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

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Press Release: 15th February 2019

PUCL Statement Condemning bombing and killing of CRPF Personnel in Kashmir

The PUCL strongly condemns the attack on Indian Central Armed Force in Pulwama, Kashmir, which led to the killing of about 40 CRPF personnel. The killings happened in the most brutal and dehumanised way, with a RDX filled SUV ramming into the Bus which was part of a convoy carrying the army personnel on the Jammu Srinagar highway. The resulting blast led to the mutilation, maiming and splintering of bodies, causing further disrespect to the dead. We express our condolences to the families of the army personnel who have lost their family members.

At this moment of grief and mourning, PUCL calls upon the Prime Minister, Shri Narendra Modi, the Union Home Minister, Shri Rajnath Singh, the Army Chief, and all other leaders of political parties, as also the, media and others to respond to the situation with sensitivity and calmness and not to, in any way, aggravate the situation by giving calls to revenge, reprisals and retribution.

Even as we cope with what is said to be one of the most deadly attacks on security personnel in Kashmir in the last few decades, PUCL would like to point out that decades of violence in the valley, and especially the spiraling violence in the last three years have not led to any solution; we therefore urge all parties concerned to immediately cease violence as a means of finding a solution and instead initiate and engage in open and meaningful dialogue involving all the different stake holders in order to end State and non-state violence and move forward towards a democratic resolution of the Kashmir conflict.

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

PUCL Rajasthan:

Press Release: Jaipur, 20th February, 2018

Ensure Safety of All Pakistani Prisoners Now
Suspend the Jail Staff and Authorities as Instructed by the NHRC
Stop the Hate Environment which is being facilitated in the Context of the Pulwama Incident.

The PUCL condemns the stoning to death of the Pakistani prisoner Shakir-Ullah alias Mohammed Hanif, Son of Sube Khan alias Amar Singh Gill, who was booked in case number 23/10 and serving a life sentence since 2011. At present there are more than 17 Pakistani prisoners lodged in various jails of the State, including 6 in Jaipur, 2 in Jodhpur, 5 in Bikaner, 1 Kota and 3 SriGanganagar Central Jails.

This incident has happened as a part of the collapsing of the rule of law in the State and the country. First with lynchings in the name of the cow, killing

Muslim farmers, then terrorizing and intimidating Kashmiri students and workers and now a Pakistani Prisoner in Jaipur is killed as a culmination of the increasing hate environment. The most recent trigger being the backdrop of the Pulwama incident after the killing of over 40 Indian Security Forces by a Jaish -e' Mohammed fidayeen . Since the 15th of February, the State and the rest of the country are seeing the unstoppable incidents of terrorizing of the Kashmiris. In Jaipur we saw the facilitation of aggression inside college campuses, on the streets including rallies of little children and young men, shouting slogans like Pakistan Murdabad and other such venomous slogans against Kashmiris, along with social media driving the high pitched attack. And the fuelling of this hate environment by the political leadership at the highest level in the country. All this has surcharged the atmosphere with hate and tension in the city.

As a result of this we are seeing everyday the huge exodus of Kashmiri students and workers and traders back to the Kashmir part of the J & K from several cities of Rajasthan and the rest of the

Country. We have seen the use of the draconian laws like Sedition and Cyber terrorism against Kashmiris and other Muslims in the state, for so called anti national acts, which were comments on social media, in the recent times.

We also saw the Bikaner District Collector, issue a bizarre order of not allowing Pakistanis to stay in the district, as if it was war time with Pakistan, sending a chilling message to several Pakistani Hindu migrants, who still carry their Pakistani Passports and are waiting to be granted citizenship. The others affected are those who are here due to marriages on both sides. Where are the visas being granted that brought in hordes of Pakistanis as tourists. This order is also a part of the hate narrative.

And of course we were shocked that at the behest of the Karni Sena the Jawahar Kala Kendra Director prevented a play from being performed at the Navras theatre festival as in a conversation had a statement against the Indian Army which was not even the message of the play, "Patharbaaz".

In this context, the killing of the Pakistani prisoner inside the jail

shows the extent to which the hate environment has penetrated even through the walls of the prison.

We demand of the political leadership led by the Sh. Ashok Gehlot, CM Rajasthan to ensure safety and security of all the prisoners at all costs and particularly the vulnerable ones like the Pakistani and Kashmiri Prisoner who can become the victim of aggression and fights in the prison

We demand:

- Strict action and suspension of the concerned jail staff and the jail superintendent, and lodging of the FIRs against the culprits.asstated in the NHRC guidelines.
- The GOR and GOI the transportation of the body of the deceased with dignity, back to his family.
- Decent compensation to the family of the prisoner.
- Lastly, the GOI must ensure the safety of all Kashmiri and Pakistani prisoners in the rest of the Jails of the State.

Kavita Srivastava, President;
Anant Bhatnagar, General Secretary – Rajasthan PUCL ☐

NAPM Press Statement: 15th February 2018:

Fatal Attack on CRPF Convoy at Pulwama killing 44 Jawans Condemnable

Military and Militant Violence must end and give way to democratic aspirations of people of Kashmir

Deeply pained at the loss of 44 human lives, NAPM condemns the militant car-bomb attack on the CRPF convoy in Pulwama yesterday, expresses its sincere condolences to each of the families of the CRPF personnel who were killed and hopes for early and complete recovery of those injured in the attack. We know that no amount of 'monetary compensation' can do justice for this loss of lives, which is also the result of the gross failure of the state and particularly the present government (which claims to be the custodian of the interests of jawans) to ensure a democratic resolution to the political problem in the region.

At this moment of national grief and mourning, NAPM expects that the Prime Minister, Home Minister, Defence Minister, Army Chief, all

political parties, media and other sections of society would respond with maturity and sensitivity, refraining from any retributive statements or actions that would jeopardize peace and justice initiatives. We warn the Govt of India and 'powers-that-be', against using this tragic incident for their own ulterior political designs at the cost of justice and peace to the deceased jawans and people of Kashmir in particular and India at large.

While the admitted involvement of Jaish-e-Mohammad in the present and earlier attacks is a matter of public record and JeM must be held accountable for its violent actions, it must be recognized that this alone cannot solve the problems of civil unrest, violence by the State and militant response by certain other sections in Kashmir. It must also be

noted that the role of the state of Pakistan in planning and facilitating attacks of such scale and intensity cannot be ignored and this calls for more political, economic and diplomatic pressure on Pakistan to prevent such attacks.

The 'Kashmir' question is undeniably a socio-political problem caused and exacerbated by decades of insincere and ineffective policies and politics at the Centre and state, massive militarization and consistent neglect of the democratic aspirations of the common people of Kashmir.

Viewing the political struggle, civil unrest and militancy in Kashmir only as a 'law and order' and 'territorial' problem to be handled by security forces comprising the State Police, Central Armed Police Forces and the Indian Army, is at

the root of the problem.

The problem has only grown over the decades, with increasing alienation of the people of Kashmir, especially disenchantment of the youth, and excesses by the security forces on the one side and at times like this, of the army or police personnel on the ground, who are also drawn largely from the 'ordinary working and farming classes' of this country and are used as canon fodder by the political leadership!

It is high time India and Pakistan acknowledge that deployment of armed forces over decades by both states, to the exclusion of democratic avenues and engagement with the people of Kashmir at the centre of the process, has done nothing to solve the core concerns of Kashmiris.

NAPM calls upon both the Governments of India and Pakistan to acknowledge the enormous human cost of ignoring a democratic approach and resolution to the Kashmir question and expects both nation states to engage the people of Kashmir in formulating and spelling out their medium-term and long-term policies for the region.

Both the States must initiate talks with the common people of Kashmir, including youth and women, people's organizations including militant organizations as

a beginning for public confidence-building measures. People-to-people contact between India and Pakistan in the larger interest of peace in the sub-continent must be immediately and consistently encouraged. Alongside, diplomacy initiatives with other neighbours, towards improving the internal security situation in Kashmir must also be taken up. The recent UN Report on human rights violations in Kashmir also should be taken seriously and justice must be ensured.

NAPM urges all parties concerned to accept the pointlessness of the cycle of violence as a means of finding a solution and instead initiate and engage in open and meaningful dialogue involving the different stake holders in order to end State and non-state violence and move forward towards a democratic resolution of the Kashmir conflict.

Medha Patkar, *Narmada Bachao Andolan (NBA)* and *National Alliance of People's Movements (NAPM)*; **Dr. Binayak Sen**, *Peoples' Union for Civil Liberties (PUCL)*; **Gautam Bandopadhyay**, *Nadi Ghati Morcha*; **Kaladas Dahariya**, *RELAA, NAPM Chhattisgarh*; **Prafulla Samantara**, *Lok Shakti Abhiyan*; **Lingraj Azad**, *Samajwadi Jan Parishad & Niyamgiri Suraksha Samiti, NAPM Odisha*; **P. Chennaiah**, *Andhra Pradesh Vyavasaya Vruthidarula Union (APVVU)*; **Ramakrishnam Raju**, *United Forum for RTI and NAPM*; **Meera Sanghamitra**, **Rajesh Serupally**, *NAPM Telangana - Andhra Pradesh*; **Kavita Srivastava**, *People's Union for Civil*

Liberties (PUCL); **Kailash Meena**, *NAPM Rajasthan*; **Sandeep Pandey**, *NAPM, Richa Singh, Sangatin Kisaan Mazdoor Sangathan*; **Arundhati Dhuru, Manesh Gupta, Suresh Rathaur, Mahendra**, *NAPM, Uttar Pradesh*; **Sister Celia**, *Domestic Workers Union*; **Maj Gen (Retd) S.G.Vombatkere**, *NAPM, Karnataka*; **Gabriele Dietrich**, *Penn Urimay Iyakkam, Madurai*; **Geetha Ramakrishnan**, *Unorganised Sector Workers Federation*; **Arul Doss**, *NAPM Tamilnadu*; **Dr.Sunilam, Adv. Aradhna Bhargava, Kisan Sangharsh Samiti; **Rajkumar Sinha, Chutka Parmaanuvirodhi Sangharsh Samiti, NAPM, Madhya Pradesh; **Vilayodi Venugopal, CR Neelakandan, Prof. Kusumam Joseph, Sharath Cheloor**, *NAPM, Kerala*; **Dayamani Barla, Adivasi-Moolnivasi Astivtva Raksha Samiti**, **Basant Hetamsaria, Ashok Verma** *NAPM Jharkhand*; **Anand Mazgaonkar, Swati Desai, Krishnakant, Parth, Nita Mahadev, Mudita Paryavaran Suraksha Samiti, Lok Samiti**, *NAPM Gujarat*; **Vimal Bhai, Matu Jan sangathan**; **Jabar Singh**, *NAPM, Uttarakhand*; **Samar Bagchi, Amitava Mitra**, *NAPM West Bengal*; **Suniti SR, Suhas Kolhekar, Prasad Bagwe**, *NAPM, Maharashtra*; **Bilal Khan, Ghar Bachao Ghar Banao Andolan**, *Mumbai, NAPM Maharashtra*; **Anjali Bharadwaj, National Campaign for People's Right to Information (NCPRI)**, *NAPM*; **Faisal Khan**, *Khudai Khidmatgar*, **J S Walia**, *NAPM Haryana*; **Gururwant Singh**, *NAPM Punjab*; **Kamayani Swami, Ashish Ranjan, Jan Jagran Shakti Sangathan**; **Mahendra Yadav, KosiNavnirman Manch**; **Sister Dorothy, Ujjawal Chaubey**, *NAPM Bihar*; **Bhupender Singh Rawat, Jan Sangharsh Vahini**; **Sunita Rani**, *Domestic Workers Union*; **Nanhu Prasad, Nirman Mazdoor Union**; **Rajendra Ravi, Madhuresh Kumar, Himshi Singh, Uma**, *NAPM, Delhi*****

National Alliance of People's Movements (NAPM)
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JRL Statement: 15th February 2019

People, Kashmir Leaders Regret Every Killing on its Soil: JRL

Commenting on the incident at Lethpora Pulwama, Joint Resistance Leadership (JRL) comprising Syed Ali Geelani, Mirwaiz Umar Farooq and Mohammad Yasin Malik said that people and leadership of Kashmir regret every killing that happens on its soil. As we witness killing of our loved ones our young, and shoulder their coffins each day we can feel and understand the pain and sense of loss that the family and friends of those who are killed go through, not for a day or two when everyone is expressing grief and condolences to them, but the silent grief and loss that stays with them for a lifetime.

JRL said that the delay in the resolution of the Kashmir dispute, the denial to engage with the sentiments and aspirations of the people of J&K and instead the use of a muscular military approach to counter an essentially political and human problem, is wrecking havoc in Kashmir especially on our next generation and consuming them, while those who are here to execute this policy are also under stress and paying a price with their lives.

JRL said militarisation CASOs use of bullets & pellets blowing up homes, blinding and maiming, PSAs and torture as a means to crush legitimate political

aspirations of a people has not only failed but worsened the situation.

JRL said that if this death dance has to stop, if hatred and revenge has to stop, if killing and counter killings has to stop and if we really want peace in the region we have to put an end to hostilities. And the most effective and civilised manner to do so, is to reach out and engage and listen to the concerns of all three stakeholders and address them in the spirit of humanity and justice. Resolve the Kashmir dispute for all times.

<http://www.kashmirtimes.com/newsdet.aspx?q=87863>

“Pulwama Attack: Pakistan India Peoples Forum for Peace & Democracy Calls for Peace

How many Deaths will it take till we know that too many people have died?’

PIPFPD is shocked and saddened by the loss of lives of 44 CRPF personnel in a militant attack in Lethapora, Pulwama, Jammu & Kashmir. The gruesome manner in which an explosives laden vehicle, driven by a suicide bomber, rammed into a CRPF convoy and the scale of the operation is horrifying. Loss of precious lives is tragic and painful. While investigations are underway, it is alleged that Jaish-e-Muhammed (JeM) orchestrated this dastardly attack.

All civilized societies must prevent bloodshed and condemn, mourn killings. It is equally important to understand the genesis of the attack and find ways to ensure that such incidents do not happen in future. It is also important to make sure that violence and war are not irresponsibly perpetuated in the name of avenging the blood of the deceased.

The incident raises several pertinent questions that must be addressed. According to some reports intelligence inputs about an impending attack were available with the security agencies. Also, the entire highway where the attack took place, is heavily sanitized. The militant who carried out the attack released his video talking about a fidayeen strike before the attack. All these reports suggest a possible security lapse that must be probed

along with questions of how such a huge quantity of explosives was piled up and stored. It must also be investigated as to why such a large convoy of military personnel was moving together, in a conflict zone like Kashmir.

PIPFPD unequivocally condemns this and all acts of terror—whether perpetrated by state or non-state actors. While India and Pakistan must conduct investigations into this attack, the attack is a clear outcome of flawed Kashmir-centric policies of the Indian government and the misplaced claims of wiping out militancy from Kashmir. The rigid muscular policy pursued by the Government of India, without any attempts for a political outreach, have created conditions that are conducive for militancy. Excessive repression in the Kashmir valley, particularly since 2016, with men, women and children being killed and maimed with bullets and pellets, highly disproportionate scale of crackdowns and arrests and increasing graph of human rights violations often pushes young men to pick up the gun against the state. It is not out of place to mention that militancy is an off-shoot of a deeper malaise including an unaddressed political dispute, subversion of democracy and democratic rights of people and neglect of human rights violations.

PIPFPD, among many other organisations and people, have raised these issues consistently. Two reports ('Blood Censored' & 'Why are People Protesting in Kashmir'), authored by members of PIPFPD in 2017 and 2018 respectively, had gone on to warn about the worsening situation and the failure of state policies. Sadly, except for further war mongering, these killings are never used by the two governments to brainstorm towards conflict transformation.

PIPFPD calls for major steps to ensure end to violence in Kashmir and the sub-continent. We recommend:

1. Apart from fighting militants militarily, Indian government must open channels of negotiation with the people of Kashmir and introduce genuine confidence building measures to pave way for a more structured dialogue.
2. New Delhi and Islamabad must resume composite and unconditional dialogue between India and Pakistan and make people of Jammu and Kashmir an inclusive part of the dialogue.

On Behalf of Pakistan India People's Forum for Peace & Democracy (PIPFPD)

<https://countercurrents.org/2019/02/16/pulwama-attack-pakistan-india-peoples-forum-for-peace-democracy-calls-for-peace/> □

From Encounters, Yogi Adityanath Govt. moves to "Half-Encounters" as UP cops shoot alleged criminals below the belt¹

Rashme Sehgal, February 11, 2019, *First Post*

With a hue and cry having been created over the number of extra-judicial killings that have been taking place in Uttar Pradesh under the Yogi Adityanath government, the chief minister and the state police force have now adopted a new policy of going in for "half-encounters."

Ever since Adityanath came to power in 2017, there have been

over 1,100 encounters in the state that have left 49 killed and 370 injured. Most of these encounters took place in cities such as Meerut, Shamli, Muzaffarnagar, Baghpat, Saharanpur, Bulandshahr, Ghaziabad and Noida.

In a bid to quell the uproar around these encounters, the police have now switched over to a policy of half-encounters, in which alleged criminals are being shot below their

abdomens, preferably in the legs. Such measures have been adopted by the police to quell criticism over a spate of alleged extra-judicial killings of alleged criminals since 2017.

Shooting below the abdomen is part of the standard operating procedure adopted in situations wherein people may be shooting at the police. Activists say it is difficult to determine whether the half-

encounters have been carried out in non-threatening situations, since most of these incidents have taken place between midnight and 4 am. Meerut heads the list of half-encounters with 255 followed by Gautam Budh Nagar, which has had 120 such cases. Further, there have been more than 65 such cases in Ghaziabad, Prayagraj, Lucknow, Varanasi, Agra and Gorakhpur.

File image of Uttar Pradesh Chief Minister Yogi Adityanath. PTI

Retired DIG Police Vikram Singh is aghast at the terminology being employed by the Uttar Pradesh police personnel. Singh said, "Let us not fool ourselves. An encounter is an encounter. This kind of artificial classification is not going to work. While a policeman has a right to personal defence, he must only use force that is in proportion to the threat. What kind of impact is such killing going to have on the crime rate in the state? Very little, because experience has shown us in both Punjab and Manipur that a target-oriented policy has never delivered results," said Singh.

Lucknow-based Ram Kumar, general secretary of the People's Union for Civil Liberties (PUCL), says that the only reason why the state has switched over to half-encounters is because if the police kill a person, they have to report his death to the State Human Rights Commission. "With these boys being shot below their abdomens, their families also do not take up their cases, and so the police officials feel that this way, they would not end up facing any legal hassles," said Ram Kumar. Kanpur-based activist Vijay Chawla claims that 29 half-encounters have taken place in and around the city. "The alleged criminal is taken to a pre-decided spot, where warning tapes stating that the local public should not come close to the crime scene are played repeatedly. He is then shot at in the middle of the night or the early hours of the morning, from where he is then taken to a hospital," said Chawla.

Chawla also said that this "crackdown" has raised several

eyebrows, as most of those killed or wounded have been shot in an identical fashion across the state. The FIRs in such cases are identical with respect to the timing and sequence of events that led to the shootout. Retired IG Police SR Darapuri of the Uttar Pradesh cadre, who is now national spokesperson for the All India People's Front (Radical), strongly criticised such encounters. He said, "In my 32 years of service, I have never known so many encounters to have taken place in this state within such a short span of time. Yogi Adityanath is the first Uttar Pradesh chief minister who has stated publicly that police encounters are part of his state policy. The words he used were 'thok do'. What is even more shocking is that if we look at the backgrounds of those who have been killed, we find that the majority are from the minorities, Dalits or backward classes. There have been no killings of people from the upper castes."

Darapuri has filed an RTI to find out the names and family details of all those who have been killed or disabled. "In my application, I have also asked to be provided a list of policemen who have been injured, how much time they have spent in the hospital, their names and ranks. It is possible that many of them get admitted to hospital in the morning and are discharged by the afternoon. The hospital admission is done only to add gravity to the encounter," said Darapuri.

He further pointed out that the condition of some of the injured boys who have been admitted to state hospitals is pathetic. "I have learnt that some have developed gangrene and their legs have had to be amputated," he claimed. He went to add that these intimidation tactics are being employed because following Gujarat, Uttar Pradesh is the next state to serve as a laboratory for Hindutva. Only here, he believes, it is being done more vigorously.

Uttar Pradesh Police personnel are known to be a trigger-happy lot. Last October, a constable shot Apple executive Vivek Tiwari dead in Lucknow. A month before Tiwari's

killing, the police had invited journalists to film a "shootout" with two armed men, who were later shot dead in Aligarh.

Scores of alleged criminals have been killed since Adityanath launched his "zero-tolerance" fight against criminals after taking office in March 2017. Alok Agnihotri, a member of PUCL from Unnao who has been involved in documenting these cases said, "There are about three encounters taking place every day."

A section of Uttar Pradesh police officials do not approve of this policy, and believe that resorting to such measures will only serve to rob the crime-fighting capabilities of the police. "The way we are going, we will end up being the laughing stock of the nation," said a senior police official in Lucknow.

Rihai Manch, an NGO based in Uttar Pradesh, examined 17 FIRs in detail and concluded that these were all cases of extra-judicial killings. The Rihai Manch took up the matter before the NHRC and asked it to investigate the cases.

It was only when the NHRC began to investigate the 17 killings that the Uttar Pradesh Police went on the defensive.

The PUCL also filed a PIL in this regard on 14 January, 2019 before the Supreme Court. A bench comprising Chief Justice Ranjan Gogoi and Justices Ashok Bhushan and SK Kaul have also perused the material on record in detail and stated that the issues raised in the PUCL petition require serious consideration.

The next date of hearing has been fixed for 12 February.

The question remains as to why the political establishment in Uttar Pradesh has not come out vociferously against these encounters. The problem is that in the past, both the SP and BSP have also resorted to encounter killings. However, no party had earlier made them an integral part of state policy.

Courtesy: First Post.

'URL':

<https://www.firstpost.com/india/from-encounters-yogi-adityanath-govt-moves-to-half-encounters-as-up-cops-shoot-alleged-criminals-below-the-belt-6066101.html> @ 12Feb 2019 □

All India Secular Forum Condemnation of the Pulwama Terror Attacks

We strongly condemn the terror attack on the CRPF convoy in Pulwama, Jammu and Kashmir. It's a barbaric act of violence. The perpetrators of violence should be brought to justice in accordance with law and the guilty should be

punished. Our hearts go out to the families of the security personnel who were killed or injured in the attack. Our deepest condolences with the families of the victims of this barbaric terror attack. This attack points to the failure of the

Jammu and Kashmir government as the killing of security personnel in such terror attacks in the last four years has increased by almost 90% and Pulwama terror attack is the most ghastly amongst them. □

Big Brother Is Watching You

The Union government notification allowing extensive State surveillance of personal information is a black patch on the promises of equality, privacy and freedom¹

Sayantana Ghosh, *Millennium Post*, 9th February, 2019

American singer Rockwell wrote a song back in 1984 named, *Somebody's Watching Me*. The lyrics encapsulate the song's wide resonance among masses: "I always feel like somebody's watching me; And I have no privacy." Though a part of popular culture, this song was etched in reality – a reality that Indians today are struggling to cope with. On December 21, 2018, announcing a decision that could have wide ramifications across the country, the central government allowed 10 intelligence and investigating agencies along with Delhi Police to intercept, monitor and decrypt "any information" generated, transmitted, received or stored in "any computer".

Meanwhile, the Supreme Court issued a notice on a PIL by the NGO *People's Union of Civil Liberties* (PUCL), challenging the surveillance powers of the State under section 5(2) of the Indian Telegraph Act read with Rule 419-A of the Indian Telegraph Rules of 1951. The petition also attacks the constitutional validity of section 69 of the Information Technology Act and the Information Technology (Procedures for Safeguards for Interception, Monitoring and Decryption of Information) Rules, 2009. The bench headed by Chief Justice Ranjan Gogoi tagged the PIL on January 14, with a string of earlier petitions challenging the Ministry of Home Affairs' order dated December 20, 2018, authorising ten security and intelligence agencies to intercept,

monitor and decrypt data stored across computers.

The petition places reliance on the 2017 nine-judge bench decision that had declared the right to privacy a fundamental right under Article 21, and the subsequent Aadhaar judgment in 2018, where the disclosure of information was declared a requisite only in the interest of national security.

Breach of privacy? In its verdict on the right to privacy, the Supreme Court had explicitly acknowledged that technological development and innovation in the digital space to violate individual privacy may emerge as a threat, necessitating an expansive reading of the new right. As India moves towards digitisation, algorithms and artificial intelligence, the judiciary will be able to interpret the right to privacy and apply it to new technological innovations. PUCL observed, "It is important to point out that the first petition challenging the citizen's right against surveillance by the state was the PUCL PIL challenging telephone tapping filed in 1991, in which a judgement was given in 1997, laying down guidelines with regard to telephone tapping. In the said case, PUCL had argued that any order for telephone tapping should be sanctioned by judicial authority to prevent arbitrary and politically motivated decisions to tap telephones of different people." Surveillance efforts by the ruling government have always evoked the ire of opposition parties and legal experts, yet, surveillance has

been a useful weapon for those in power.

Apar Gupta, a lawyer and executive director for Internet Freedom Foundation said, "The new surveillance laws by the government are unconstitutional because they breach of the right to privacy. We have urged the Supreme Court to look into the law in respect to the Aadhaar judgement." In this context, the MHA notification suggests that if the government perceives a threat to national security or public order, it can not only monitor a citizen's online activities but also carry out searches and seize information stored in any computer resource, including mobile phones and tabs. The government can then access any information stored on a computer device, including passwords and photographs – even those not shared online. "Any surveillance should happen within judicial safeguards and oversight. If there is no such regulation, then surveillance will indeed be a breach of the right to privacy. We believe there should be a regulation on surveillance," added Gupta. Further, recent rules observe that a person under state surveillance will not be informed of his/her precarious position under scrutiny. "I also think that there should be some rule where, at the end of the process, a person is aware of the surveillance," Gupta asserted.

Meanwhile, the Ministry of Home Affairs' order on surveillance triggered a massive controversy

across the country, particularly through political corridors. Responding to Congress leader Anand Sharma's criticism of MHA allowing 10 security and intelligence agencies to monitor a computer, Finance Minister Arun Jaitley said: "On December 20, the same order of authorisation that had been existing since 2009 was repeated. You are making a mountain where a molehill does not exist." Why surveillance? While the law for surveillance is being criticised by the opposition and lawyers, the police and administration have observed that, in today's age of rampant technology, surveillance remains one of the few tools that can be used to crack down big crimes and criminals. "Police is not here to interfere in someone's personal life, we work to protect the people. Nowadays, everything can happen through a mobile phone, a laptop or even a smartwatch. Now, criminals do not keep things as papers but they just carry it in a drive," said an official of Delhi police requesting anonymity.

Police officials also rubbished the statement of misuse of law, saying that without permission from the Home Department of the Union Government or state government, no such surveillance can take place. "The order is not new and neither has the government given any new power to authorities. None of these authorities can directly decide on whom the surveillance should happen. Permission should be taken from the Home Secretary of state or Centre," said an official. According to the government's clarification posted on December 20, the notice was only issued to notify service providers to codify existing orders, as it will help ensure lawful, regulated monitoring and interception of any information. The order, it said, would prevent any unauthorised agency or individual from using it. However, former IPS and former Director General of the Human Rights Commission, Sankar Sen, told Millennium Post, "Surveillance is an important tool but it should not be there without requisite

safeguards. If the authorities are so confident that there would not be any misuse, then why can't they add the clause of safeguarding?" Sen also said that, in his experience, there have been several cases where phone tapping and snooping occur without prior permission.

The right of wrong will ultimately be decided by the court; but, through various new norms like Aadhaar and surveillance, the State has cleared its path to enter a citizen's personal life. Recently, Facebook has confirmed that it would share chat details with police for investigation needs. This is the life which is private, beyond anyone's judgment – the personal is now being forced into the paradigm of the public and political. At every step, the lens of scrutiny will be watching you with bated breath. If this is not a breach of privacy, then what is? This, the state must clarify to the Supreme Court.

¹<http://www.millenniumpost.in/sundaypost/in-retrospect/big-brother-is-watching-you-340007@10Feb2019>

Courtesy: Millenium Post; □

Sharing an important message sent by Prof. Prabhakar Sinha, former National President, PUCL to the CJI regarding a case pending before the SC since November, 2013 about the legality and legal functioning of the CBI in terms of the Gauhati High Court order: - V.Suresh, Editor, PUCL Bulletin

Letter dated 7 February 2019 at 12:31
To,
Justice Mr R.Gogoi,
Chief Justice of India,
New Delhi

Subject: A prayer to end the injudicious exercise of discretion pertaining to the SLP against the Gauhati High Court verdict on CBI

Sir,
First, I would like to make it clear that I am a votary of independence and dignity of the judiciary and would be the last person to knowingly do anything which might lower its prestige; but I am equally clear in my mind that the dignity and prestige of any institution can be maintained and protected only by its own unimpeachable conduct. I am also a conscious and

concerned citizen with a belief that I should draw attention to the shortcomings of institutions and constitutional functionaries with the intent to have them removed. It is in this spirit and with this objective that I am approaching you with the hope and expectation that you would remove the ugly stain (in my view) on the face of the Supreme Court. During the ugly spat between the CBI and the Bengal police, I came across the startling information that on 6 November, 2013 a division bench of the Gauhati High Court held that the CBI was an unconstitutional body, which did not enjoy the power vested in the police. Further, I found that the Supreme Court stayed the judgment on 9th November, 2013. To support my contention, I would like to cite the following from the

verdict of the Gauhati High Court verdict:

"We hereby set aside and quash the impugned resolution dated 1 April, 1963, whereby CBI has been constituted ... We do hold that the CBI is neither legal nor a part of the Delhi Special Police Establishment (DSPE) and the CBI cannot be treated as a police force constituted under DSPE Act, 1946, the court said. It further said the aforementioned Home Ministry resolution "was not a decision of Union Cabinet nor were these executive instructions assented to by the President ... Therefore the impugned resolution ... can at best be... regarded as departmental instructions, which cannot be termed as

"law", the judgment said".

The CBI moved the Supreme Court, which heard the case on 9 November, 2013 and stayed the judgment of the High Court. I have been told that the matter is still pending and the CBI has been functioning since then on the strength of the stay order dated, 9.11.2013.

I am a layman with a blind faith that the Supreme Court can knowingly do no wrong, but that faith is shaken a little, and I am anxious to have it fully restored. I am sharing with you the questions, which have been plaguing me for the last few days without a respite. Some of them are as follows:

1. Was the S.C. judicious in keeping such an important case/matter pending for so long?
2. Was the decision to keep it pending for so long (*i.e.*, w.e.f .09.11.2013) a just and fair exercise of its discretion or its misuse/abuse?

3. Was it a bona fide exercise of its discretion?

4. Is not the CBI, an unconstitutional body/organisation, (as held by the Gauhati High Court) exercising powers it does not have (as held by the High Court) purely on the basis of the stay order of the Supreme Court.

5. What would be the moral justification for the injustice done and suffering already caused to the people by the CBI if the High Court judgment is upheld by the Supreme Court at some point of time?

6. Can the Supreme Court undo the injury caused to the victims by the CBI on the basis of its continuing stay order if the High Court verdict is upheld?

7. Why did not these questions cross the mind of the Supreme Court while

entrusting a large number of cases to the CBI or hearing cases of appointment and removal of the officers of the CBI?

8. If and when the judgment of the Gauhati High Court is upheld by the apex court, the government may make the illegal acts of the CBI legal with retrospective effect (by an act), but can the Supreme Court undo the loss of personal liberty, reputation, mental agony and material loss caused by an unconstitutional body for which the apex court is solely responsible (due to its continuing stay order).

I hope you would consider my submission and list the case pertaining to the Gauhati High Court verdict on the CBI pending since 2013 at the earliest.

Prabhakar Sinha

Nepali Kothi, Club Road,
Muzaffarpur, Bihar 842002 ☐

Statement against Threat of Imminent Arrest of Prof. Anand Teltumbde

Students, Faculty and Alumni of IIT Kharagpur

We, the undersigned students, faculty, alumni and others from IIT Kharagpur are shocked by the threat of imminent arrest of our ex-colleague, Prof. Anand Teltumbde. This comes in the aftermath of rejection of the appeal he filed at the Supreme Court regarding the baseless FIR lodged against him by the Pune police under the pretext of the Bhima-Koregaon incident. He has currently been granted a period of four weeks for seeking pre-arrest bail from the competent Court.

Details of the charges can be viewed in the following link: <http://bit.ly/chargesonanand>.

Prof. Teltumbde has been known as a renowned management professional and a scholar.

He graduated as a Mechanical Engineer from VNIT Nagpur and pursued a degree in Management from IIM Ahmedabad. He did his doctorate in Cybernetics and has held responsible positions in the corporate sector such as Executive Director of Bharat Petroleum Corporation Ltd. and Managing

Director & CEO of Petronet India Ltd. Even while being in the corporate sector, unusually, he published over 20 research papers in prestigious journals.

Later, he was invited to serve as a Professor in IIT Kharagpur, where he taught business management courses for more than five years before joining GIM. Currently, he heads the Big Data Analytics program of GIM and has launched a post-graduation course this year, the first of its kind in the country.

Despite his highly active professional life, he has always been intent on giving back to society. His intellectual contribution encompasses studying of various social issues and publishing of hundreds of articles along with a regular column, "Margin Speak" in the prestigious *Economic and Political Weekly*. He has authored 26 books which have been well received and widely read in India and abroad by prestigious publishing houses such as Zed books, Routledge, and Penguin

Random House. Besides this he has also delivered hundreds of lectures across India and abroad for the past three decades thereby carrying out the role of a public intellectual. Various universities have conferred upon him several laurels, awards and honorary doctorates.

Coming from the poorest of the poor family, Prof. Teltumbde passed through the best institutes in the country with scholastic achievements. Just being an alumnus of hallowed IIM Ahmedabad, he could have easily lived a luxurious life only if he had chosen to ignore social oddities around him. However, with a sense of contributing to better the lives of people, he decided to just make enough to sustain his family at a reasonable living standard and devote time to make intellectual contribution, the only thing possible, towards making the world a little more just. Informed by this instinct, the residue of activism during his school and college days

naturally landed him in organizations like *Committee for Protection of Democratic Rights* (CPDR) of which he is today the General Secretary and *All India Forum for Right to Education* (AIFRTE) of which he is a presidium member.

He has selflessly fought against caste-based discrimination and human rights violation of the marginalised. Moreover, he has been vocal about the education sector which is adversely affected by the neoliberal policies adopted by successive governments. By closing down primary schools, severely cutting funds to higher education institutes, encouraging private investments in education, funding private institutes by taxpayers' money, forcing institutes to generate their own funds through fee hikes or corporate funded research etc., the ruling dispensation has continually tried to push forth its monstrous neoliberal agenda of liberalisation and privatisation.

These incidents are not to be treated as stray incidents, rather they aim towards dissociating the marginalised masses from the fruits of education. These issues of national concern have been constantly brought to the fore by activists and students under the banner of AIFRTE.

Prof. Anand Teltumbde has been a guiding force behind this nationwide movement to save the education sector in India.

There is not an iota of unlawfulness in either his voluminous writings or selfless activism. Rather, his entire academic career and corporate career of nearly four decades have been without a single blemish and exemplar of the integrity of highest degree. Despite all these, the danger of being arrested looms large over him. Moreover, as regards the insinuation of his connection with Bhima-Koregaon or Elgar Parishad, he has been a critique of the episode and his criticism has been published in *The Wire* [<https://thewire.in/caste/myth-bhima-koregaon-reinforces-identities-seeks-transcend>].

Under the preposterous charges slapped against him, Dr. Teltumbde can only be arrested under the draconian UAPA which can mean years of incarceration. Even a hardened criminal can get away with his crime with a metered punishment of a year or two, but an innocent person merely because the police, invariably acting at the behest of political bosses, claim that they have evidence against him could be kept for years in jail. The arrest for him is not simply the hardship of prison life, it is keeping him away from his laptop which has been integral with his body, from his library which has been part of his life, half-written manuscripts of books committed to various publishers, his research papers which are in various stages of completion, his students who have staked their future on his

professional reputation, his institute that invested so much resources in his name and recently took him on its Board of Governors, and his numerous friends and of course his family—his wife, who, as the granddaughter of Babasaheb Ambedkar hardly bargained for this fate and daughters who are already disturbed not knowing what has been happening to him since August last year.

For a person who has devoted almost four decades of his professional life in serving this state apparatus and advocating justice for the marginalised, such criminalisation is utterly unjust.

With all his intellectual contributions, Prof. Teltumbde has lived his life as an honest truth seeker and has questioned any injustice throughout his life. Whatever criticisms he made, and whatever questions he placed, he has made it with utmost scholastic discipline.

Keeping all his activities and credentials in mind, it is quite unfortunate that a scholar like him is having to face such police actions without any iota of wrongdoing. We stand by Prof. Teltumbde and demand quashing of the baseless FIR against him not only to lend him and his family strength to endure this torture but also to do our part as responsible citizens in protecting the democratic ethos of our country.

Published in Janata (weekly magazine), 3rd February 2019 □

FORM IV

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|---|--|
| 1. Place of Publication : | Delhi |
| 2. Periodicity of Publication : | Monthly |
| 3. Printer's Name : | V. Suresh (Dr.) |
| Nationality : | Indian |
| Address : | 332, Ground Floor, Patpar Ganj, Opposite Anand Lok Apartments (Gate No. 2), Mayur Vihar-I, Delhi 110091 |
| 4. Publisher's name, Nationality, & address : | Same as in (3) above |
| 5. Chief Editor's name, Nationality & address : | Same as in (3) above |
| 6. Name and address of individuals who own the newspaper & partners or shareholders holding more than one percent of the total capital: | People's Union for Civil Liberties (PUCL),
332, Ground Floor, Patpar Ganj, Opposite Anand Lok Apartments (Gate No. 2), Mayur Vihar-I, Delhi 110 091 |

I, V. Suresh, hereby declare that the particulars given above are true to the best of my knowledge and belief.

March 1, 2019

V. Suresh, Publisher, *PUCL Bulletin*

Right to Food Campaign's Demands from Political Parties for 2019 General Elections

The Right to Food Campaign requests all political parties to consider the following suggestions towards ensuring right to food for all while working on their manifestos for the General Elections 2019. We need to remember that these elections are coming at the backdrop of regular reports of starvation deaths from different parts of the country on the one hand and rural distress and farmers' protests on the other.

While the country now has a National Food Security Act (NFSA), the recent spate of deaths shows that the Act is limited in its vision and implementation. It is currently not even able to ensure the minimum; which is that a person does not go hungry due to lack of food. **The Act needs to be amended to expand its scope and also ensure that it prevents hunger (by including a section on starvation protocol) and also contributes to better nutrition status of the people (by including pulses, oil in PDS, eggs in schools and Anganwadis etc.).**

Along with the NFSA, it needs to be recognised the current situation of hunger is a reflection of rural distress arising out of the agrarian crisis, poor employment and livelihood opportunities, failure of various social security mechanisms and the overall macroeconomic situation. In this regard, we also make some recommendations for the manifesto beyond the changes required in the NFSA framework.

Public Distribution System

Universalisation: Currently, the NFSA is supposed to provide 67% of the population in the country with subsidised foodgrains (cereals). However, it is seen that a number of deserving households (or some members of household) are excluded in many states due to identification issues as well as the caps placed on the number of ration cards (based on 2011 Census data). In order to avoid these exclusion errors, the PDS benefits must be made universal for all residents.

Increase Foodgrains: Increase the foodgrains provided, especially millets, in the NFSA, from 5 kgs at

the current prices under the Act.

Double the Antyodaya Coverage: Double the coverage of the Antyodaya Anna Yojana, with priority to vulnerable groups such as Particularly Vulnerable Tribal Groups (PVTGs) and single women, as per Supreme Court orders.

Pulses and Oil: Include dal (pulses), edible cooking oil and other nutritious foods at subsidised rates in the PDS.

Local Procurement: Procurement must be done in an increasingly local manner, promoting local varieties.

Children's Right to Quality Nutrition

Eggs: Provide eggs 6 days a week in all schools and anganwadis and ensure midday meals are also served during school vacations.

Child Development Centres: To treat severely malnourished children, substantially increase the quantum of and support for community-based village child development centres (VDCs).

Crèches: To reduce the care work burden on women as well as to provide better nutrition, all children under six years of age must have access to a crèche/day care centre which provides trained adult supervision, child development activities, adequate nutrition and link to health services. The crèche access will need to be provided through multiple models including workplace crèches, Anganwadi – cum - crèches and so on. Twenty-five percent of anganwadi centres should be converted to Anganwadi – cum - crèches and should be operational for 8 hours.

ICDS and Mid-day Meals: The diet under the Integrated Child Development Services (ICDS) and mid-day meals should be enhanced through the use of millets, animal products like eggs, milk, yogurt, and meat (for those who eat it), and other locally available foods. Menus must be decided primarily in consultation with the community.

Universalisation with quality and equity of ICDS is required to protect the rights of all young children, pregnant and lactating women and adolescent girls. All children in India

must have access to the full range of anganwadi services. In addition to improving coverage, several steps should be taken to improve ICDS quality and infrastructure.

Coverage of ICDS: Along with dalits, tribals, minorities, disabled children; special efforts must be made to also cover children of PVTGs and migrants through different models. There must be greater decentralisation and flexibility in ICDS with local consultation to decide timings of Anganwadi Centres, menus etc.

Care Work as Decent Work: All workers providing care work, such as Anganwadi Workers and Helpers, ASHAs, should be provided with at least the minimum wage and a decent working conditions.

Mid-Day Meal should be extended to all children up to class XII. Local farmers and self-help groups should be given an opportunity to sell food items directly to schools for Mid-Day Meals where possible, as a means to stimulate the local economy.

Stop the systematic budget cuts and privatisation of services food and nutrition programmes of the government like ICDS, Mid-Day Meal etc.

Ban private contractors in all public feeding/food distribution programmes such as the ICDS, Mid-Day Meals and PDS.

Kitchen Gardens: Organic kitchen gardens must be promoted in schools and anganwadis to improve the nutrient content of the meals served in these institutions.

For Pregnant and Lactating Women

Community Meals: Provide free, hot and cooked nutritious midday meals for pregnant women, lactating mothers, homeless persons and the elderly in anganwadi centres (similar to programs introduced in Karnataka, Andhra Pradesh and Telangana).

Maternity Entitlements under NFSA: The NFSA provides an entitlement of at least ₹6,000 for all pregnant and lactating mothers. The scheme to implement this currently is applicable only to the first birth, and entitles only ₹5,000. The

scheme must be amended to ensure that there are no such conditionalities and all women are included. The amount of benefit must be increased (for example, it is ₹16,000 in Madhya Pradesh and ₹18,000 in Tamil Nadu). It must also be ensured that the instalments are paid without any delays.

Universal Maternity Entitlements: The Maternity Benefit Act currently covers only women in the organised sector. Women do paid and unpaid work at multiple sites simultaneously such as farms, forests, worksites, factories, markets, and home. Legal, programmatic and institutional provisions must be made to ensure maternity entitlements that is equivalent to at least minimum wages at prevalent rates for nine months for all women.

Special Packages

Community Kitchens in urban areas: Start subsidized community kitchens in all cities, towns and block headquarters (like Tamil Nadu's Amma Canteens) and also in hamlets with high tribal populations.

Particularly Vulnerable Tribal Groups: Acknowledging the crisis of hunger and malnutrition amongst PVTGs, provide all the 75 identified PVTGs nationwide with doorstep delivery of a special free nutritional package (similar to the one provided to Rajasthan's Sahariyas of 35 kg foodgrain, 2 kg of dal, 2 kg cooking oil and 1 kg of ghee every month along with monthly social pensions as introduced in Jharkhand).

Social Security Pensions

Universal Pensions: Provide unconditional universal social security pensions to all elderly above 60 years, differently-abled persons, single women and other vulnerable communities such as transgender persons (as initiated in Tamil Nadu) and PVTGs (as initiated in Jharkhand).

Increase Pensions: Increase the amount for social security pensions from monthly ₹200 to at least ₹3,000 or half the minimum wages (whichever is higher) and ensure that they are inflation-indexed.

National Rural Employment Guarantee Act

Double NREGA: Double the annual guarantee from 100 to 200 workdays

per household.

Living wages: Index NREGA wage rates to Consumer Price Index Rural Labourers and ensure that they are not less than the minimum agricultural wage rates in all states.

Timely Payment: Ensure strict timely payment of wages within a fortnight, unemployment allowance to those who are not allotted work and compensation for delayed payment in accordance with the Act.

Urban Employment Guarantee Act: Enshrine and implement a National Urban Employment Guarantee Act (as implemented as a programme in Tripura) with a guarantee of at least 100 days per household for both unskilled and skilled jobs, suitable for urban contexts.

Right to Food Choice

Beef Ban: Remove bans on slaughter of cows on religious and other grounds.

Social Accountability

Grievance Redressal: Appoint State Food Commissions, District Grievance Redressal Officers and Vigilance Committees in all states, districts, blocks and fair-price shops and also ensure a mechanism so that social audits are regularly conducted for all food schemes.

Right to Information: Do not amend the Right to Information Act, but instead strength the state information commissions, appoint Information Commissioners, Lokpals and Lokayuktas and implement the penalty provisions of these laws.

Whistleblower protection law: Implement whistleblowers protection Act and create a conducive environment wherein people have easy access to information.

Agriculture

Minimum Support Price: Enact the Bill for Farmers' Right to Guaranteed Remunerative Minimum Support Price pending in both houses of Parliament.

Land Reforms: Implement redistributive land reforms and stop forcible land acquisition.

Minimum Wages: Secure minimum wage of not less than Rs 18000 per month for all workers.

Encourage food production: Encourage food production through

sustainable and equitable means, and ensure adequate food availability in all locations at all time.

World Trade Organization: Make sure that India does not agree to any restrictions imposed by the World Trade Organization on public stockholdings and press for renegotiating the agreements in relation to agricultural subsidies in favour of developing countries.

Sustainable Farming: India should discontinue pesticides banned by other countries and over the next five years should completely phase out all synthetic pesticides. Fertilizer subsidies should be reduced and investment should instead be made in organic agriculture. There should be a total ban on genetically modified crops and other foods.

Right to livelihoods resources of the marginalised people

Safeguard land rights of adivasis by strong implementation the Forest Rights Act (FRA) 2006; appoint people's representative at the district and block level with immediate effect.

Protect dalits from forceful evictions, allocate specially reserved land to the landless dalits, and create fast track courts for speedy resolution of land disputes.

Implement with letter and spirit The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Technology and Welfare

Prevent Aadhaar Exclusions: Ensure that no one is excluded because of Aadhaar to avail of their social security entitlements especially rations, pensions and NREGA – delink Aadhaar from all social welfare schemes.

Aadhaar: Delink Aadhaar from and amend Section 7 of the Act to ensure that Aadhaar is not made mandatory to avail of any social security entitlements including rations, pensions, schools and others

Technology should **ensure welfares of people** and not exclusion, marginalisation and pain. Management Information System data should be **accessible to people** and should be in **public domain**. □

Relocation of Crocodiles: Green Outfit sends Legal Notice to CM, Centre

The notice urged the recipients to reconsider their decision and follow the guidelines of the Wildlife Protection Act to preserve the crocodile species.

Days after The Indian Express reported the state government's decision to relocate hundreds of crocodiles from Pond 3 and 4 of the Narmada Dam in Kevadia Colony to clear path for the sea plane terminal connecting the Statue of Unity, the Paryavaran Suraksha Samiti (PSS) on Saturday served a legal notice to the Union Ministry of Environment, Forests and Climate Change, Secretary of Ministry of Environment, Forests and Climate Change, Principal Chief Conservator of Forest & Head of Forest Force (HoFF) of Gujarat as well as the chief secretary of the Government of Gujarat to stop the translocation, calling it "drastic and mindless action".

The notice, which has also been sent to Chief Minister Vijay Rupani, called the decision of the state government a "short-sighted (one) with long term impacts". It also questioned the necessity of the said translocation and demands that it must be made known who made the decision and the consultation sought before executing the translocation of the crocodiles. "On what scientific and technical bases and supervision this action is undertaken? The drastic and mindless action of the Forest Department will result in destruction and degradation of the habitats of many species and undermine the multiple values and

ecological services of nature. Let us not overlook the needs and habits of the crocodiles and other food-web species for some selfish, human-centric ends."

The notice urged the recipients to reconsider their decision and follow the guidelines of the Wildlife Protection Act to preserve the crocodile species. It stated, "The purported reason given (for the translocation of crocodiles near the world's tallest statue) is "Tourist Safety" but most likely this is being done for the proposed 'Seaplane Project'. We strongly believe that translocation of crocodiles will cause further problems for this nationally vulnerable Schedule I species and result in multiple issues within the area for different stakeholders, including the authorities concerned."

The notice further stated, "In absence of the known number of crocodiles in the present Lake 3 & 4, it is not possible to claim a crocodile-free water body. Moreover, there is also the possibility of crocodiles entering the dykes from adjoining water bodies that are at the distance of 18-20 km from the Narmada Dam and the main river course."

Raising concern over the arbitrary translocation of crocodiles close to their breeding season, the notice stated, "The government's decision to incarcerate and relocate

crocodiles from their natural habitat is against the principles of 'The Wildlife (Protection) Act 1972'. Especially such an act by the Forest Department which very well knows that this period is the breeding season of the crocodiles raises questions on their role in the management of wildlife and its habitat. More significantly, the importance of this species is illustrated by the multiple legal and policy efforts which have been developed by the Government of India to protect the crocodile population. Any activity which is against the survival of the highly protected species without having been approved by the State Wildlife Board and National Wildlife Board and the Government of India is patently illegal. There are established Rules, Regulations, and Policies to be followed before attempting to relocate scheduled species."

According to Rohit Prajapati of the Paryavaran Suraksha Samiti, the organisation will file a petition in the competent court of law if the government continues its exercise to evacuate crocodiles from their natural habitat.

Published in The Indian Express, February 3, 2019

Link:

<https://indianexpress.com/article/cities/ahmedabad/crocodiles-statue-of-unity-green-outfit-sends-legal-notice-to-cm-vijay-rupani-centre-5566532/> □

Centre's Silence Means Millions May Face Eviction Threat after Supreme Court Order on Forest Rights Act

The 'Supreme Courts February 13th 2019 order in a case challenging the Forest Rights Act, which was published yesterday evening, is a major blow to the struggle of tribals and forest dwellers for justice and to the homes, lands and livelihoods of millions of our poorest people.

The Central government- for the fourth time in a row – chose not to argue at all in the Court. As no other party can speak effectively in

defense of a law, the version of the petitioners – forest officials, ex-zamindars and a handful of wildlife NGOs – was hence taken to be the truth. In fact their petition is not in accordance with facts, law or conservation, and 'several of India's top environmentalists and scientists have condemned their petition.

The Supreme Court's order directs various State governments to report on the status of people's

claims for their traditional rights over lands, forest and forest resources under the Forest Rights Act, and – for some States – goes on to state that claimants whose rejections have "attained finality" should now be evicted.

The fact is that numerous official and independent reports have confirmed that huge numbers of claims have been wrongly rejected and that forest officials, in particular, have a track record of

illegally preventing people's rights from being recognized. Both State and Central governments have repeatedly recognised this – but the Central government chose not to inform the Court of this basic fact.

The Act contains no clause for eviction of rejected claimants, and in fact section 4(5) specifically prohibits eviction until the process of implementation is fully complete in an area. But this order can become a pretext for forest officials to attack lakhs of forest dwellers across the country. This Act was enacted in order to remedy the historical injustice committed by

the British and post independence governments, who seized forest lands without respecting people's rights. Two thirds of this country's forests are in areas that constitutionally belong to tribals under the Fifth Schedule of the Constitution. **Is another historic injustice about to be committed against tribals and other forest dwellers?**

We, and we believe all other organisations, parties and movements interested in justice, will:

- seek to have this order reviewed or modified in accordance with law,

- expose the Central government's collusion with big companies and forest officials against forest dwellers;
- fight to ensure that all governments and parties defend the legal rights of tribals and forest dwellers, and
- fight against any effort to use this order to justify illegal evictions or other atrocities against forest dwellers.

Campaign for Survival and Dignity,

<https://forestrightsact.com/2019/02/20/cent-res-silence-means-millions-may-face-eviction-threat-after-supreme-court-order-on-forest-rights-act/> @ 21.2.2019 ☐

Forest Rights Alliance – *Bhumi Adhikar Andolan*

Supreme Court Verdict on Forest Rights Act is a Continuation of Historic Injustices over Adivasis and Other Forest Dwelling Communities

New Delhi, February 21, 2019: The recent order of the Supreme Court on a petition filed by the Wildlife Trust of India, Nature Conservation Society and Tiger Research and Conservation Trust evicting of more than a million forest dwellers whose claims under the Forest Rights Act has been 'rejected', is in line with the sustained attack by the pro corporate and conservation lobby since enactment of the Act in 2006 in the name of public interest. By blocking the process of claiming and reclaiming of forest rights of the forest dwellers this order will make the process of implementation of FRA 2006 dysfunctional. Forest Rights Alliance – Bhumi Adhikaar Andolan will appeal this order and will not be mute spectator to the spectre of terror to be unleashed in the forest areas. We urge political parties to oppose this and not fall victim to the malicious propaganda of the wild life groups and rather engage in effective implementation of FRA. As the General Elections approach, there is a need for open political debate on intentional non-implementation of FRA by the government agencies, in connivance with Corporate forces and so-called wild life protection groups.

It is to be noted that as per the provisions of the Act under section

12 that Gram Sabha has Supreme Power over a number of Committees and their recommendations along with that of the Forest Rights Committees have precedence over the technical 'rejections' by the district and other committees. Other committees at Sub-Division or District level can only ask for reviewing these claims. The Court seems to have overlooked this critical point. In absence of the Union government's lawyer in various hearings the details and processes of recognition and rejection of Claims has been overlooked and the affidavits filed by the State governments have not been thoroughly discussed and looked into.

The absence of the government's lawyer during the hearings only reinforces the predominance of colonial mindset against forest people in this legal process and how the government views their rights and welfare. This order, if followed, can become a pretext for forest officials to attack lakhs of forest dwellers across the country, preventing which was the very purpose for enacting the law. This Act was enacted in order to remedy the historical injustice committed by the colonial rulers as well as after independence against the

country's forest dwellers.

The last time country-wide evictions took place was in 2002-2004, by an order issued by the MoEF, under the Bharatiya Janata Party led National Democratic Alliance government, [that too with a passing reference to a non-existent Supreme Court order of 23 November 2001] in giving a wrong impression that evictions had been ordered by the Supreme Court to all the state and union territories, stating that approximately 12.50 lakh hectares of forest land is under encroachment and that 'all encroachments which are not eligible for regularisation should be summarily evicted in a time bound manner and in any case not later than September 30, 2002.

Is another historic injustice about to be committed against them yet again? At least two thirds of the country's forest lands are tribal lands under the Vth Schedule of the constitution. The implementation of this order will definitely see more unrest in various parts across India which will be leading to the impoverishment of the tribals and the other forest dwelling communities. With this draconian order even the status of right holders, who have already received the rights will be endangered. In all probability they would also be

attacked by Forest department and by the mafias engaged by the companies.

It needs to be noted that the historic Kisan Long March to Mumbai undertaken by farmers and adivasis last year and happening even now, as we write this, also raised the large scale irregularities in the settlement of claims under FRA. Communities across the country are still struggling to ensure proper implementation of the Act

since governments have not shown any political will and made every attempt to dilute the law and also violate it in name of development and conservation.

Forest Rights Alliance and Bhumi Adhikar Andolan condemns the lackadaisical attitude of the NDA government and demands effective implementation of the Forest Rights Act and subvert any attempt at diluting the law and stop from proceeding to forced evictions in

light of the current Supreme Court law. We also demand that government issue an Ordinance in larger interest of protecting rights of forest dwellers to stop any evictions in the name of implementing the Supreme Order and prevent attempts of further harassment.

36, Pandit Ravi Shankar Shukla Lane, (Canning Lane), New Delhi 110001

Link: bhumiadhikarandolan@yahoo.com | 011-23782890 ☐

Over 70 Experts Call for US to Stop Interfering in Venezuela¹

Venezuelan Analysis, 24th January, 2019

Noam Chomsky, Alfred de Zayas, Sujatha Fernandes, Boots Riley, John Pilger, Vijay Prashad and many others oppose US interventionism in Venezuela. The statement is worth the read

The United States government must cease interfering in Venezuela's internal politics, especially for the purpose of overthrowing the country's government. Actions by the Trump administration and its allies in the hemisphere are almost certain to make the situation in Venezuela worse, leading to unnecessary human suffering, violence, and instability.

Venezuela's political polarization is not new; the country has long been divided along racial and socioeconomic lines. But the polarization has deepened in recent years. This is partly due to US support for an opposition strategy aimed at removing the government of Nicolás Maduro through extra-electoral means. While the opposition has been divided on this strategy, US support has backed hardline opposition sectors in their goal of ousting the Maduro government through often violent protests, a military coup d'etat, or other avenues that sidestep the ballot box.

Under the Trump administration, aggressive rhetoric against the Venezuelan government has ratcheted up to a more extreme and threatening level, with Trump administration officials talking of "military action" and condemning Venezuela, along with Cuba and Nicaragua, as part of a "troika of tyranny." Problems resulting from Venezuelan government policy

have been worsened by US economic sanctions, illegal under the Organization of American States and the United Nations — as well as US law and other international treaties and conventions. These sanctions have cut off the means by which the Venezuelan government could escape from its economic recession, while causing a dramatic falloff in oil production and worsening the economic crisis, and causing many people to die because they can't get access to life-saving medicines. Meanwhile, the US and other governments continue to blame the Venezuelan government — solely — for the economic damage, even that caused by the US sanctions.

Now the US and its allies, including OAS Secretary General Luis Almagro and Brazil's far-right president, Jair Bolsonaro, have pushed Venezuela to the precipice. By recognizing National Assembly President Juan Guaido as the new president of Venezuela — something illegal under the OAS Charter — the Trump administration has sharply accelerated Venezuela's political crisis in the hopes of dividing the Venezuelan military and further polarizing the populace, forcing them to choose sides. The obvious, and sometimes stated goal, is to force Maduro out via a coup d'etat.

The reality is that despite hyperinflation, shortages, and a

deep depression, Venezuela remains a politically polarized country. The US and its allies must cease encouraging violence by pushing for violent, extralegal regime change. If the Trump administration and its allies continue to pursue their reckless course in Venezuela, the most likely result will be bloodshed, chaos, and instability. The US should have learned something from its regime change ventures in Iraq, Syria, Libya, and its long, violent history of sponsoring regime change in Latin America.

Neither side in Venezuela can simply vanquish the other. The military, for example, has at least 235,000 frontline members, and there are at least 1.6 million in militias. Many of these people will fight, not only on the basis of a belief in national sovereignty that is widely held in Latin America — in the face of what increasingly appears to be a US-led intervention — but also to protect themselves from likely repression if the opposition topples the government by force.

In such situations, the only solution is a negotiated settlement, as has happened in the past in Latin American countries when politically polarized societies were unable to resolve their differences through elections. There have been efforts, such as those led by the Vatican in the fall of 2016, that had potential, but they received no support from

Washington and its allies who favored regime change. This strategy must change if there is to be any viable solution to the ongoing crisis in Venezuela.

For the sake of the Venezuelan people, the region, and for the principle of national sovereignty, these international actors should instead support negotiations between the Venezuelan government and its opponents that will allow the country to finally emerge from its political and economic crisis.

Signed: **Noam Chomsky**, Professor

Emeritus, MIT and Laureate Professor, University of Arizona; Laura Carlsen, Director, Americas Program, Center for International Policy; Greg Grandin, Professor of History, New York University; Miguel Tinker Salas, Professor of Latin American History and Chicano/a Latino/a Studies at Pomona College; Sujatha Fernandes, Professor of Political Economy and Sociology, University of Sydney; Steve Ellner, Associate Managing Editor of Latin American Perspectives; Alfred de Zayas, former UN Independent Expert on the Promotion of a Democratic and Equitable International Order and only UN rapporteur to have visited Venezuela in 21 years; Boots Riley, Writer/Director of Sorry to Bother You, Musician; John

Pilger, Journalist & Film-Maker; Mark Weisbrot, Co-Director, Center for Economic and Policy Research; Jared Abbott, PhD Candidate, Department of Government, Harvard University; Dr. Tim Anderson, Director, Centre for Counter Hegemonic Studies; Elisabeth Armstrong, Professor of the Study of Women and Gender, Smith College; Alexander Aviña, PhD, Associate Professor of History, Arizona State University; Marc Becker, Professor of History, Truman State University; and many others. See the site for the list of all names.

¹Source: <https://venezuelanalysis.com/analysis/14249@13Feb2019> □

Thanks to the S.C. for the CBI's Dubious Existence and Nefarious Activities.

The legal status of the CBI is doubtful and it has no moral right to exist. It is still there creating so much scandal and infamy due to the mysterious and inexplicable conduct of the apex court. The constitutionality of the organisation was challenged in the Gauhati High Court and the court held on 6 November 2013 that the body was unconstitutional and it could not act as a police force. The Division Bench of the court held as under:

"We hereby... set aside and quash the impugned resolution dated April 1, 1963., whereby CBI has been constituted... We do hold that the CBI is neither legal nor a part of the *Delhi Special Police Establishment* (DSPE) and the CBI cannot be

treated as a ' police force 'constituted under DSPE Act, 1946", the court said. It further said the aforementioned home ministry resolution was "not the decision of Union Cabinet nor were these executive instructions assented to by the Ptesident. "Therefore, the impugned resolution ...can at best be ...regarded as departmental instructions, which cannot be termed as "law", the judgment said. The CBI moved the Supreme Court against the High Court verdict and the case was heard on 9 November, 2013 by a bench headed by J.Sathashivam. The S.C.stayed the judgment of the High Court and went into a deep amnesia which continues

It is highly irresponsible of the apex court to allow a body of doubtful legal existence to play havoc with the lives of the people and public servants, especially, when it has found it "a caged parrot". The observation is a reflection on its fair and impartial functioning. Should the court keep the case pending and allow an "unconstitutional" body to play havoc with the lives of constitutional bodies? And what would be the moral justification for the suffering the CBI has been causing to the people if it is found to be really "unconstitutional." In that case, the sinner would be the Supreme Court and not the CBI.

Prabhakar Sinha on facebook □

Why does a democratic India need more Draconian Laws than the India under the British Rule?

Prabhakar Sinha

Democratic India has far more draconian laws than the India under the British imperial rule. In fact, the Rowlatt Act whose opposition led to the massacre of more than a thousand men, women and children at the *Jallianwala Bag* is very mild and liberal compared to MISA (1971) TADA (1985), UAPA (1967), POTA (2002), AFSPA (1958) and numerous other laws enacted by the Union and the State governments after independence. Under the Rowlatt Act thousands could not have been arrested indiscriminately as is done under

the dreaded draconian laws enacted in the Republic of India. When a democratic government needs draconian laws, it means that it has ceased to be a government for the people and is engaged in serving a handful at the cost of the multitude leading to the need of an arsenal of draconian laws to suppress the protesting masses. Would the people create such a situation for a government which serves them well as to warrant enactment of draconian laws for their own suppression? Such a course would be illogical

and irrational. If there is a need for ruthless laws in our country, there has to be a reason. The fact is that successive governments after independence have been shamelessly violating the letter and spirit of the constitution and betraying the the people to serve the rich causing anger and resentment. To take only a few examples, the constitution enjoins the State to 'minimise the inequalities in income' and 'eliminate the inequality of status, opportunity and facility' but the rulers have been maximising

them. The constitution enjoins the State to prevent concentration of wealth and the means of production into a few hands, but the rulers have been doing the opposite and have created a class of the rich and super rich. The constitution mandates the State to utilise the resources of the nation for the community, but the same is being gifted to the handful of the rich to make them richer. The rich fund all the political parties and finance their leaders, and they all return the favour by employing the power of the State and resources of the nation to serve the interest of their benefactors at the cost of the people. They have reduced our

democracy to a plutocracy (the rule of the rich) with the facade of democracy. It is this plutocracy, which impels the government of the day to fill its arsenal with draconian laws to suppress the masses clamouring for the fulfilment of the dream which the politicians have sold them.

The people are helpless in forcing the government to implement the provisions in the constitution (mentioned above) because they have been made non-justiciable i.e. the courts cannot direct the State to implement them. All the provisions dealing with the welfare of the people have been placed in Part IV of the Constitution, which are non-

justiciable. Thus the people have been made helpless spectators of the usurpation of their rights and their future while the usurpers have been vesting themselves with ferocious laws to suppress them if they raise their voice against their betrayal. Ours is a government of the people and by the people because it is elected by the people, but is not a government for the people because it serves a handful instead of the general public. It offers bouquet to its paymasters and lathis, bullets and prison to the rest. The draconian laws are needed to shut us in the prisons and ask us to shut up. □

PUCL Tamilnadu:

Amendment for the Constitution to be taken in the National Conference

Dear All,

The Amendment seen below has been sent to the National General Secretary V.Suresh and National Vice President Pro.Saraswathi on November 17, 2018 and was also sent to National General Secretary and Ex National President Prabhakar Sinha, and National

Secretary Kavitha Srivatsava on Nov.19th of 2018 to be placed in the National Council last year. This was placed before the Delhi National Council 2018 and was discussed to some level and a decision to take this for further discussion across the Sub Continent among all State Councils and then can be taken for

a discussion to reach a decision. So this is the apt time for taking this proposed amendment for a discussion in the coming National Conference. Hope the leadership will do the possible.

Thanking You,

T.S.S.Mani, National Council Member, Tamilnadu PUCL

Amendment Needed

PUCL in its Constitution, clearly placed that members belonging to any Political Party can be a member of a Council like National Council, State Council, and District council, but can't be an Office bearer in any level. This bylaw was written in 1980, when there are leaders and individuals from Political Partys, who came to PUCL, since they felt the need of a Civil Liberty movement in India after Emergency. At that time even there were Non Party Social organisations, to which some of the leading persons of PUCL were attached to. If we want to name some of the organisations we can mention R.S.S. like Social, Cultural organisations. Particularly George Fernandes and Sathyanarayana singh of C.PI.[M-L] were members of National Council. And Arun Shourie, was National General Secretary, and Ravishankar Prasad was State Secretary of Bihar and Cho Ramasamy was State

President of Tamilnadu in PUCL, though they were understood as members of R.S.S. a Social, Cultural organisation. Now the Socio-Political situation in the Country leads to mushroom growth of Social organisations, and they were known as Non-Party organisations. So there is ample opportunity that many vanguards and leaders of such Social organisations came inside PUCL. This leads to a situation, that many of PUCL office bearers are in those Social, Cultural organisations and Trade Unions and even having funded NGOs. This leads to some clash in their work. Preferences and Priorities clash within their own work Style. So PUCL has to come out with some "New ideas" so that the Office bearers of PUCL may not have any conflict of interest and shall be free to act for PUCL with main Priority and first Preference. An amendment in this respect shall

be done, which can make the Office bearers to concentrate their work in PUCL freely without any disturbance.

When we want the Office bearers at every level to exclusively take the responsibility of pucl, without taking a main leadership role in other organisations, we mean only the decision making mainstream office-bearers like, President, General Secretary and Treasurer. But to include some Eminent, High Profile persons who may be leaders of any Social, Cultural, T.U.s, and Funded NGOs, as Vice Presidents and Secretaries or Joint Secretaries at any level can be done, so that to acknowledge the Human Rights movements and Defenders in the Society and PUCL can have an inclusive say. These Projections can be helpful to Strengthen the Outfit against any onslaught from the VioleTERS.

From--**T.S.S.Mani** □

Appropriating An Icon: RSS Celebrates Netaji Subhash Chandra Bose

Ram Puniyani

On this 23rd January BJP-RSS organized various programs to honor Netaji Subhash Chandra Bose. In one of these programs, a clash took place leading to a curfew in Kendrapada, Orissa. In different meetings organized by BJP-RSS attempt was made to draw parallels between Bose and Savarkar, Bose and RSS. Propaganda is on to show that it was on Savarkar's suggestion that Bose undertook to tie up with axis powers (Germany and Japan). Parallels are being drawn between RSS and INA (Azad Hind Fauz). Now all attempts are on to show that Bose's nationalism was close to that of Savarkar-RSS.

RSS combine is trying to praise Netaji Subhash Chandra Bose as the one who gave legitimacy to struggle for Independence against British. When did this combine realize the contributions of this great freedom fighter? Or for that matter the question comes did RSS combine ever want to struggle against British rule? It is last few years that these attempts to identify with national icons are going on. While in case of Sardar Patel the propaganda is that had he been the first Prime Minister of India we would not have had Kashmir problem, we would have progressed more. The truth in this matter is that Patel and Nehru were two solid pillars of Indian Cabinet who gave foundations to Indian republic. The differences among them were of minor nature and Patel was the most trusted Cabinet colleague for Nehru,

As far as Subhash Chandra Bose, Netaji, is concerned we know that he is one of the major freedom fighters of India. He was part of Indian National Congress most of his life and was its President of Tripura session in 1939. Within Congress he was part of the Socialist group. He and Nehru had matching ideas on issues of socialism, secularism among others. He did fallout from Congress on the issue of method of getting freedom. While the Gandhi-led Congress wanted to adopt the path of non violence, Netaji did not see

eye to eye on this issue. For getting freedom for India, Congress launched 'Quit India' movement to build the anti British pressure and this gave boost to the freedom struggle. During Second World War Netaji's approach was to launch armed military action against British by collaborating with axis powers (Japan and Germany), that's how he set up INA. He also formed free India's provisional Government in Singapore on 21st October 1943. He has been a charismatic leader who was thoroughly anti British.

Undoubtedly Congress was firm in the path of non violence. It launched the Quit India movement which was led by Mahatma Gandhi. Bose did develop some differences on the matter of fighting against British. He resorted to tying up with the Fascist Germany and its ally Japan. What were RSS and Hindu nationalists doing at this point of time? Hindutva ideologue Savarkar, the progenitor of Hindutva and Hindu nation ideology, propagated at that time that Hindu nationalists should help British in their war efforts against Japan and Germany. RSS Sarsanghchalak M. S. Golwalkar also went on to instruct all its branches not to do anything which will annoy British and kept aloof from the anti British struggles. So while Congress was putting pressure on British through Quit India movement, Netaji was fighting British through INA, Savarkar was proactively helping British by helping them in recruitment for armed forces. In a way RSS did nothing which went against British rule. So here, with a forked tongue, Hindu nationalists on one hand were supporting the British in their war efforts (Savarkar) or keeping aloof (Golwalkar-RSS), on the other now they are eulogizing Netaji for his anti British INA!

While Netaji was Socialist, close to ideas held by Nehru, Golwalkar went on to write that Communists are internal threat to the Hindu nation. While BJP at the time of its formation used the word Gandhian Socialism, it was a mere electoral Jumla (gimmick). The ideology and

actions of Netaji and Hindu nationalists-RSS were poles apart. So why are they projecting him today? Why are they trying show similarities which are not there? Essentially as RSS did not participate in freedom movement, it does not have any national icon. RSS's Atal Bihari Vajpayee at that time was a young college student who during Quit India movement was jailed by mistake; he apologized and got himself released. Savarkar since he was Anti British before being imprisoned in Andaman jail has been glorified as the brave warrior by prefixing Veer (Brave) to his name. He also had apologized to the British and got released from the jail. Mostly the communal nationalists, Muslim League - Hindu Mahasabha - RSS never took anti British stance. This should be the defining point for Indian nationalism. Congress and Bose were anti British to the core, so their nationalism in a way has similar wave length despite some differences.

When INA of Bose was being tried by British for their anti War actions against British, it was the likes of Nehru who defended the INA, none from Hindu Nationalist camp came forward to defend Bose and his colleagues during the trial by British. It is only for electoral reasons that now RSS-BJP need to identify with the likes of Patel and Bose. They are actively trying to dig up some points here and there to get a ride on the back of legends like Patel and Bose. So far Sardar Patel has been projected and now it's Netaji's turn! Their central opposition is to Indian nationalism. They vilify Jawaharlal Nehru who stood rock solid in defense of secularism and democracy. Since RSS wants to oppose the Nehru legacy, Congress on electoral ground, RSS keeps propping up icons like these. While these icons had some differences with Nehru, they essentially were on similar wave length as far as secular democratic values are concerned. These projections of Patel and Netaji are mere electoral ploys to garner more power! □

Press Conference: Draconian Laws, State Impunity and the Illegal Arrests

A press meet against the illegal arrest of human rights defenders under UAPA and other draconian laws was held at Press Club of India, New Delhi yesterday, i.e., 2 February 2019.

In blatant disregard to the order of the Supreme Court of India allowing Prof. Anand Teltumbde four weeks to approach the court for anticipatory bail, the Pune police arrested him from the Mumbai airport at the wee hours of 2 February 2019. Later in the day the Pune Sessions Court abiding by the SC order released Prof. Teltumbde and directed them to desist any action against him till 11 February 2019. The Campaign Against State Repression organised a press conference to denounce the malicious arrests of workers, lawyers and human rights defenders at the Press Club of India, New Delhi on 2 February 2019.

Taking a position against the communal forces in the country, Justice BG Kolse Patil spoke of uniting against these forces and bringing the real perpetrators of the violence at Bhima-Koregaon Shambhaji Bhide and Milind Ekbote to justice. Adv. Vrinda Grover stated that Anand Teltumbde's name was maliciously added and despite the interim protection till 11 February accorded to him by the SC order, he was picked up at 3:30 am and taken to Pune Sessions Court. She further added that Teltumbde's house was raided when he wasn't at home which in itself is illegal. The disregard for the law by the Pune Police is blatantly clear.

Minal Gadling spoke about the threats faced by her partner, Adv. Surendra Gadling from the local police officers like Ravindra Kadam. She further asked if helping dalits, adivasis and workers was reason for the arrest?

Adv. Jagdeesh Meshram talked about how the 2016 Surjagad case was foisted on Adv. Surendra Gadling and Varavara Rao just days ago. On 31st Jan, the police transferred both from Pune jail to Aheri, Gadchiroli and are now making more efforts to foist other cases and prolong their incarceration.

Himanshu Kumar, human rights activist, declared the arrest of activists after branding them Maoists is incredulous. He spoke how those who have been serving the most marginalised people now find themselves in jail, put there by Narendra Modi and the BJP led government. He added that people must oppose these illegal arrests else the government won't stop arresting whomsoever it wants. He stressed again on the need to struggle against fascist forces.

Ujjwal Kumar Singh, Professor - Delhi University, characterised draconian laws like UAPA as not only archaic but also a colonial method to stifle dissent. The name of these extra-judicial laws is irrelevant, as soon as one is repealed another takes its place as was the case between POTA and UAPA amendments in 2004. There are no fair trails under these Acts and the conviction rate is appallingly low. He rhetorically asked why these draconian laws were needed when there exists a robust IPC? It is to create a sense of fear. He narrated how people spend years between being jailed and acquitted stating how this is in itself a form of punishment. These arrests are politically motivated actions by the state against these people and the organisations and communities they work with. They are political prisoners and the fight for their release must be political and not just legal.

Subhash Gatade drew parallels between the Bhima-Koregaon case

and the Khairlanji case where dalit rural workers were lynched and raped by local upper caste landlords for defending their land. They are still seeking justice.

Anil Chamadiya, stated that there is no legal recourse when people are declared guilty without trial. These actions not only spread fear among people but also threaten the judiciary.

Uma Chakravarti, feminist historian and film maker declared that people may be angered and depressed by these events but they must speak out. The current situation is one often repeated in history. Even during the Emergency, when thousands of people were arrested and censorship prevailed, people spoke out in the face of threats. She said the government won't declare an emergency but has already implemented one in Chhattisgarh. The government seeks to divide the people and target workers, lawyers and other human right defenders by accusing them of conspiring against the state. What rule of law, except an emergency would allow for this?

John Dayal, human rights activist condemned prevalent arbitrary use of the law. Arresting people who speak out like suppression of the press are efforts to hide the crimes of the state.

N Sai Balaji, JNUSU, stated that the Modi government is especially vicious against people who fight for *jal-jangal-jameen* and for the rights of adivasis, Dalits, Muslims and women. Modi's policy is lies, loot and hatred. Exposing this lands you in jail while Nirav Modi and Mehul Choksi are flown beyond the reach of law.

Vasantha, activist, spoke about the deteriorating health of her partner Prof. GN Saibaba in jail right now, and appealed to everyone to unite and speak up for her husband

whose life is under threat. Sidharth Varadarajan, editor of the Wire, counselled against deeming this a victory and called it only a temporary relief. Fabricated cases, branding of people as urban naxals, plot to assassinate the PM, these are all just concocted conspiracies. It is no coincidence that just days ago efforts were made to revive cases against Kanhaiya Kumar during whose

trial, no effort was spared to brand him anti-national. Fear-mongering is done deliberately to mislead people.

Jignesh Mevani, MLA from Gujarat, stated that nonsensical accusations of being anti-national is the new norm. Bhim Army's Chandrasekhar Azad spent 15 months in jail despite no evidence against him. Government wishes to brand Bhima Koregaon as maoist

event even when retired SC and HC judges like PB Sawant and Kolse Patil have openly admitted to being the organisers. This is a BJP election gimmick to suppress dissent. He concluded by stating that Anand Teltumbde is a dalit and if the rule of law prevails the Pune police should be prosecuted under the SC/ST Prevention of Atrocities Act.

Sent by N.D. Pancholi, National

SA Bill Draft

Dear All,

As a sequel to the RTI Act, the Rajasthan groups have been pushing for a law pinning down the state for delivery of services and governance. There has been talk of the need to draft a Social Accountability legislation. After a month long yatra and numerous discussion MKSS friends have come out with a draft legislation which might be moved before the Rajasthan Assembly by March, 2019.

Sharing it with you all for comments and responses.

Regards,

V.Suresh, General Secretary,
National PUCL

----- Forwarded message -----

From: **Aruna Roy**

<arunaroy@gmail.com>

Date: Thu 14 Feb, 2019, 10:09 PM

Subject: [MKSS-Saathi] Fwd: SA Bill Draft.pdf

The civil society / peoples movements in Rajasthan have been campaigning for an Accountability law as a follow up to the RTI. It has been important for us to ensure accountability, as transparency and disclosure alone cannot deal with corruption or the arbitrary use of power. You may recall that in 2016, we did a three month bus yatra to all the 30 districts of Rajasthan, called the Jawabdehi Yatra. In the course of which we came up with several lapses of governance and exposed arbitrary decision making leading to denial of basic services, sometimes causing loss of life. Many of us were also beaten up in Jhalawar district, the home district of Vasundhara Raje , then Chief Minister. It has

been a struggle of many years.

The campaign traveled to many states. In Kerala, the government was on the brink of passing the legislation, but has not. The Rajasthan Government is poised to pass the law in the budget session later this month.

This legislation like the RTI will apply to a spate of violations of accountability by the power elite, affecting a large section of the population, in a range of issues.

The draft bill is attached, and we welcome your comments.

Regards,

Nikhil Dey, Shankar Singh, Rakshita Swami & Aruna Roy, on behalf of the *SR Abhiyan*

Aruna Roy, *Mazdoor Kisan Shakti Sangathan (MKSS)*, Village Devdungri, Post Barar, District Rajsamand, Rajasthan. ☐

Contd. from pg. 20

Fernandes had participated in Kutch Satyagrah in 1969 to oppose international award. His brave fight against dictatorial rule of Indira Gandhi during Emergency (1975-77) was also memorable. As railway minister he helped perform engineering wonders called Kokan

Railway. As defense minister he won Kargil war along with the hearts of the Jawans posted at Siachin.

He was also a institutions builder. Bombay Labour Co-operative Bank which helped taxi men and rikshaw pullers to own their vehicles and

save themselves from the clutches of private moneylenders.

The Socialist Party pays homage to the inspiring memories of socialist struggle George Fernandes.

Pannalal Surana, Senior Member, National Executive, SPI ☐

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Press Release: 02nd February 2019

Socialist Party's Salute to George Fernandes

The Socialist Party salutes and pays homage to George Fernandes. Notwithstanding his deviation in later days in aligning with communalist forces, his services to the working classes and commoners are worthy of recognition and salutation. Giving up his training as priest, George Fernandes plunged in to trade union movement of Mumbai as a young socialist. He organized sweepers and others municipal employees, enthused them to courageously combat with the authorities and win solid benefits.

He also organized hawkers and other domestic servants who secured honorable conditions of doing business.

He had lead transport workers of BEST and the Maharashtra State Transport who received honorable settlements like weekly holidays which meant one more employee after every six workers. In 1967, he aroused confidence of common voters, who defeated SK Patil, the uncrowned King of Mumbai. That inspired youths all over the country.

Contd. on pg. 19

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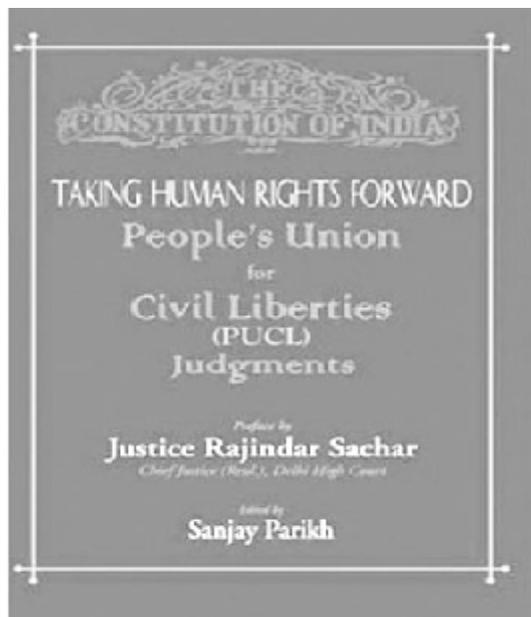
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PUCL Announces the Publication of the Compilation of Judgements of the Supreme Court in PILs filed by the PUCL Taking Human Rights Forward People's Union For Civil Liberties (PUCL) Judgments



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PUCL BULLETIN

Editor : V. Suresh

Editorial Board : Sanjay Parikh,
Ms. Kavita Srivastava, Ms. Sudha Bhardwaj,
Ms. Daisy Narain (Prof.)

Assistance : Babita Garg

Printed and Published by:

V. Suresh, General Secretary, PUCL,
on behalf of **People's Union for Civil
Liberties**; **Printed at**: Royal Offset,
489, Patparganj Indl. Area, Delhi-92;
Published at: 332, Ground Floor,
Patpar Ganj, Opp. Anand Lok Appmt.,
Mayur Vihar-I, Delhi 110091;
Editor: V. Suresh.