unleashed the democratic aspirations of the people of Tamil Nadu, the ruling establishment in Tamil Nadu has been stifling each and every attempt by political and social groups who express their right to dissent. Such dissents are put down with iron hand, clamping inappropriate and draconian laws against the

protestors, thus denying the democratic aspirations of freedom to assemble and freedom of expression. Permission to hold meetings, peaceful protests, processions and even distribution of handbills and pasting of posters are prima facie denied and the activists are arrested and remanded to custody, thus denying their fundamental rights to assemble and express, as guaranteed in the constitution. It is only a sign of emerging Police State in Tamil Nadu. It is also an undeclared emergency curtailing vital aspects of civil rights.

To expose and explore the situation, State PUCL has organized its two day State Convention on 27-28 October 2018 at Chennai on the theme "**Shrinking Democratic Sphere and Increasing State Oppression**".

1. Former Chennai High Court Judge Justice Hari Paranthaman inaugurated the Conference with his speech on 'Preventive Acts and Human Rights'.
2. Ms. Usha Ramanathan, Independent Law Researcher and writer from New Delhi spoke on "Judgment of Supreme Court and its impact on Aadhar".
3. Mr. T. Velliyan, President of Tamil Nadu Vanigar Peravai delivered a talk on the attack on self reliant economy of the state.
4. Prof. M. H. Jawahirullah, President, Humanist People Party spoke on the Minority rights repressed by Government.
5. Mr. Prince Gajendra Babu, General Secretary, Platform for General Education, presented his views on How Educational Rights are snatched away.
6. T.M.N. Deepak, President of the December 3rd Movement explained how the rights of the disabled are being negated both by state and society.
7. Com. P. Suganathi, State Secretary of AIDWA spoke on the 'Suppression of Women's Rights'.
8. Prof. V. J. Rajendira, President of Karnataka PUCL delivered the Valedictory address.
9. Besides the presentation of invited guest speakers, the members of state PUCL has also delivered talks and discussions were held.

New state office bearers and National council members were elected in the

conference.

FFT visit to Thalavaipatti where 14year old dalit girl was beheaded:

A six member fact finding team visited Thalavaipatti village near Attur Salem on 8th November 2018 to find the facts in connection with the beheading of a 14 year old dalit girl Ms. Rajalakshmi. One Dinesh belong to upper caste a 27-year-old man after he beheaded a 14-year-old girl and put her head on the middle of road in an inebriated condition on Monday.

Rajalakshmi (13), a resident of Thalavaipatti, was a class VIII student. Her neighbour Dinesh Kumar made sexual advance. On 8th Oct., Monday evening, when she came to his home, he made an attempt and she quickly came back and told her mother. Dinesh barged inside the home and pushed Rajalakshmi's mother down and killed Rajalakshmi using a type of sword. He dragged the body out and chopped her head and put it on the road.

Circumstantial evidences show that Dinesh's close relatives, his wife, brother and brother in law would have known that the murder would happen as they were waiting in 2 two wheelers at walkable distance from Rajalakshmi's house. Hence, PUCL demanded alter the FIR to include their names too. PUCL also demanded NHRC, SHRC, National Commission for Protection of Child Rights (NCPDR), National Commission on Women to intervene effectively.

Post card campaign to release 7 life convicts in Rajiv Gandhi assassination case:

The Tamil Nadu government had passed an Assembly Resolution recommending the release of all seven life convicts in the Rajiv Gandhi assassination case which was thereafter sent formally to Governor Banwarilal Purohit under Article 161 of the Constitution. All the seven convicts have served over 27 years in prison. The decision, which was taken following a recent Supreme Court order asking authorities to decide on a writ petition filed by one of the seven convicts, A G Perarivalan.

Among the seven convicts who may benefit from the Cabinet decision, Perarivalan is from Jolarpettai in Vellore district, Nalini from Chennai and Ravichandran from Madurai. The others, including Nalini's husband

Murugan, Santhan, Robert Payas and Jayakumar, are Sri Lankan citizens.

Prisoners who have served the prescribed sentence of 20 years in Tamil Nadu must be considered for reintegration into our society. Failure to do so will only expose the problems within the prison system, not in its inmates. Hence, PUCL has initiated a post card campaign appealing to the Governor of Tamil Nadu to release them on the basis of the recommendations made by the Government of T.N. under Article 161.

District Unit's Activities: In PUCL district units, Greater Chennai, Kancheepuram, Madurai, Coimbatore, Erode, Thoothukudi, Kanyakumari, Sivagangai and Namakkal district, office bearers were elected in their respective general body meetings.

All District Units have organized various protest programmes and meetings on critical issues.

Coimbatore PUCL conducted protest programmes demanding the release of Sudha Bharadhwaj and others. It has also conducted a protest dharna demanding Government of Tamil Nadu to intervene effectively in the case of honor killings took place at Salem and Hosur.

Chennai PUCL unit has organized a hall meeting to condemn the killing of Gauri Lankesh.

A press meet has also been organized by Chennai PUCL to express our dissent on the arrest of Activists in connection with Bhima Koregaon issue.

Madurai PUCL conducted three separate hall meetings on topics such as Prison Deaths, Suicides of Farmers in Tamil Nadu and on Police firing at Tuticorin.

Madurai PUCL held a meeting on 14-12-17 on Repressive Laws and Shrinking Democratic Spaces in which Former Chennai High Court Judge Justice Hari Paranthaman spoke.

To mark the demise of Justice Sachar, condolence meetings were held in Madurai, Erode, Chennai and Coimbatore.

Erode district unit has conducted a hall meeting to condemn the arrest of Bhima Koregaon activists.

Besides these programmes, many press statements were issued from time to time, responding to various issues. □

A Brief Report of Interventions 2016-18 - PUCL Karnataka

Organizational matters: State Council constituted in August 2018
State Council meetings held: 6
State Executive Committee meetings held – 7

Total Membership : 209

Dist units: 7 (1.Bangalore, 2.Mysore, 3.Chamarajnagar, 4.Tumkur, 5.Dakshina Kannada, 6.Shimoga 7.Koppal)

Background of members: Academicians, Advocates, social, environment, women & dalit activists, Journalists, social activists, students, teachers, researchers, farmers, nuclear scientists, writers, media persons, others

PUCL K State Council (2018-20): *List of Office Bearers elected: President - Prof. Y J Rajendra; Vice President: Vittappa Gorantli & Rati Rao; General Secretary: K Venkataraju; Treasurer: K B Obalesh; Organising Secretaries: Kumara swamy – Mysore; Nagamallappa - Chmaraj Nagar; Raghuveer DK dist, TR Krishnappa - Shivamogga, Yamanurappa – Koppal.*

National Council members: **Dr. V Lakshminarayan – Mysore; Kishore Attavar – Dakshina Kannada; D S Doreswamy – Chamarajnagar; Deepika – Tumkur; Parijatha – Bengaluru; Mahathesh Kotha Balu- Koppal.**

PUCL State Convention, 20-21st April 2018: “Constitution and Contemporary Development in India”

Conference themes:

1. Social Justice and dalits – Civil society response
2. Communalism, terrorism and Constitution
3. Human Rights and draconian laws
4. Democracy – Atrocities on women and Political representation
5. Deprived communities and Human Rights

60 CSO representatives and Human Rights activists participated in the convention

A Round Table Conference was organised on 31st October, 2018 in Bengaluru by a Collective of Progressive Organisations. Justice HN Nagamohan Das, Prof. Ravivarma Kumar and Dr. C.S. Dwarakanath spoke in the event in which activists and thinkers from numerous organisations participated.

Save Constitution Campaign Began for a “For a Plural India” Save Constitution campaign State of Emergency Then & Now: a Video documentary titled “Emergency – Then and Now” produced by PUCL – K to promote wider interaction on the state of undeclared emergency in India and protect democratic space was produced. More than 200 video documents were sold.

Major HR issues covered – 2016-18: Fact Finding was conducted on the murder of Kusuma daughter of Aremma devadasi in Halagera village, Yadgiri district took place for refusing to become devadasi, a complaint was registered with SHRC demanding action against culprit. Participation in Una rally: Three members delegation consisting of Dr. Laxminaraya, Dr. Rati Rao and Deepika participated in Una rally organized by Jignesh held in Gujarat. An interaction with Justice Rajindar Sachar on HR issues in Bangalore, Karnataka.

PUCL interventions resulted in formation of Safaikaramchari Watchdog Committee Karnataka for prevention of practice of Manual Scavenging and assist them to avail rehabilitation scheme as per MSR Act 2013 and filed 9 complaints with Safai Commission

Conducted Fact Finding death of 13 manual scavengers and exposed 2 incidents of manual scavenging ensured wide spread awareness. Panchayat Development officer suspended and GP President was disqualified for assigning work.

Facilitated and promoted Vimuktha Devadasi Mahila Vedhike: Vedhike mobilized 8 crores worth schemes from government. A new comprehensive law on Prevention and their rehabilitation new draft bill prepared with the help of NLSIU - Bangalore

Fact Finding on Seven cases of atrocities on dalits, social boycott, assault, violence and rape cases which took place and brought all these into public domain in Tumkur, Chitradurga, Gulbarga, Mysore, Chamaraj nagar

Series of complaints filed with HR Commission, Police Complaint Authority, Ministers, Chief Justice against atrocities & murder committed by police, and saffron

brigades Bajarangis, Sriram Sene in the name of cow slaughter, assaulting muslim & christian youths, delay in issuing passport, police filing false cases, custodial deaths, illegal detention of person arrested violating Supreme Court and NHRC guidelines in Dakshina Kannada district.

Fact Finding report on one lakh Garment workers struggle against NDA policy on payment of PF at retirement and the situation leading to withdrawal of the order was released by Bengaluru unit. Report published.

Complaint against practice of Orderly System in Police department: Series of organized protests, interventions and filing complaints against such practice was resulted in withdrawal of such system officially.

Murder of dalit boy brought to book: The PUCL Koppal exposed Kanakagiri police Inspector attempt filing false FIR in respect of dalit boy Yallalinga, a native of kanakapura village as the case of suicide instead of case of murder committed by upper caste politician Hanumesh Nayaka, a follower of district in charge minister. The timely Fact Finding intervention of PUCL and the series of joint protests has resulted in filing a fresh FIR against 9 persons associated with murder and arrested of Hanumesh Nayaka who committed murder and kept him in jail. The District court, High Court & Supreme Court refused to grant him bail and also others associated with murder. All of them are in Jail and the Minister was made to resign.

PUCL Strengthening activities

1. Holding monthly meetings at dist level
2. Convened 4 State council & 6 state EC meetings
3. Invite and involve students, male & female youth, transgender community in HR issues periodically & evolve programs around their issues.
4. Ensure participation of Unorganized Sector Workers
5. Publish Quarterly Newsletter in Kannada covering the HR violations and the interventions
6. Organize protests against HR violations in collaboration with other progressive organizations.
7. Organize and form collective devadasis in the state and

encourage them to demand comprehensive policy and law

HR issues chosen for 2018-20

1. Interventions related to Food security issues denial BPL cards and filing complaints against denials
2. Campaign against closure of Government schools, seek admission to private schools under RTE & monitoring the
3. Intervene in atrocities on dalit women, children, sexual assault and rape, social boycott, deliberate denial of benefits to dalits, etc. register cases against culprits
4. Expose the atrocities on religious minorities by police, VHP, Bajarang Dal, Sriram Sene, etc and bring to books
5. Campaign to prevent practice of Manual Scavenging and practice of dedication of women as devadasis.
6. Widening democratic space for deepening democracy using the documentary produced by PUCL-K
7. Interventions to protect the Human rights of prisoners.

Thanks □

Understanding PUCL Prabhakar Sinha

Post independence rights organisations are products of different contexts and situations. They are naturally very in their aims and objects, character and mode of working. This, in no way, should cause us to view them as superior or inferior. We are only different. Unlike the political parties, rights organisations need not speak against one another. The political parties have to do it because they compete for the same thing: power. Thus, they have to explain to the people why they should be preferred to the others. The rights organisations are not in a competition for votes or public support. They do strive for winning popular support but for the cause they espouse and not for themselves.

The PUCL is a child of the emergency. The emergency was declared in June (25/26) 1975. The PUCL&DR (People's Union for Civil Liberties and Democratic Rights) was founded by JP in October 1976. The name itself suggests the wide range of its concern. Its primary aim was not opposing incidents of violations but to work for ending the condition which emboldened the state to suppress the civil liberties and democratic rights of the people with impunity. This approach itself was the result of the shocking experience of the emergency. Prior to the emergency, very strong movements were seen in Gujarat and Bihar. The 1974 Bihar movement was led by JP himself. A call from him could inspire thousands and thousands to come out braving lathi charge and threat of detention under MISA. In view of this experience of the fearlessness of the people, especially the youth, a spontaneous popular uprising was expected against the emergency; but to the shock of us all nothing happened. There was no stir except by a few

thousands who were thrown into the jail. Their detention immobilised them and instilled fear in the general public.

There was a valuable lesson to learn from this experience. It was that if a society has not internalised democratic values, it would not feel outraged enough to stand for their defence if they are suppressed. The second lesson strengthened by the experience of the emergency was that the people holding different to antagonistic views could work together for a common cause. Indira Gandhi had put behind the bars all she considered her enemies. Thus, in jails were together not only the members of the opposition parties, but also Sanghis, Jamate Islami, Anad Margis, students, university and college teachers. They all shared the common goal of fighting for restoration of democracy. The opposition also had only one goal at the 1977 Parliamentary election: to end authoritarianism by throwing Indira Gandhi out of power. The goal could be achieved because all those who shared this goal joined hands disregarding their political and other differences for the restoration of democratic rights and civil liberties.

The PUCL constitution adopted at the November 1980 Convention in Delhi clearly bears the stamp of the experience of unity in diversity of the emergency days, as it reflects the realisation that democracy cannot be saved without creating democratic consciousness and a love for democratic way of life in the people. Thus, the first mandate of the PUCL constitution is to bring together all who are committed to the defence and promotion of civil liberties in the country (i.e. India) regardless of their political/ideological commitment. Consequently, the door of the PUCL was kept wide open for all committed to the cause of civil liberties. Its

membership comprised of Gandhians, Sarvodayees, Socialists members of the BJP, Naxals and those who had no political /ideological commitment. But everyone had to join it in his personal capacity. The diversity of the membership helped in several ways. Our message could reach a large number of people of the various organisations through their members in the PUCL. The diversity also prevented partiality to any group or party and branding of the PUCL as pro - anyone. With members holding antagonistic views, there was no question of the PUCL not maintaining equidistance from all. Its reputation as a non-aligned organisation was further protected from its rule that no member of a political party could be its office bearer.

Its aims and objects are based not on incidents but issues i.e, the issues which may create and promote democratic consciousness in the society leading to love for democratic way of life. The incidents also receive attention in pursuance of this larger goal. The first item in its aims and objects is 'to uphold and promote by peaceful means civil liberties and democratic way of life throughout India. 'The other items include the issues which must be addressed to achieve the goal of promoting democratic way of life. It is recognised that where the principle of the inherent dignity of the individual is denied there can be no democracy and civil liberties. Equal inherent dignity of the individual is the very foundation of democracy. Its denial is the hallmark of a feudal system masquerading as a democracy. An independent judiciary and free media are indispensable condition for a genuine democracy. The organisation is committed to work for securing the rule of law because where there is no rule of law, the rule

of the jungle i.e. the rule of might is right is bound to prevail. Encouraging freedom of thought and defending right to dissent are core issues for the PUCL. Some of the indispensable conditions for promoting and protecting democratic way of life and civil liberties are freedom of the press and independence of the mass media like the radio and television. An independent judiciary alone can protect democratic right of the people, especially, those who raise the voice of dissent.

India has inherited the colonial laws and a colonial bureaucracy, which understandably were unjust and oppressive. The administrative apparatus, which the independent and democratic India inherited, was like a square peg in a round hole. The police and the criminal justice system have been the principal enemies of the democratic rights and civil liberties. The PUCL's aims and objects include their reform. Repressive laws including the preventive detention must be repealed. Inordinate delays, heavy expenses that a common man cannot afford and the various inequities in the justice delivery system must end. The misconduct of the police is a common experience. A few of them have been specifically mentioned. They are 'police excess', 'use of third degree method', 'discrimination on the ground religion, race, caste, sex or place of birth. 'Those who have been in prison have found that once one goes to the prison he ceases to be treated as a human being. The people from the mainstream parties detained in course of a movement are not maltreated, but the Naxals have been subjected to inhuman treatment for decades. It might be a little better now, but they continue to be treated as an enemy. But the overwhelming number of inmates in jails remanded to judicial custody ceases to be treated as human beings. Their condition is pathetic. The PUCL constitution enshrines prison reform as one of its objectives.

Democratic rights and civil liberties are denied and the people are oppressed not only by the State but also by the society itself. Our constitution mandates fighting against such social evils also. Untouchability, casteism and communalism have been named but only as examples of oppressive evil practices. The constitution also

enjoins us to pay special attention to the violations of the civil liberties of the weaker sections of the society and women and children.

To conclude, the organisation was meant to cover a vast area to achieve its objective, but for various reasons it could not be possible. If it had been done, the people would have identified with us and listened to us. The organization's distinctive and distinguishing features would have been recognised, and it would have been difficult for the State to brand us anything other than what we are. However, it is never too late to focus on the aims and objects as enshrined in our constitution and make our contribution greater and more valuable.

Note: The PUCL has to make its membership more diverse as mandated in Art.2. Meanwhile while taking a decision it should be examined from different points of view (whether members representing those points of view are present or not) within the bounds of the PUCL constitution.*

* The framers of the constitution had an apprehension that someday efforts may be made to retain the name of the PUCL while changing its aims and objects and making it a homogenous /crony organisation by changing the criteria of membership. To preempt the danger they made the following provision in its constitution:

10. Amendments: The National Council will be entitled by the vote of a majority of its total membership to alter any part of this constitution except the AIMS AND OBJECT OF THE ORGANISATION AND THE CRITERIA OF MEMBERSHIP AS SPECIFIED IN CLAUSE 3 (a) ABOVE" (emphasis added).

Prabhakar Sinha, former President, PUCL National.

National Council, New Delhi
24.11.2018 & 25.11.2018

APPENDIX

Aims and Objects as Enshrined in the PUCL constitution

We have to accomplish the task of attaining the following Aims and Objects enshrined in our Constitution:

2. Aims and Objects:

The People's Union for Civil Liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India,

irrespective of any differences they may have in regard to political and economic institutions suitable for the country.

The aims and objects of the organisation will be:

- (a) To uphold and promote by peaceful means civil liberties and the democratic way of life throughout India;
- (b) To secure recognition to the principle of dignity of the individual;
- (c) To undertake a constant review of penal laws and the criminal procedure with a view to bringing them in harmony with humane and liberal principles;
- (d) To work for the withdrawal and repeal of all repressive laws including preventive detention;
- (e) To encourage freedom of thought and defend the right of public dissent;
- (f) To ensure the freedom of the press and independence of mass media like radio and television;
- (g) To secure the rule of law and independence of the judiciary;
- (h) To make legal aid available to the poor;
- (i) To make legal assistance available for the defence of civil liberties;
- (j) To work for the reform of the judicial system so as to remove inordinate delays, reduce heavy expenses, and eliminate inequities;
- (k) To bring about prison reform;
- (l) To oppose police excesses and use of third degree method;
- (m) To oppose police discrimination on the ground of religion, race, caste, sex, or place of birth;
- (n) To combat social evils which encroach on civil liberties, such as untouchability, casteism, and communalism;
- (o) To defend in particular the civil liberties of the weaker sections of society and of women and children;
- (p) To do all acts and things that may be necessary, helpful, or incidental to the above aims and objects. □

PUCL Total Members of All States Listwise updated as on October 2018

S.No	State	L/P/D	LB/PB	MB	M	Total	No. of NC Members eligible in ratio of 1 NC: 50 state members
1	ANDHRA PRADESH (State Unit is dissolved consequent to bifurcation of State)	81	00	00	00	81	2
2	BIHAR	134	00	00	574	708	14
3	CHHATTISGARH	35	00	00	282	317	6
4	DELHI	189	00	00	01	190	4
5	GOA (Non-Active)	02	00	00	00	02	0
6	GUJARAT	61	02	00	08	71	2
7	HARYANA (Non-Active)	30	00	00	00	30	0
8	HIMACHAL PRADESH (Non-Active)	02	00	00	00	02	0
9	JAMMU & KASHMIR (Non-Active)	01	00	00	00	01	0
10	JHARKHAND	73	00	00	00	223	4
11	KARNATAKA	220	00	01	00	221	4
12	KERALA (Non-Active)	59	00	07	150	216	4
13	MADHYA PRADESH (Non-Active)	22	00	00	00	22	1
14	MAHARASHTRA	85	01	00	01	87	2
15	ORISSA	09	02	00	00	11	1
17	PUNJAB & CHANDIGARH	29	01	00	00	30	1
18	RAJASTHAN	170	00	00	128	298	6
19	TAMIL NADU & PUDUCHERRY	140	00	00	296	436	9
21	UTTAR PRADESH	124	10	00	41	175	4
22	UTTARAKHAND (Non-Active)	05	02	00	00	07	0
23	WEST BENGAL	21	00	05	29	55	1
	Total:	1492	18	13	1469	3142	65

M – Annual Member; L/P/D- Life /Patron Member/ Donor; MB- Member+Bul.Subscriber; LB/PB - Life/Patron Mem.+ Bul. Subscriber

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

PUCL Punjab & Haryana:

State Report presented in the NC Meeting on 24-25th November 2018 at GPF, Delhi

State Unit of the PUCL Punjab, Haryana & Chandigarh Fully Supports the PUCL National Campaign and Action Plans regarding following issues:

1. State Unit of the PUCL is planning to hold 'Talk by an Eminent Legal Expert's by Participation of the Learned Advocate's. Regarding Arrest of the PUCL National Secretary, Sudha Bharadwaj & Other Activists the State PUCL Unit is

fully committed to shoulder all Kinds of Legal Help.

2. State Unit of the Punjab Haryana & Chandigarh is Fully Committed to Support the National PUCL Campaign and Demands Repeal of UAPA and to Shoulder Responsibility of all Sorts as Needed from Time to Time.
3. State PUCL Unit is taking Steps to Improve it's Finances by Voluntary Fund Raising, Donations from Well Wisher's

will be collected to increase the Grass root Activities of PUCL to Strengthen the Grassroot Democracy to Fight Against the Oppression as well to Aware the masses about Human and Civil Rights through Seminars, Meetings, Using RTI & Other Appropriate Measures.

Rajender Mohan Kashyap, General Secretary, PUCL Punjab, Haryana & Chandigarh (Mobile: 09417150407) □

PUCL Delhi:

Campaign to Uphold the Right to Dissent, Defence & Organize Demonstration on November 24, 2018

PUCL in collaboration with several other organizations is organizing a silent protest and demonstration against arrest of human rights defenders, activists and other people in the Bhima Koregaon attacks near Pune. It is the restriction on Freedom of Speech and Right to Dissent and therefore Delhi is Rising in an outrage to expose the web of lies woven around the Bhima Koregaon Violence and attack on human rights defenders.

Here is the report by two of our students who participated in the programme. We thank them for writing the note.

Shalu Nigam, PUCL Delhi.

Release the Bhima Koregaon Arrested 5+5

Every year on 1st January lakhs of Dalits visit a memorial pillar at Koregaon Bhima village to celebrate the anniversary of the battle that took place in 1818 where a small contingent of Mahar Dalits as a part of British army defeated the army of Peshwa Bajirao II. As a tradition they had gathered to celebrate the 200th anniversary of the battle when they got attacked. Later, on 6th June 2018 Pune Police had arrested five prominent human right defenders, lawyers, cultural, social and political activists namely Shoma Sen, Rona Wilson, Sudhir Dhawale, Mahesh Raut, Surendra Gadling. This was followed by arrests of other activists vis-a-vis Sudha Bharadwaj, Gautam

Navalakha, Arun Ferreira, Vernon Gonsalves, Varavara Rao on 28th August 2018. They were arrested for inciting violence on 1st January 2018 after Elgaar Parishad was held in Bhima-Koregaon near Pune on 31st December 2018. Gross illegalities were committed which included the illegal searches and arrests of the activists. Therefore, PUCL in collaboration with several other organizations organised a silent protest and demonstration against arrest of human rights defenders, activists and other people in the Bhima Koregaon attacks near Pune.

Around 50-60 people had gathered in the central park in Connaught Place. They had their mouths tied

with black ribbons to demonstrate their sorrow and mourning for the people arrested. Also, people held placards of those who were arrested by the Pune Police and termed as Maoists. Moreover, patriotic songs were sung by a group of the people and simultaneously brochures were being distributed to the people to make them aware of such a situation and to urge them to Uphold the Right to Dissent, Defend and Organize. This can be one of the steps taken by the PUCL to restore democracy.

Submitted by- Medhika Sharma, Devyanshu Sharma, PUCL Interns from Symbiosis Law School, Noida □

Editor's Note:

The Hashimpura Massacres of 1987: Justice Finally Delivered

One of the most ghastly and horrifying of communal massacres of members of the minority community in the country was the shooting down in cold blood of over 40 Muslims in the town of Meerut in UP in 1987 by members of the Provincial Armed Constabulary. The massacre which shook the conscience of the country then, however, got lost in a haze of political manoeuvres to cover up the entire incident. Irrespective of political party in power, no serious effort was taken to ensure that the perpetrators of the massacre were

punished. The victims had to approach the Supreme Court for justice which transferred the trial from UP to Delhi. Eventually the trial court acquitted the accused. However when the matter was taken up by the Delhi HC, the NHRC and also counsels for victims brought to the attention of the Court that important evidence had not been marked. In a novel decision the High Court sent back the matter to the trial court for fresh marking of evidence. Finally, based on clinching evidence showing the presence of the accused policemen

in the truck which carried the men who were eventually killed, and also other evidence, the Delhi High Court convicted all the surviving policemen-accused to life imprisonment.

We carry 2 articles reporting on the judgment as it will be of interest to all those who have been similarly fighting long battles for justice, and also to others interested in human rights. The second article has been edited for length and the full article may be accessed by those who want to read the full article.

Hashimpura Conviction:

Clinching Evidence was Diary with Names of Policemen on Riot Duty¹ Gaurav Vivek Bhatnagar

A general diary, which had the names of all the 19 persons who had gone out on a truck for riot duty, ahead of the Hashimpura massacre in 1987, in which at least 40 Muslims were killed, has proved to be the clinching piece of evidence which led to the Delhi high court overturning the sessions court order and ordering the conviction of 16 Provincial Armed

Constabulary (PAC) personnel of Uttar Pradesh from the crime. Three of the accused had died during the course of the trial. Incidentally, successive state governments had, in order to shield the personnel, withheld this crucial piece of evidence from the courts.

The trial court had acknowledged that victims were abducted by PAC men: Talking to *The Wire*, senior advocate Vrinda

Grover who had fought the case for the Hashimpura victims from 2002 to 2004 and thereafter represented the National Human Rights Commission in the Delhi high court, said: "In this case, the NHRC had intervened and it had asked for various documents. It was all along our case that the state was shielding the PAC, so many of the crucial documents, which are

incriminating, have not been placed before the court. The trial court had acquitted them on the ground that there is nothing to say that these particular PAC people had killed the victims."

In March 2015, the sessions court had stated that it had been "duly proved and established" that "about 40-45" persons belonging to Mohalla Hashimpura were "abducted in a yellow colour PAC truck" belonging to the 41st battalion of PAC. It had also noted that PAC officials were involved in the abduction and they had subsequently "shot at and thrown" into waters of Gang Nahar, Murad Nagar and Hindon river, Ghaziabad. However, the court had held that "it has not been proved beyond reasonable doubts" that the accused are the PAC officials who had carried out the abductions and killings.

General diary named the PAC men who had gone in the truck: Grover said the most crucial piece of evidence was the general diary. "There was one particular document, which was a general diary in the case – which recorded the movement of personnel going in and out of a police station – and this daily diary entry the state had suppressed in the case."

Stating that there was clearly complicity between the state and the accused, Grover said, "through its application before the high court, the NHRC had started asking for various documents and finally through the orders of the court the CB-CID, which was the investigating agency of Uttar Pradesh, was forced to place before the court the original general diary documents which named the 19 PAC policemen who had got into the truck and gone on riot duty."

Once diary surfaced, fresh evidence was recorded in trial court, formed basis of conviction in HC: "Once the original document surfaced," she said "fresh evidence was recorded in the trial court. The High Court directed that this evidence now be

placed on record. Again the evidence was recorded in the trial court. It was then placed on record, brought back before the high court and on the basis of that it convicted them."

A bench of Justices S. Muralidhar and I.S. Mehta had on February 20 this year stated: "The court has perused the trial court record and it has seen that the document... filed by the State of Uttar Pradesh forms part of trial court record. The said document is at page 5,743 of the trial court record. For reasons that are not clear that document has not been exhibited in the trial court and not adverted to by any of the prosecution witnesses or even by the sole defence witness examined."

The lawyer, who has been associated with this case for nearly 17 years now, said "it is a case where for so many years the perpetrators were shielded and protected by the state, repeatedly and regardless of which political party came to power in Uttar Pradesh. They were all shielding the PAC accused."

However, she said, with the help of this diary, the court was able to establish the precise names involved in the crime. Noting that out of the 19 original accused, three had died and 16 have been convicted, she said the prosecution had also made use of the log of the truck to secure a conviction. "We had the number of the truck in which the PAC staff had left but the part of the puzzle which was not available in the evidence was who was in the truck. For conviction we needed the exact names. That particular general diary entry came out after the trial court order and during the course of the proceeding in the high court."

State submitted diary on directions of high court: Till the time of the trial court judgment, the state had not shown the original general diary. It was only on the directions of the high court that the state was compelled to place the original diary on record, she added.

Following the High Court's directions, in March this year this diary was submitted before the trial court by a 78-year-old witness Ranbir Singh Bishnoi. Deposing before an additional sessions judge, he had submitted: "At the time of filing chargesheet, I had examined all the documents and filed them along with the charge sheet. Photocopies of GD dated May 22, 1987, running into six pages of C Post Police Line, Meerut were filed along with the charge sheet. The originals of the same are now submitted before the court and exhibited."

Reading out from the documents, he had also asserted that "it is incorrect to suggest that the documents are not original documents."

What the general diary revealed: "According to the GD No.6, on May 22, 1987, at 7:50 am, police force was sent to Outpost Pilokhadi, P.S. Lisadi Gate, Meerut, UP. PC (platoon commander) Surender Pal Singh... went to outpost Pilokhadi. At that time they were having 17 rifles, 850 rounds, one revolver with 30 rounds and they had gone there in the truck bearing registration No. URU-1493 and the driver of said truck was Ct (constable) Mokham Singh," Bishnoi had stated while giving the details.

He had also noted their return to the police line a little over an hour later saying: "As per the GD No.15... at about 9:00 pm, the aforesaid PAC team came back to police line Meerut from OP Pilokhadi. As per the record... the aforesaid officials were not assigned any other duty on May 22, 1987, after they came back from O.P. Pilokhadi to police line... It is incorrect to suggest that I have produced a made up record."

This more or less corroborates the survivor accounts. One of the survivors, Zulfiqar Nasir, had spoken about how the killings had taken place on the truck and near the canal at around 9 pm.

¹[@01.11.2018](https://thewire.in/rights/hashimpur-a-conviction-diary-key-evidence)

The Wire, 31.10.2018 □

Note: The following article is being reproduced from a Blog post for the reason that it contains exhaustive extracts from the Delhi HC judgment convicting the policemen of the Hashimpura massacre. It has been edited for length and readers are informed to read the entire article by accessing the URL.

Hashimpura Massacre Case – Verdict by the Delhi High Court Sentences 16 Policemen to Life Imprisonment¹

Anubhav Pandey

The Delhi High Court, ended years of nail biting suspense by delivering its historic verdict in '*Zulfikar Nasir & Ors v State of Uttar Pradesh & Ors*' on 31st October, 2018, setting aside the trial court judgment that had acquitted 16 Provincial Armed Constabulary (PAC) officials in the 1987 Hashimpur mass murder case. The Delhi High Court has convicted all the accused and sentenced them to life imprisonment. This landmark 73-page judgment authored by Justice Dr S Muralidhar for himself and Justice Vinod Goel while pronouncing the verdict observed that, "Family of the victims had to wait 31 years to get justice, and monetary relief cannot compensate their loss." Senior Advocate Rebecca John appeared for the appellant Zulfikar Nasar and advocate Vrinda Grover appeared for National Human Rights Commission (NHRC). The Delhi High Court termed the brutal massacre as "targeted killing" of unarmed and defenceless people by the police.

To begin with, it is first and foremost pointed out in para 1.1 that, "Hashimpura is a mohalla, i.e. a small area of Meerut city, about 82.5 kms north-east of Delhi, in Uttar Pradesh. Meerut's population in terms of the 2011 census was approximately 3.5 million. Around 3.6% of the population are Muslims. Many of them earn meagre sums as artisans and labourers to keep themselves and their families going." It is then pointed out in para 1.2 that, "On 22nd May 1987, in the evening hours, Hashimpura witnessed a tragedy that would leave a deep festering wound. Around 42 to 45 men, old and young, all Muslim, were rounded up by the Provincial Armed Constabulary (PAC), packed into a truck and taken away. Each of them

was shot by the PAC personnel with .303 rifles in cold blood and the bodies dispatched to a watery grave – some in the Gang nahar (canal) and the remaining in the Hindon river. Five of them survived to recount the horrific tale. Of the 38 that were killed, the dead bodies of just 11 of them were able to be identified later by their relatives. The remaining bodies were not recovered."

It is spelt out in para 1.3 that, "In May, 1987 communal riots took place in Meerut district. As a result, the police, paramilitary and military forces had been posted at mohalla Hashimpur for riot control and security. This included the 'C-Company' of the 41st Battalion of the PAC. On 21st May 1987, the brother of an Army Major was killed in the mohalla adjacent to Hashimpura and two rifles belonging to the PAC personnel 'were looted by certain anti social elements'. This led to the registration of FIR No. 204/1987 at PS Civil Lines, Meerut under Sections 147, 148, 149, 302, 307, 347, 436 and 336 of the Indian Penal Code (IPC). The criminal case arising therefrom is still pending before the Chief Judicial Magistrate (CJM) Meerut.

(It is added in para 1.4) that, "On 22nd May 1987 post noon, around 644 men, all Muslim, belonging to mohalla Hashimpura were arrested under Sections 107, 116 and 151 CrPC. They were first rounded up under a peepal tree in Hashimpura and divided into two groups. The first group comprised elderly men and young boys and the second comprised young men. They were to be sent to the PS Civil Lines and Police Lines in Meerut in the trucks of the PAC, the Army, the CRPF and the local police on the directions of the District Administration. The 42 to 45 males rounded up by the PAC and taken

away in a truck and killed belonged to the first group." It is then explained in para 1.5 that, "The criminal justice process in connection with the murders commenced with the registration of two first information reports (FIRs). FIR No. 110/1987 was registered at PS Link Road, Ghaziabad on 22nd May, 1987 and FIR No. 141/1987 was registered at PS Murad Nagar, Ghaziabad on 23rd May, 1987. The investigation of both cases was handed over to the Crime Branch, Criminal Investigation Department (CB-CID), Uttar Pradesh".

As things stand, it is then revealed in para 1.6 that, "The CB-CID filed a charge sheet in the criminal court in Ghaziabad in 1996, nine years after the event. 18 officers of the PAC were arraigned as accused in the first charge sheet. The 19th accused was arraigned in the supplementary charge sheet. Under the orders of the Supreme Court, passed in 2002 and 2007, the trial of the cases was transferred to Delhi. Charges were thereafter framed by the trial court on 24th May, 2006 against all the accused under Sections 147, 148, 149, 120B and 364/302/307/201 all read with 149 IPC. 19 years had elapsed by this time. During the pendency of the trial three of the accused died. The trial meandered for over eight years ending in a judgment dated 23rd March 2015 whereby all the 16 remaining accused were acquitted. That was 28 years after the commission of the crime."

Needless to say, this aroused a lot of resentment among the relatives of the victims who were brutally killed. So they decided to go in for appeal. They firmly believed that justice had not been done with them by the trial court.

The unfolding of events: It is imperative to now narrate the entire

chain of events that preceded the ghastly killings. Para 3 points out that, "The trigger to the events leading to the registration of the two FIRs have been noticed earlier. To continue the narration of events that transpired at Hashimpura on 22nd May 1987 in the evening at around sunset, the PAC officials/jawans wearing khaki (dusky yellow) coloured uniforms, armed with rifles with sangeens (bayonets) gathered about 42 to 45 able bodied elderly men and young men and made them board a yellow coloured truck with PAC written on it in the white paint. It is stated that about 18 to 20 PAC jawans also got into the same truck having registration No. URU-1493, which belonged to C-Company of 41st Battalion PAC."

The judgment further highlights that, "The said truck, driven by Constable Mokam Singh, moved away from Mohalla Hashimpura towards the Delhi road. After moving for some time the truck stopped to allow more PAC officials to board. It then began moving again. After about 1 to 1 ½ hours of the journey, the truck reached the patri of Gang nahar in Murad Nagar. After travelling for about 1 ½ kilometers on the patri, the truck was brought to a halt. The lights of the truck were then switched off" and that "After stopping the truck, the accused personnel of the PAC started bringing down the persons from the hold one by one. The first person to be brought down – Mohd. Yasim, a resident of Hashimpura mohalla, was shot with the rifle of one of the PAC jawans and his body was thrown into the Gang nahar. The next one, Ashraf, was similarly brought down, fired at and killed and his body was thrown into the canal. The third person brought down was Zulfiqar Nasir (Appellant No. 1 in CrI A No. 574 of 2015) who was also a prosecution witness (PW-1) in the trial. He too was shot by the accused and thrown into the canal. PW-1 deliberately stopped breathing, feigning death. He managed to survive by concealing himself in the bushes around the water and later escaping on foot

from the canal".

Para 6 further brings out that, "At the time when PW-1 was concealing himself, those inside the truck began shouting '*bachao bachao*'. Upon this, the accused present at the spot began firing indiscriminately at the persons inside the truck. Those inside the truck who were thus injured included Mohd. Usman (PW-3), Muzib-ur-Rehman (PW-4) and Babuddin (PW-11 and Appellant No. 1 in CrI. A. 629/2015). Leela Dhar (A-12), himself an accused, was part of the PAC jawans who also suffered an injury at this time by a ricocheting bullet. After this accused persons began throwing the bodies of those they had shot into the waters of the canal. In this process 15 to 16 bodies were thrown into the Gang nahar. These included three who miraculously survived: Mohd. Naeem (PW-2), Mohd. Usman (PW-3) and Muzib-ur-Rehman (PW-4)."

Moving further, para 7 then states that, "Noticing the headlights of an approaching vehicle, the accused persons stopped firing. The truck URU-1493 was driven back to the main road. After about 30 minutes, the truck again stopped at the pul/culvert of the Hindon Canal near Makanpur village. The accused persons got out of the truck and opened the rear portion (dala). They again brought down the remaining abducted persons and fired at them one by one. 15 to 20 persons, who were thus killed, were thrown into the canal. Babuddin (PW-11) who was also similarly shot at and thrown into the canal, miraculously survived."

The two incidents: It would be imperative to mention here that para 8 then specifically points out that, "There were, therefore, two separate incidents that took place on the evening of 22nd May, 1987. The first incident took place at the Gang nahar in Murad Nagar. This further involved two distinct stages: one being the shooting of three persons i.e. Mohd. Yasim, Ashra and Zulfiqar Nasir and their bodies being thrown into the Gang nahar and the other the indiscriminate

firing upon those inside the PAC truck and throwing 15 to 20 of the abducted persons who had been shot into the Gang nahar.

As regards the second incident, para 9 finds that, "The second incident was that which took place at the Hindon Canal pul/culvert where the remaining abducted persons were pulled down from the truck, shot at point blank range and their bodies thrown into the Hindon canal." Para 10 then envisages that, "According to the prosecution, from the above two incidents, it could be reasonably inferred that close to 42 to 45 persons were abducted and barring five who survived i.e. Zulfiqar Nasir (PW-1), Mohd. Naeem (PW-2), Mohd. Usman (PW-3), Muzib-ur-Rehman (PW-4) and Babuddin (PW-11), the remaining were killed by the PAC jawans/officers."

Simply put, para 16 then discloses that, "The trial Court framed charges against 19 accused on 24th May, 2006 for the offences under Sections 147, 148, 149, 120B and 364/302/307/201 all read with 149 IPC. Each of them pleaded not guilty and claimed trial. Three of the accused, Surrender Pal Singh [Accused No. 1 ('A-1')], Kush Kumar (A-5) and Om Prakash Sharma (A-18) expired during the pendency of the trial." Para 17 then states that, "The recording of evidence of PW-1 Zulfiqar Nasir commenced on 22nd July, 2006. It is only on 23rd May 2014, that the statements of the accused were recorded under Section 313 CrPC. Thereafter on 21st March 2015, the trial Court passed the impugned judgment".

Summary of conclusions: Para 115 of the HC Order summarizes the conclusions:

(i) The key issues in the present appeals concern fixing the identity of both the truck in which the 42 to 45 abducted persons were taken and of the persons belonging to the PAC who were involved in the killing of around 38 of the abducted persons. (para 42)

(xiii) The present case is yet another instance of custodial killing where the legal system has been

unable to effectively prosecute the perpetrators of gross human rights abuses. The prolongation of the trial for over two decades, compounded by the endemic systemic delays, have frustrated the attempts at securing effective justice for the victims. (para 95)

(xiv) A case is the targeted killings of persons belonging to one minority community and killing of 38 of them soon after the incident of riots in which two rifles of the PAC were allegedly taken away by the rioters. It points to the disproportionate reaction by the PAC in targeting the members of the minority community. The Court is therefore unable to accept the submission on behalf of the accused that the motive for the commission of the crime was not proved. (para 104)

(xv) This Court recommends that every State Legal Services Authority should designate a Nodal Officer to address the needs of the victim families in the case of custodial killings or State excesses. The procedure put in place should ensure that such victims or the families are able to access and seek relief under the scheme and that such relief should not be limited to monetary compensation but other range of reliefs respecting the rights to basic survival and dignity of such families. (para 114) (Emphasis added)

Final directions: Truth be told, para 116 then stipulates that, "For the aforementioned reasons, this Court sets aside the impugned judgment of the trial Court acquitting the Respondents/Accused Nos. 2 to 17 in Crl.A. 574/2015 and hereby convicts each of them for the offences under Section 120-B and Sections 302, 364, 201 all read with Section 120-B IPC."

Be it noted, para 117 then notes that, "This case involves the killing of around 38 innocent persons in cold blood by members of an armed force viz, the PAC. The gravity of the crime is obvious. At the same time, the Court is aware that this case has been pending for over

three decades for reasons not entirely attributable to the accused. Their acquittal by the trial Court 28 years after the event as reversed by this Court, 31 years after the event. The present age of the accused persons has also therefore to be accounted for. The Court also notes that substantial sums by way of compensation have been disbursed to the victims and their families."

Most important of all, it is then held in para 118 that, "Keeping in view all of the above factors, this Court sentences each of the aforementioned 16 accused to life imprisonment for the offence punishable under Section 302 read with Section 120B IPC which, in this case, will mean the remainder of the person's natural life."

All said and done, even though this landmark judgment is being hailed as sending a loud and strong message to all the men in uniform that if they dare to kill innocents then they will have to pay a heavy price but such an unconscionable delay of 31 years is unpardonable, unacceptable and unheard of in all good countries! What is more, even now this landmark judgment will be challenged in the Supreme Court and then another round of legal battle will begin afresh! 3 accused have already died a natural death! Why such unforgivable delay in delivering justice? For this even our courts must introspect!

But it must be added here that we can draw some solace from what the eminent, senior and one of the most reputed criminal lawyer of Meerut – Dr OP Sharma who is also the former President of Meerut Bar known for his indepth knowledge and vast expertise in criminal law points out with some degree of satisfaction about this life term conviction of 16 PAC policemen by Delhi High Court that, "Usually the cases of riots collapse by the time the judgment is pronounced and in some cases it is noticed that cases are even withdrawn and even social organizations try to make compromise and therefore cases are withdrawn. I have seen so many riots in Meerut as in 1968,

September 1982 in Mandir-Masjid dispute when there was curfew in Meerut for 3 months but no one was convicted. Riots of 1987 or riots due to Ayodhya dispute in November 1990 and May 1991 and after this in 2011 in L Block riots and Teergaran riots but no one was convicted. Above all, police could not recognize rioters for many years and FIR was lodged in name of unknown persons. I have seen so many riots in the city but have never seen anyone getting convicted." Nasim Zaidi who is Ex-CEC and was the then Ghaziabad DM opined that, "A crime had taken place and an FIR was lodged immediately which resulted in probe and a judicial process. This is a satisfactory judgement."

No doubt, a good beginning has been made here by Delhi High Court but a lot more needs to be done! It must be ensured that not just the 16 subordinate PAC police personnel are punished but even those superiors who were involved in this ghastly massacre are brought to book!

Vibhuti Narain Rai who was the Ghaziabad SSP in May 1987 and who also was the first to complain after survivors approached him minces no words in saying convincingly and categorically that, "We must not forget that such a heinous offence can't be engineered and delivered by lower level staff. The theory that a sub-inspector was commanding everyone and constables executed his orders is hardly believable...unless someone senior and powerful is involved, constables won't obey commands of an SI. Hashimpura came to light only because they moved to Ghaziabad to effect the killings and we swung into action and lodged an FIR. At least a hundred Muslims were killed in Maliana and buried right there and the matter hushed up. There is no case diary and no one knows the case status." He also adds that, "The 16 convicted are small fry. Big people got away. The Army role was never investigated despite early case

Contd. from page no. 19

diaries mentioning the role of a Major linked to a political leader. I am happy that those who executed the orders have been punished but let us not forget that those behind the curtain, who planned and designed it, were not touched. There was a Congress CM in UP...and Rajiv Gandhi was the PM. The kind of alertness needed...wasn't shown. There was no course correction even when Mulayam Singh assumed power. The tone and tenor of investigation changed with change of power in Lucknow and is evident in case diaries".

Finally and most importantly, it must be reiterated that judgment must be delivered in such sensitive cases in the shortest possible time which should not exceed few months at the most and not few

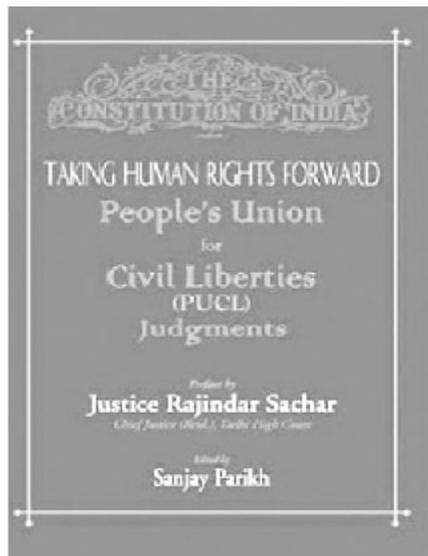
decades as we most unfortunately have witnessed for ourselves in this landmark case! For this not just the judiciary but also the Centre as also States must swing into action and provide all type of support like appointing more judges, giving more infrastructure, creating more courts etc! Unless this is done on a war footing things are not going to change much on the ground and the aggrieved victims will have to wait for a gruelling long period and justice delayed is not just justice denied but injustice perpetrated which under no circumstances can ever be justified!

<https://blog.iplayers.in/hashimpur-a-massacre-case/> @ 10Dec2018

November 13, 2018

This article is written by Advocate Sanjeev Sirohi. □

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