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

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Editorial:

Post Covid Lockdown Scenario – The Dark Challenges to Democracy and the Human Rights Movement in India

No one could imagine on 24th March, 2020 night, when the Prime Minister Shri Modi announced the nationwide lockdown to contain or prevent the spread of the Covid-19/Corona virus, what the consequences would turn out to be. In what has become his signature, trademark style the Prime Minister announced, with just 4 hours advance notice, that the entire country would be locked down; barring people involved in essential services, everyone else in the nation of 138 crores would be forced to live confined to their homes. The abrupt, sudden, arbitrary and dramatic announcement, very similar to the 8th November, 2016 unscheduled national announcement on demonetisation, gave little time for people to prepare for the lockdown. Migrant workers, travellers, students in hostels and millions of people away from their homes suddenly found themselves trapped in places where they were at the time of announcement staring at the near impossibility of reaching home. Very soon, many ugly realities of our extremely contradictory socio-economic and political system, marked by immense structural inequality, systemic alienation and cultural discrimination, started surfacing. Even while a vigorous debate rages on with no unanimity as to the efficacy of the lockdown and whether it helped curtail spread of Covid virus or not, one thing is clear: we are witness to a huge humanitarian crisis unfolding before our eyes. For every dark story of starvation and heartlessness of self-centred people denying aid and succor to suffering communities, there are equally heartwarming stories of compassion and humaneness with which individuals, groups and communities have helped one another prevail over hunger, starvation and other

Note from the Editor:

We regret that we could not come out with the April and May, 2020 issue of the PUCL Bulletin. The April issue was almost ready to go to print when on 24th March, 2020 night, the Prime Minister announced country wide lockdown effective from midnight of 25th March, 2020 so as to prevent the spread of the COVID -19 – Corona virus, Since then, the Lockdown has been extended twice more, though by the time of going to print, strict lock down has been eased in areas where the Corona virus infection has seen reduction in incidence. In this issue we carry many of the statements issued by us regarding various concerns linked to the lockdown effect. We shall be carrying some more statements in the next issues of the Bulletin.

Dr.V.Suresh, Editor, Printer and Publisher, PUCL Bulletin & National General Secretary, PUCL

adversities. Beyond the travails of ordinary citizens and groups however, lurk larger systemic, structural issues which need to be urgently addressed immediately and cannot be pushed under the carpet. We list just a few of the main concerns.

1. The extremely inadequate health infrastructure, both in urban as also rural areas, across the country, stands out starkly in terms of preparedness and ability to deal with mass disasters.
2. The poor and insufficient budgetary allocation by both Central, as also the State Governments, to ensuring universal healthcare benefits is another glaring and unfortunate reality which can no longer be ignored. Linked to this is the issue of increased policy thrust encouraging privatisation of health services going hand-in-hand with gradual degeneration of public sector health facilities and infrastructure.
3. Constantly rising economic and social inequalities across all states, manifests in terms of poor nutritional standards and therefore rising health crisis and attendant problems of livelihoods, educational and other problems.
4. The migrant labour issue has been cruelly exposed with the televised pictures of lakhs of starving, desperate migrant workers walking hundreds of kilometres back to their home states shaking people out of their complacency. The 'invisibilised' migrant workers

crisis has exposed to a shocked nation the reality that industry and the state are complicit in the creation of the migrant labour crisis and together culpable for the tragedy by the conscious non-implementation of protective laws for the migrant labourers in the form of the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

5. The lack of providing universal social security programmes is seen in vast sections of our vulnerable people left out of access to basic provisions which could have helped people to cope with the Covid situation in a dignified manner. In turn, this raises the issue of demanding universal PDS, universal health care, universal education.
6. Despite the social problems confronting people, the State goes ahead with its agenda of stifling people's fundamental rights – to free speech, to dissent, to seek accountability and transparency. In numerous states, doctors and health workers who complained about inadequate or poor quality of PPE's have been criminalised, prosecuted and humiliated with a senior doctor in AP paraded near naked across the city, handcuffed and shackled for daring to criticise the government's indifference to providing adequate protection to COVID frontline personnel.
7. Behind the curtain of silence, the state has been quietly going ahead to arrest

youngsters who had participated in anti - CAA protests in Delhi and elsewhere; ironically, at a time when the demand has been to reduce prisoners in prisons so as to prevent spread of Covid infection in densely packed jails, more young activists are being arrested in a vengeful manner! The anti-human rights agenda of the central government and its vendetta politics stands out in sharp profile all through the crisis and lockdown period.

8. The acme of the callousness of the state to respect the Indian Constitution and the constitutional ethos is reflected in the action of many states declaring and passing orders to suspend the functioning of labour laws in their states, as for example in UP, MP, Karnataka, Gujarat, Rajasthan and other states.

Even as we, as citizens of India, collectively close ranks to unitedly work to ensure the curtailment of spread of Covid-19/Corona virus, the challenge has got very onerous. We cannot afford to remain complacent and unbothered, for at the heart of the Covid struggle is not just a health issue; rather it is to ensure the continued survival and growth of our democratic, secular, socialist republic. We shall focus on these and other challenges in this and future issues. We invite readers to send in articles on these subjects.

Dr. V. Suresh, Editor, *PUCL Bulletin* and General Secretary, PUCL.National
Dated 22nd May, 2020 □

PUCL Statement: 26th April, 2020

Lift Total Lockdown and Continue only in Select Places

April 25th 2020 marks the end of the first month of India's gigantic, country-wide lockdown to counter and check the spread of the COVID - 19 – Corona virus. As the Prime Minister gets down to discuss on 27th April, 2020, with the CMs of all the states of India, about whether to continue fully or partially with the biggest ever global shutdown of this

size, it is an apt occasion for citizen's to review progress and point out key concerns, to both the Prime Minister of India, as also all the Chief Ministers.

At the very outset, given the size and spread of India with 138+ crores population, we acknowledge the gargantuan nature of the challenge to formulate a policy to counter the

spread of COVID-19. However when late in the evening of 24th March, 2020 the PM announced with only a 4 hour advance intimation of literally shutting down the entire country from midnight of 25th March for a 3 week period, citizens were taken by surprise. There was no thought given at the time of the surprise announcement, to the implication of a

complete lockdown on the lives of poor, marginalised communities, women headed households, migrant workers living precarious lives in distant towns and cities, on the plight of small traders, shop owners, artisans, daily wage earners who don't have resources or home space to store food items for 3 weeks and myriad other social sections to whom a nationwide lockdown spelt economic ruin and social disaster. Despite misgivings about lack of preparedness and the social, economic and humanitarian repercussions of the shutdown, there was very little choice left to anyone - including most political parties, CMs, industry leaders and civil society - but to forcibly put differences behind and to unitedly confront the deadly scourge.

So much so, on 14th April, when the 3 week shutdown was extended for a further period till 3rd May, there was little choice for people but to grudgingly acquiesce to the continuation of restrictions, even though by this time people had come to know first-hand the consequences of such a sudden and arbitrarily enforced lockdown on their social and economic lives. People were not taken into confidence as to the plan for economic and social revival of the economy and livelihoods of the crores living on the edge of economic marginalisation; ironically this was despite the fact that by and large, citizens had abided by the restrictions imposed by way of continuing with 'social distancing', quarantine, shut down of shops and economic enterprises. The health, social and economic cost paid by the people to the lockdown has not been cheap. With hospitals focusing only on the corona virus, government hospitals and PHCs have not been able to address existing ailments and health needs of people including to keep open OPDs, or tend to pre-natal care, TB medication, vaccination programmes and so on. PUCL hopes that the cost paid by ordinary Indian citizens will not go in vain.

The desperate economic, social and hunger crisis experienced by millions of unemployed, marginalised and poor Indians cannot be ignored. The looming humanitarian and human rights crisis can be averted if care is bestowed by policy makers in the states and the national government to the following issues.

1. Roll Back full lockdown – if it all have calibrated, limited lockdown areas

We however would like to caution the CMs and the PM, about further continuation of total lock down. We call upon the Prime Minister and Chief Ministers to take people into confidence and evolve a transparent method to determine in which regions the lockdown can be lifted, totally or partially and to continue with lock down system only in select areas. This will help people and local, small economies to revive and come back to life. We would like to point out that the field situation is explosive: millions of poor, marginalised and unemployed Indian are confronting the reality of acute hunger and starvation both in rural and urban India because of loss of livelihoods; serious economic distress confronts India's farmers preparing for the next agricultural season, local artisans, shop keepers and a host of small entrepreneurs whose savings have evaporated and working capital destroyed. MSME's are facing economic ruin unless a well thought out stimulus package is evolved and immediately rolled out. Millions of migrant labourers have been stranded in worksites across India, unable to return home, desperate to survive with no rations, cash and access to medical facilities. What adds agony to the distress is the use of force by the police in many states to control and quell people in the name of enforcing the lockdown and also the attempt to silence voices questioning failures in roll out of relief schemes.

2. "People First Policy" and not just industry oriented, economic revival programme

PUCL points out that the central thrust of all Central and state Governments policies and schemes to tackle the Corona pandemic should be 'People centric' meaning thereby that all schemes should be viewed from the prism of how it benefits the poorest, most marginalised and voiceless people in India to regain normalcy at the earliest. We are constrained to point out

that the economic stimulus programmes so far discussed in the public domain, are largely industry centric, economic revival programmes addressing the needs of big industry. Without minimising the importance of revival of the industrial sector, we would like to point out that the bulk of the working age workforce in India is largely constituted of over 90% in the informal, unorganised sector whose survival needs require immediate attention, which is not the situation currently.

3. Ensuring Food Security: Make Universal PDS and Guaranteed Employment benefit for rural and urban poor

We would like to point out to the Government of India that India's current food grains stock is reportedly over 87.19 Million metric tonnes of Cereals (rice and wheat), 3 Million tonnes of Pulses, 1.1 Million tonnes of Oil seeds and 4 Million Tonnes of Sugar¹, all sufficient to meet the needs of the entire Indian population for over a year. Additionally wheat harvests in north India currently underway, will add to the granary.

We therefore urge the Government of India, the following:

(a) Launch UNIVERSAL PDS System: Reformulate the current targetted ration distribution system into a Universal PDS system that supports both ration card holders as also those who do not own ration cards (*i.e.* both N F S A and non - N F S A beneficiaries) with 10 kgs of grain, 1.5kg of Dal and 800gms of edible oil per person per month, for the next six months (*i.e.* until September) at the very least.

(b) Universal coverage without insisting on ration cards: In every state there exist thousands of people who are without ration cards yet. There is also the issue of migrant labourers who do not have ration cards in the states where they have come to seek work. Hence we urge the government to provide universal coverage to any person or family which seeks ration, irrespective of their status. The social, economic and psychological

benefits of ensuring feeding the hungry to stave starvation and distress, is far more than the expenses that may be incurred due to double drawing.

(c) The Gol should immediately release funds to help states expand and widen the scope of current employment generation programs like NREGA, not just in rural areas, but also for urban poor.

(d) The number of days of employment under NREGA per family should be increased from the current maximum of 100 days to between 180 to 200 days to be in vogue till March, 2021. This will ensure employment and income covering the loss suffered during the COVID lockdown.

(e) The income support programme like the PM Jan Kalyan Yojana should be increased from Rs. 1500 to Rs. 2500/- per person.

(f) In NREGA sites, social distancing should be fully enforced. The government should provide masks and soaps to ensure personal safety and washing hands in work site.

(g) Urgently roll out 'Public Canteens' not just in cities but also in towns, where hot cooked nutritious food is made available for people until such time as people are able to resume normal life.

4. Ensuring Livelihood Security: "Better to Err on the side of inclusiveness than to exclude potential employment generating – entrepreneurs"

The Indian Supreme Court has in the starvation death case (PUCL vs Union of India, 2001) held that right to food involves addressing 3 issues: (i) Food Security (quantity of food), (ii) Nutritional Security (adequate nutrition to all with special emphasis on pregnant women, elders, children, physically handicapped) and (iii) Livelihood Security (recognising employment ensures both economic autonomy and also dignity of individuals; therefore ensuring every able bodied Indian gets a job, the basis for NREGA scheme).

We need to recognise that with the sudden lock down, economic

insecurity is stalking not just the extremely poor but also farmers, small shop owners, local businesses and small entrepreneurs like artisans, mechanic workshops and so on. We stress the following:

(a) Considering that the next agricultural season is just 2 months away, the Gol should ensure Roll out a scheme for 'Direct Cash Transfer' to the bank accounts of farmers so that they can purchase seeds, fertilisers and other inputs to resume agricultural operations.

(b) A similar cash transfer scheme should be rolled out to shop keepers, artisans and others, who may already be enrolled in some government scheme or the other, so that they can immediately re-launch their economic operations.

(c) Denial of Workers right wrt overtime and create sweatshops: PUCL expresses its serious concerns over announcements about resumption of work with the condition that workers should work 12 hours in a day consisting of 8 hours of regular work and 4 hours of Overtime. Some governments like Gujarat have reportedly announced that the 4 hours of OT will not be based on current law but based on piecemeal, which goes against hard won worker's rights. PUCL demands that working OT should be made voluntary and OT wages should be paid at twice the rate of wages with a cap on number of OT hours that workers can work daily and cumulatively in a week as stipulated in the Factories Act. The approach should not be to extract more work from workers but to employ more workers so as to ensure livelihood support for larger numbers of working class people.

5. Explosive Migrant Labour Crisis – 13+ crores Stranded Indians - Need for humane, people-sensitive Policy

One of the most traumatised and victimised groups affected by the arbitrary and unplanned announcement of the nationwide lockdown by the Prime minister on 24th March, were the millions of migrant labourers who

found themselves stranded all across the country. Though precise estimates aren't available, according to the 2011 census the number of inter and intra state migrants in India numbered about 139 million people or 13.9 crore Indians. In effect, overnight, about 13+ crore people found themselves stranded in other states / areas. With meagre earnings and still less savings, without getting their monthly wages (due to announcement on 24th March) hundreds of thousands of migrants and their families panicked, staring at an economic collapse, outsiders in other states, with almost none or little economic or social security programmes. Most of the migrants to north India from Bihar, UP, Jharkhand, Odisha, West Bengal found that they were not permitted to cross state boundaries. Thus effectively, lakhs of migrant workers were stranded in localities which were closed down. Lacking safety in existing labour laws regarding minimum wages, safety, working hours and other social protection labour laws, these migrants are both voiceless and marginalised, and alien in other states, thereby always living in a twilight zone, useful only for their work and lacking any social recognition or legal protection.

PUCL demands that the government sheds its indifferent approach to the situation of migrant labourer's problems. PUCL also deprecates the policy focus which favours deterring return of migrant labourers to their own states thereby helping retain migrant labour ostensibly to be useful when industries resume operation after lock down.

(a) The immediate focus of all policy efforts should be to facilitate immediate return of migrant labourers and their families, stranded in different states, to their states of origin. Since this involves inter-state movement, this programme should be facilitated by the Central Government.

(b) Adequate precaution should be undertaken to medically screen all those migrant

labourers who desire to return and to provide free medical facilities with full food security to those who may be found Corona positive.

(c) All transport back home should be provided free of cost and should adhere to the norms prescribed by the Health Ministry in this behalf including social distancing, use of masks and other protocols.

(d) As regards migrant workers in industrial clusters or zones where MSME units thrive and who have so far tested negative for COVID and who desire to continue working, the governments should facilitate the opening and resumption of these industries immediately, of course, following prescribed medical protocols. As illustration we may refer to migrant labour concentrations in cities like Surat in Gujarat, associated with the textile, diamond and other industries who can be assisted to open operations, helping both the entrepreneurs and also labourers.

(e) Such migrant workers should be provided with at least 10 days of ration per person to be immediately provided without insistence on providing proof of ration card in the state of their origin.

(f) Additionally, all the migrant workers should be immediately registered by the Government and a helpline set up to respond to their issues, both in terms of their food survival rations as also other needs.

6. **Communalisation, Stigmatisation and Targetted Ostracism of Minorities**

– Demand for PM to give televised call to stop people from communalising reports or boycotting minorities

One of the most condemnable aspect of the corona pandemic spread, has been the attempt by members of the majoritarian, right wing groups to deliberately target members of the minority groups as being responsible for the origin and spread of the virus. Aided by an openly biased mainstream media, blatant attempts were made to communally attack members of the Muslim organisation called

the 'Tablighi Jamaat' who held meeting in Delhi in the 2nd week of March, 2020 as being the cause of the spread of Corona fanning the already simmering communal situation riven by hate politics in India. Numerous incidents can be highlighted from all parts of the country to deliberately communalise and polarise news by spreading fake news somehow implicating Islamic or Christian based groups indulged in by a variety of Hindutva based political groups. PUCL strongly condemns such targetted ostracism and communalisation of Covid 19 news. In this regard PUCL demands:

(a) It is of utmost importance that none less than the Prime Minister, Shri Narendra Modi, himself should publicly condemn the attempt to communalise the Covid pandemic issue and gives a televised call unambiguously and clearly asking people not to communalise incidents, stigmatising minorities and give calls to ostracise or boycott Muslims or other minorities.

(b) All the state governments should put down any attempt to sow communal divisions or hatred through any means whatsoever by first giving warnings and thereafter launching prosecutions, following the laws of the land.

7. **Threat to Civil Liberties and Imposition of Emergency like situation in wake of Corona pandemic**

PUCL considers it most unfortunate that lockdown measures had to be enforced by using police power and prosecuting people for breaking the curfew-like conditions imposed on people. The entire country witnessed sights of policemen brutally assaulting and beating people found out on roads and streets PUCL demands that enquiry should be launched on all such policemen and suitable departmental and criminal action taken for breach of powers and abuse of law.

Misuse of sec. 144 CrPC and rising arrests: Another concern is the repeated promulgation of sec. 144 CrPC prohibitory orders

as a means of enforcing the lockdown. Not only are the orders in violation of the norms regarding the need to promulgate such orders, but they have tended to result in the police using brute power in a completely unaccountable manner, in most states in India.

To illustrate the latest statistics from Rajasthan show that there have been 8,162 preventive arrests with 1152 FIRs being registered during the lockdown period. Over 2,000 people have been arrested and over Rs. 2.7 crores has been collected as fines under the Motor Vehicles Act.

Stifling free speech and right to question state policy and programme: Most state administrations have used the context of the Covid pandemic and crisis to warn citizens, and especially medical personnel, from criticising state policy or questioning claimed progress in the spread of Corona virus or questions of plight of medical personnel fighting the Corona virus pandemic with poor PPEs and other facilities provided to the doctors and other medical personnel.

PUCL strongly condemns all such actions to stifle questions seeking accountability or information from the government services. It is important to stress the rights of citizens to ask questions, differ from state policy and criticise programmes and in short to the right to dissent and differ from the Government's views.

Setting up a Surveillance State via the AarogyaSetu: PUCL strongly denounces the attempt to make the AarogyaSetu app compulsory for all Indians, especially those seeking medical support in government hospitals. The attempt is much more than helping to track the patients medical treatment but enables the use by the government of the app as a surveillance tool of each individual who is registered with the app. The app is a dangerous tool, in the future, enabling state agencies to snoop on the life and activities of citizens, thereby violating fundamental right to

privacy. The usage of the app should be voluntary and all data should be stored locally on people's devices and not left in a centralised server. Government should recognise that all information right from location information to proximity confirmation to health status, to whether they have been placed in isolation is sensitive personal information and should be used only strictly with individual consent. Even if the collected data needs to be used, it should be permitted only on comprehensive evidence based justification every step of the way.

8. Criminalisation of rights activists and imprisonment on rights defenders: PUCL expresses its greatest concern and also condemns the attempts made by the state agencies to criminalise the activities of many activists who question the anti-Covid policies and programmes launched by the government as being violative of people's rights or for other reasons. Media reports that over 1,000 rights defenders have been arrested, particularly in states like UP and Delhi, for demanding greater relief in their areas or questioned blatant attempt to communalise and target Islamic communities as being responsible for spread of Corona virus in India.

PUCL also condemns the arrest of numerous activists of different groups who had played an active role in the anti-CAA protests in Delhi and in north India between December, 2019 to March, 2020.

9. In General:

Ramp up Corona Testing: PUCL demands that the Government ensure adequate testing of all

citizens for COVID virus infection. While acknowledging that the lockdown may have been one factor in arresting sharp growth of the corona virus infection in India, it nevertheless has to be pointed out that the ratio of testing to population at large is amongst the lowest globally. One factor for this is the paucity of testing kits. Experts have clearly warned that we cannot remain complacent and there is a possibility of resurgence of Corona virus infections between May to July, 2020. The Government of India urgently requires to equip itself with adequate Corona testing kits.

Make Corona Tests Free: PUCL demands that all Corona tests should be offered free for all citizens, irrespective of their status.

Requisition Private Hospitals and Resources: What is most critical is to see the Corona virus as a common virus for which all of society should be involved. This involves requisitioning the resources from private, corporate hospitals including their beds, ICU facilities and other resources so as to tackle the growth of the virus over the next 6 months, at a minimum.

Supply Adequate number of Good quality PPEs: The medical fraternity – doctors, nurses and other medical personnel – have uniformly across India been pointing out to the inadequate and poor quality of PPEs (Personal protective equipment) provided to them while treating with seriously and critically ill Corona patients. Given the acutely infectious nature of the disease it's a shame and a disservice to condemn the

'Frontline Warriors' in the fight against corona to wage the war with inadequate and poorly made PPEs.

Even while the governments want the citizens to follow and respect the law, PUCL would like to point out that the governments, both Central and State, are the biggest violators of the law relating to declaring an area epidemic hit as prescribed by the Disaster Management Act, 2006. The Disaster Management Act actually provides for detailed procedure to be followed when declaring an area prohibited zone due to epidemics. It is ironic that the government itself has been the biggest violator of the Disaster Management protocols to be followed during times of epidemics.

In conclusion PUCL demands that a more considerate and humanitarian approach be taken in the context of decongesting the prisons by releasing more number of prisoners. It is a fact that many governments and courts too have taken a more proactive role in being liberal while granting bails to people lodged in prison. The jails even after this are filled to capacity posing a major health challenge. While demanding that more progressive steps be taken to release more prisoners from custody, we also call upon the Governments to also release all political prisoners and those arrested for their political beliefs.

Ravi Kiran Jain, President, and V. Suresh, General Secretary, PUCL

¹ <https://www.grainmart.in/news/coronavirus-alert-india-has-enough-food-grain-stock-to-supply-to-its-citizens-for-more-than-1-year/> @ 25April2020 □

PUCL Statement: 15th May, 2020

Statement: Oppose Dilution of Labour Laws!! Labour Laws Necessary to Protect Fundamental Rights of Workers

PUCL is deeply concerned at the swiftness with which many states in the nation are dismantling the protection afforded to workers under their various labour laws. These laws provide many of the basic guarantees to workers –

ensuring that employees get paid decent wages on time, have reasonable working hours, and are not subject to discrimination. They require employers to provide basic necessities such as drinking water and clean toilets to workers, and

protect them from accidents and occupational hazards and diseases. Labour laws are essential for ensuring fundamental rights for our workers - rights which are guaranteed by the Indian Constitution to all Indian citizens, at

all times. PUCL believes that withdrawing these protections from the working population in an effort to entice new businesses, is an unconstitutional, immoral and unethical attempt to revive an economy at the expense of its weakest citizens.

Better Enforcement of Labour Laws Required, Not their Dilution

The country is currently witnessing a massive human tragedy as lakhs of migrant workers found themselves stranded during the lockdown, without any means of getting food or work. Much of this could have been averted had the laws on migrant workers been properly implemented, and all of them been duly documented. Many of these workers have not been paid for months. Again, had the laws relating to timely payment of wages been enforced, many of these workers would not have been forced to take desperate measures like walking thousands of kilometers back to their homes.

As the country is slowly emerging from the lockdown, the working citizens of this country are at their most vulnerable, facing threats of mass layoffs and firings with depleted reserves of cash and food. This is the time when they most need the protection of labour laws to ensure that they are not unduly exploited. PUCL is alarmed by the ordinances cleared by Uttar Pradesh and Gujarat cabinets, which would indiscriminately suspend all labour laws except a few basic ones, for close to three years. Notifications by the governments of Madhya Pradesh, Rajasthan, Himachal Pradesh, Punjab and Haryana have also suspended crucial portions of their labour legislations. We fear that these moves would force a large proportion of our population to inhuman servitude and destitution, and condemn them in no uncertain terms.

Labour Laws ensure basic living conditions for a large section of the population

1. Remuneration for Work:

Employers are mandated by law to pay workers no less than the minimum wages in a timely manner, and also supplement the incomes of their low wage employees with yearly bonuses drawn from their profits. In addition, laws on gratuity ensure that at the end of employment, due to retirement, death or disablement, the employees or their families are compensated for the length of their service. Workers covered by Employee State Insurance are entitled to half of their monthly wages as unemployment benefits for a maximum of two years, and the Employees Provident Fund allows them access to a small fund at retirement, or during an emergency.

We would like to point out that in actuality only a small proportion of all workers are enrolled in ESI and EPF, even in industry notified under EPF. For example in the brick-kiln industry it is estimated that anywhere from 5-8 million workers do not get this benefit. Similar is the situation in relation to Gratuity and Bonus. The demand should be to make these protections universal; instead these provisions are being suspended even for existing workers.

Most of the currently proposed labour law amendments guarantee only the minimum wages, and have suspended all other benefits. We note that Punjab has also rolled back its latest increase in minimum wage and other states may soon follow. UP and Gujarat propose to suspend gratuity, bonus, provident fund, and all other benefits, which are crucial to sustain the workers at this time. PUCL strongly opposes the move of these various governments to deprive workers of the protection of existing labour laws.

2 Working Hours: Factories Act mandates that working hours should be limited to 9 hours in one day, with a maximum of 48 hours per week. Any additional hours of

work have to be compensated as overtime wages at twice the ordinary rate. A large number of states including Rajasthan, Punjab, Haryana, Himachal Pradesh, Gujarat, Uttar Pradesh and Madhya Pradesh have extended the workday to 12 hours per day, for the next 3 months, with no increase in the number of rest intervals. A majority of these states have also extended the workweek from 48 hours to a grueling 72 hours. PUCL is distressed to note that the states of Gujarat and Uttar Pradesh have exempted their industries from having to pay overtime wages for these extended work hours.

Extension of working hours also goes against the stated aim of these labour law amendments to increase overall employment, because they effectively incentivize the employers to employ fewer workers than required, and compel them to work for longer hours.

It should be recalled that the demand for limiting the working hours to 8-hours a day and 48 hours in a week originated during the Industrial Revolution in order to protect the workers' health and safety by providing them with adequate amounts of rest and recuperation. Considering that the right to shorter working hours was the subject of the very first Convention of ILO 'International Labour Standard (C001)' adopted by the ILO and ratified by India, PUCL is alarmed to see the clock turn back more than 100 years of workers' struggle. It is especially against the very requirement of health and immunity following Covid19; this is because simultaneous with the 12-hour work day, the rest time for the worker will now be available not after the first 4 hours, but after 6 hours of continuous work. This will have an adverse impact on health and emotional state of the workers. Also given the high increasing rate of unemployment, this will further limit the employment opportunities. The hours work should be reduced to six.

1. Health, Safety and Welfare of workers: Factories Act, Mines Act and Dockworkers Act are some of the labour laws that enjoin employers to protect the health and wellbeing of their workers. These laws provide for clean, ventilated and adequately lit working spaces with drinking water, and toilets. An employer is also expected to provide first aid facilities, sitting spaces and creches. These laws also mandate inspections for safety and health, safe disposal of hazardous materials, notifications of industrial accidents and occupational diseases.

As a pandemic rages in our country, and with a living memory of the Bhopal Gas Disaster and the recent Styrene gas leak causing death of 11 people and serious injuries to over 200 people in the LG Polymers India plant in Vishakapatnam on 7th May, 2020, it is obvious that these measures not only secure the health and safety of industrial workers, but also of entire communities.

PUCL is disappointed to note that Madhya Pradesh, Uttar Pradesh and Gujarat have stripped or suspended these laws at a time, when it is in the greater public interest to implement them with great vigour.

2. Grievance redressal machinery and the right to Collective Bargaining: The central Industrial Disputes Act and the state Industrial Relations Acts primarily protect workers from uncompensated lay-offs and retrenchments, unreasonable changes in their working conditions, unfair labour practices etc. They allow for a system of labour courts, industrial tribunals and arbitration boards where the workers can raise an industrial dispute relating to wages, working hours, conditions of work etc, and get their grievances redressed. The Trade Unions Act recognizes associations of workers to act as their representatives and enter into collective agreements with the employers.

In view of the announcements by several states of the suspension of these acts, PUCL points out that the institutions established by these acts are critical for the smooth functioning of the industry, and provide a mechanism for social dialogue between the workers and employers. This machinery is essential for ironing out the tensions between the labour and the management, without having to take recourse to the lengthy and expensive litigation, or acrimonious strikes and lock-outs.

The suspension of these crucial laws violates the basic provision of labour law of tripartite mechanism. We must remember that the highest level labour related bodies at National (Indian Labour Conference) and International (International Labour Organisation) level are tripartite in nature. This is no way can be compromised.

3. Worker Welfare: In addition to these, there are many other labour laws which afforded some protection to the most vulnerable category of workers, such as pregnant women, migrant workers, contract workers, manual scavengers, and those working in the beedi industry, in mines and in the unorganized sector, who are now also left open to exploitation by industry owners.

Diluting labour laws will not attract additional investment

The justification given by various governments that existing labour laws are a deterrence to investment by industry, and by extension, to the prosperity of the state, needs to be examined more critically. The notion that stringent labour laws are the primary impediments to investments in states is highly debatable – manufacturing industries depend on a complex set of factors such as reliability of infrastructure, access to credit, availability of skilled workers, good governance and freedom from corruption.

Several studies have shown that strong labour market institutions and social welfare legislation are

necessary to reduce inequalities and encourage inclusive growth¹, and that high levels of inequality can retard growth in developing economies². Even the UN Trade and Development Report, 2019, warns governments against “promoting cuts to labour costs” as their “adjustment strategy of choice” when faced with economic downturns. Instead, the report encourages governments to adopt progressive fiscal arrangements, and expanded social insurance, among other measures for achieving Sustainable Development Goals.³ An increase in the average wage of the worker will drive domestic demand, fuelling growth in the economy.

Suspension of Labour Laws is Unconstitutional & violates International Covenants

The new industry regime ushered in by these changes, where employers can pay rock-bottom wages, hire and fire workers at will, coerce them into working long hours each day, and prevent them from unionizing, goes against the very grain of our constitution, and is also in violation of many international conventions. Such precarious working conditions are clearly violative of Article 21, the fundamental right of workers to live with dignity, as held by J Bhagwati in the ‘People’s Union for Democratic Rights v. Union of India’ (1982)⁴ case.

The Supreme Court has held that Article 21 also encompasses the “protection of health and strength of workers and just and humane conditions of work.”⁵

The rights of workers to non-discrimination, a living wage, safe and humane working conditions, and a decent standard of life and full enjoyment of leisure and social and cultural opportunities, is also enshrined in our Constitution through Directive Principles of State Policy⁶.

The right to form trade unions and engage in collective bargaining is protected by Article 19(1)(c), which guarantees all citizens the right to

form associations or unions for a lawful purpose. It is also a fundamental human right recognized by the Universal Declaration on Human Rights, 1948, enabling the effective participation of workers in economic and social policy.

PUCL strongly objects to the dilution of labour laws, the bulwarks of our legislative edifice against exploitative and extractive labour practices, as a strategy to kick-start economy. We demand that the President send back the UP and Gujarat state ordinances to the respective states. We further demand that the states of Gujarat, Punjab, Haryana, Himachal Pradesh, Rajasthan and Madhya Pradesh revoke their notifications amending the Factory Act, Industrial Disputes Act and related acts. Vast sections of our working population are better served by a caring government that watches out for their rights as workers, assuring them secure jobs which

meet their basic needs, rather than one that merely treats them as fodder for the ruthless engine of industry.

PUCL wishes to emphasise that the purpose for India's industrialization and development cannot be to ensure profit for international companies, at the cost of the dignity, well-being and liberty of India's working class people. The aim of India's development must be for creation of sustainable growth with high levels of employment for the working age population and good quality of living for all people living in India. What is required is universal application of laws with adequate provisions of effective enforcement, transparency and monitoring, within tripartite frame.

PUCL gives a call to all concerned citizens of India to rise up as one to oppose the dilution of labour law changes proposed by the Governments of UP, Madhya Pradesh, Gujarat, Punjab,

Haryana, Himachal Pradesh and Rajasthan.

On Behalf of PUCL:

Shalini Gera, Kavita Srivastava, Mihir Desai, Sanjay Parikh, ND Pancholi, D. Nagasaila, Rohit Prajapati, Seema Azad, R. Murali, YJ Rajendra, Lara Jesani, Arjun Sheoran, Ravikiran Jain, V. Suresh.

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

References:

¹Labour Markets, Institutions and Inequality - Building Just Societies in the 21st Century, edited by Janine Berg, ILO, 2015

²Inequality, Growth, and Investment, Robert J. Barro, National Bureau of Economic Research (NBER) Working Paper No. 7038, Issued in March 1999

³Trade and Development Report 2019: Financing a Global Green New Deal, United National Conference on Trade and Development

⁴AIR 1982 SC 1473

⁵Occupation Health and Safety Association of India v Union of India (2014) 3 SCC 547

⁶Articles 39, 42 and 43 □

Note: Gautam Navalakhs well known journalist and member of PUDR and Prof. Anand Teltumbde, academic, writer and member of CPDR had been implicated in the Bhima Koregain case. The COVID – 19 pandemic broke out soon after the SC rejected their petition seeking advance bail before arrest in the criminal case. Before the end of the mandated period before which they were to surrender, they filed applications before the SC seeking permission to surrender before the prosecution authorities after the end of the COVID-19 lockdown. This too was rejected and they were directed to surrender before the NIA. The following letters were written and published by them before they surrendered. In view of the historical importance of the case, we carry both their letters in the 'Bulletin.

A Letter from Gautam Navlakha

14th April 2020

As I prepare to leave to surrender before the NIA headquarters in Delhi I am glad that Justice Arun Mishra and Justice Indira Banerjee gave me another week of freedom when they passed the order on April 8, 2020. A week of freedom means a lot in my condition, even in the age of lockdown. Their order resolved the predicament I encountered in complying with the March 16th order of the apex court, which obliged me to surrender by April 6th before the NIA, Mumbai. The lockdown that followed prevented me from travelling. Also there was no direction from NIA (Mumbai) regarding what I should do under the circumstances. I know now that I have to surrender

myself to the NIA Head quarters in Delhi.

The Indian Prime Minister has likened the challenge posed by Covid19 pandemic to a state of "national emergency". Meanwhile the apex court itself recently intervened in the matter of jail conditions, and issued guidelines to the authorities regarding the overcrowding of jail inmates and the threat posed to the prisoners and detainees, jail staff and other personnel assigned jail duties.

This concern remains although no case of Covid19 infection has come from any jail so far, somewhat reassuring for me. However, I am affected by the fear that my near and dear ones harbour about my captivity amidst Covid19.

I cannot help but feel disappointed that the terse order of the Supreme Court on 8th April had no reference to the Covid19 pandemic, which has overtaken the world, including all of us in India.

However, I can now begin to face the actual legal process, which accompanies cases where provisions of Unlawful Activities (Prevention) Act are invoked. Such Acts turn the normal jurisprudence upside down. No longer is it the axiom that 'a person is innocent unless proven guilty'. In fact, under such Acts, 'an accused is guilty unless proven innocent'.

Draconian provisions of UAPA are not accompanied by stricter procedures regarding evidence,

especially electronic, considering the stringent punishment provided for under the Act; the procedures, which otherwise provide tighter rules regarding evidence, are instead made elastic. Under this double whammy, jail becomes the norm, and bail an exception. In this Kafkaesque domain, process itself

becomes punishment. My hope rests on a speedy and fair trial for myself and all my fellow co-accused. This alone will enable me to clear my name, and walk free, having also used the time in jail to rid myself of acquired habits. Until then, "Won't you help to sing These

songs of freedom
'Cause all I ever have Redemption songs,
Redemption songs.
These songs of Freedom....."
(Bob Marley)
Gautam Navlakha
14th April 2020, New Delhi. □

Courtesy: Sabrang: Anand Teltumbde's Letter to the People of India before his Imminent Arrest on 13 Apr 2020

Open letter to the People of India¹ Anand Teltumbde

I am aware this may be completely drowned in the motivated cacophony of the BJP-RSS combine and the subservient media but I still think it may be worth talking to you as I do not know whether I would get another opportunity.

Since August 2018, when the police raided my house in faculty housing complex of Goa Institute of Management, my world turned completely topsy-turvy. Never in my worst dream, could I imagine the things that began happening to me. Although, I was aware that police used to visit the organizers of my lectures, mostly universities, and scare them with enquiries about me, I thought they might be mistaking me for my brother who left family years back. While I was teaching at IIT Kharagpur an officer of BSNL phoned, introducing himself as my admirer and well-wisher, informed me that my phone was being tapped. I thanked him but did nothing, not even to change my sim. I was disturbed by these intrusions but comforted myself that it might rather convince Police that I was a normal person and there is no element of illegality in my conduct. The Police generally disliked civil rights activists because they question police. I imagined, it might be due to the fact that I belonged to that tribe. But again I comforted myself that they would find that I could not perform that role either because of my full time engagement with my job.

But when I got an early morning phone call from the Director of my institute, informing me that the Police have raided the campus and

were looking for me, I was wordless for a few seconds. I had come to Mumbai on official work just a few hours before and my wife had come earlier. When I learnt of the arrests, of the persons whose houses were raided that day, I was shaken by the realisation that I escaped the fate just by whisks. The Police did know my whereabouts and could arrest me even then but for the reasons known only to them, did not do so. They did open our house too, forcibly getting a duplicate key from the security guard, but just video-graphed it and locked it back. Our ordeal began right there. At the advice of our lawyers, my wife took the next available flight to Goa, and lodged a complaint with Bicholim Police Station that the Police had opened our house in our absence and that we would not be responsible if they had planted anything. She volunteered giving our telephone numbers should the Police want to inquire with us.

Strangely, police had started holding press conferences soon after they embarked on the Maoist story. It was clearly meant to whip up prejudice in public against me and other arrested with the help of obliging media. On 31 August 2018, in one such press conference, a police officer read out a letter purportedly recovered from the computer of previous arrestees, as an evidence against me. The letter was clumsily constructed with the information on the academic conference I had attended which was easily available on the website of American University of Paris. Initially I laughed it out but next, decided to file a civil and criminal defamation suit against this officer

and sent a letter on 5 September 2018 to the Government of Maharashtra for sanction as per the procedure. There has been no response from the government to date. The press conferences of the police, however, were stopped when High Court reprimanded them.

The RSS hand in the entire case was not hidden. My Marathi friends told me that one of their functionaries, Ramesh Patange, had written an article in their mouthpiece Panchjanya targeting me in April 2015. I was identified as MayaviAmbedkarwadi along with Arundhati Roy and Gail Omvedt. Mayavi in the Hindu mythology refers to a demon meant to be destroyed. When I was illegally arrested by Pune Police while still under protection of the Supreme Court, a cyber-gang of Hindutva vandalized my Wikimedia page. This page is a public page and for years I was not even aware of it. They firstly deleted all information and only wrote "he has a Maoist brother... his house was raided ... he was arrested for links with Maoist", etc. Some students later told me that whenever they tried restoring the page, or editing the page, this gang would pounce upon and delete everything and put derogatory content. Ultimately, Wikimedia intervened and the page stabilized with some of their negative content.

There was a media blitzkrieg, reeling off all kinds of canard through RSS' so called Naxal experts. My complaints against the channels and even to the India Broadcasting Foundation, did not

receive a simple response. Then in October 2019, the Pegasus story came out that the government had inserted a very pernicious Israeli spyware on my phone, among others. There was a momentary uproar in media but this serious matter also has died still death.

I have been a simple person who has been earning his bread honestly and helping people to the extent possible with my knowledge through writings. I have an unblemished record of service for nearly five decades to this country in various roles in corporate world, as a teacher, as a civil rights activist and a public intellectual. In my voluminous writings comprising over 30 books, and numerous papers/articles/comments/columns/interviews, published internationally, not an insinuation of support to violence or any subversive movement could be found. But at the fag end of my life, I am being charged for the heinous crime under the draconian UAPA.

An individual like me obviously cannot counter the spirited propaganda of the government and its subservient media. The details of the case are strewn across the Net and are enough for any person to see that it is a clumsy and criminal fabrication. A summary note on AIFRTE website may be read. For your benefit I will provide its gist here:

I am implicated on the basis of the five letters among the 13 that the police purportedly recovered from the computers of two arrestees in

the case. Nothing has been recovered from me. The letter make reference to "Anand", a common name in India, but the police unquestioningly identified it with me. Notwithstanding the form and content of these letters, which was trashed by experts and even by a justice in Supreme Court, who was the only one in the entire judiciary who went into the nature of the evidence. The content does not refer to anything that could be remotely construed as even a simple crime. But taking shelter under the draconian provisions of the UAPA Act, that renders a person defenceless I am being jailed.

The case may be depicted for your understanding as follows: Suddenly, a police posse descends down on your residence and ransacks your house without showing any warrant. At the end they arrest you and lodge in the police lockup. In the court, they would say that while investigating a theft (or any other complaint) case in xxx place (substitute any place in India) police recovered a pen drive or a computer from yyy (substitute any name) in which some letters written by a supposed member of some banned organization were recovered that had a mention of zzz who according to the police is none other than you. They present you as part of deep conspiracy. Suddenly, you find your world turned topsy-turvy. Your job gone, family losing house, Media defaming you about which you

cannot do a damn thing. Police will produce "sealed envelopes" to convince judges that there was a prima facie case against you that needs custodial interrogation. No arguments about there being no evidence would be entertained as judges would answer that it would be seen in trial. After custodial interrogation you will be sent to jail. You beg for bail and the courts will reject them as the historical data shows that the average period of incarceration ranged from 4 to 10 years before they got bail or acquitted. And this can happen literally to ANYONE.

In the name of 'nation' such draconian legislations that denude innocent people of their liberties and all constitutional rights are constitutionally validated. The jingoist nation and nationalism have got weaponised by the political class to destroy dissent and polarize people. The mass frenzy has accomplished complete derationalization and inversion of meanings where destroyers of the nation become deshbhakts and selfless servers of people become deshdrohis. As I see my India being ruined, it is with a feeble hope that I write to you at such a grim moment. Well, I am off to NIA custody and do not know when I shall be able to talk to you again. However, I earnestly hope that you will speak out before your turn comes.

¹<https://sabrangindia.in/article/anand-teltumbdes-letter-people-india-his-imminent-arrest> □

PUCL Gujarat:

Note: We carry below a Note on migrant workers issue in Surat sent by Krishnakant, of PUCL Gujarat on behalf of many other organisations to the Secretary, Labour, Government of Gujarat on the issue of the plight of migrant labourers in Surat. The workers has been abandoned by both industry and the state with little or no food aid or welfare support to thousands of migrant workers who had come from distant Bihar, West Bengal, Chhattisgarh, Odisha, UP and MP to work in the numerous industries in the Surat and Broach industrial belt. The acute hunger distress and insecurity of status pushed the desperate workers to agitate several times in April, 2020.

To,
ShriJenuDevan, IAS
Gandhinagar, Gujarat

Date: 14-04-2020

VERY URGENT – BY EMAIL

Subject: Issues of Migrant Workers in Surat and providing relief to them

Dear Sir,
We welcome your appointment to oversee and ensure coordination regarding relief efforts in Surat

district.
People's Union for Civil Liberties is a national organisation focussed on upholding the Constitutional Values

and Human Rights since 1980. In the wake of the Covid-19 pandemic as concerned individuals/organisations/NGOs

associated with Labours, Poor and Marginalised, Civil Rights, and presently engaged with providing relief to the needy, seek your attention towards the following suggestions to provide reprise to the needy and stranded in this challenging situation.

The world is going through the dire times fighting against the deadly Covid-19 virus. The timely decision by the Central Government and the subsequent steps taken in conjunction with the states has ensured containment of the spread of the deadly virus in our country and state. Taking stock of the situation and need of the hour the Central Government has announced extension of the Lockdown till 3rd May.

The present health emergency has also resulted in Humanitarian distress. We appreciate the efforts put in by the State Government, District and SMC Administration, Health Workers, Police Department, Sanitation Workers and the Civil Society. The cumulative efforts have ensured that we address the issue at various fronts. The state of Gujarat has successfully been able to contain the spread of Covid-19 and ensure health and safety of the citizens.

We believe that at such times of crisis the government and civil society have to work together in a coordinated manner to put up a effective Disaster Mitigation strategy. We would like to put some specific suggestions regarding the humanitarian issues involved with the Working and the marginalised class:

1. Surat district has about more than 15 lakh migrant workers from states like Odisha, Jharkhand, Kolkata, UP, Bihar, Chattisgarh, etc. The areas

with sizeable migrant population in Surat have remained relatively safe from the spread of the deadly virus. But the danger looms on.

2. **The workers are engaged in MSMEs. MSMEs form the economic backbone of the state of Gujarat. Right now our focus has been on Health emergency and providing immediate relief like food to the needy and stranded.**

3. With the passage of the prolonged lockdown period and lack of livelihood, the demand for relief is only increasing, including among the lower middle class strata of the society. Presently the strategy followed by us is to establish centres from where food is being distributed, these centres cater to about 20% of the population in and around surat city. However the 80% are either catered to by civil society groups/NGOs, etc or are left out.

4. The state government has provided timely ration to the ration card holders. Under the 'Anna Brahmyojana' few of the non-ration card holders also did get some ration. However most of them are still in dire situation. **We urge that the needy migrant workers be provided atleast 10/15 days of comprehensive ration kit per person in one tranche immediately (Rice, Wheat flour, Dal, Cereals, Oil, onion, potato, Milk Powder, etc).** This will ensure that they have enough to feed themselves for next 10/15 days. And they need not venture out to fill their stomach, when we wish to

ensure a complete lockdown, arresting the spread of the deadly virus.

5. **A single point functional helpline or Whatsapp number be provided for people to register themselves for the Ration kit. Announcements regarding this be made in Hindi too. Anyone registering here be responded max within next two days with provisions.**

6. **Also women and children need special attention regarding their specific needs during this time of crisis.**

7. **Sanitation, health and hygiene efforts need to be taken up on a large scale among the slums and areas with migrant population.**

8. Labour Unions/Organisations, NGOs and Civil Society organisations can be engaged in ensuring smooth implementation and observation of registration and distribution of the provisions.

We have list of needy workers, marginalised persons, migrant labor with us which can be shared. We have been receiving and addressing distress calls of people of various states, stranded in Surat.

Our coordinated and positive actions can ensure that anxiety and insecurity regarding the food can be addressed. Thereby ensuring that no law and order issues due to non-availability of food does not arise. If together we can work out a functional model, it can be replicated in other districts too.

The suggestions are not comprehensive, and we would like to have a more comprehensive dialogue with you in this regard.

Yours Faithfully

Sr. No.	Name	Organisation	Phone/Mobile
1	Krishnakant Chauhan	People's Union for Civil Liberties	9426608075
2	Sanjay Patel	Ajeevika	9898702197
3	James Dabhi	Navsarjan	9723449201
4	Vishal Vasoya	Surat Seva Sangathan	7048484880
5	Shantilal Meena	Prayas	9409307638
6	Dharmik Malaviya	Surat Seva Sangathan	9825139251

7	SimanchalSahu	PravasiSramikSurakshaManch	6354879866
8	AadeshSabale	Saath	8460546005
9	Samir Macwan	Navsarjan	9426188304
10	Sapna Thakur	National Federation of Indian Women, Surat	9662043779
11	SatishBhanderi	Muskan Family Charitable Trust	9327932934
12	KishorRupareliya	NavYuvaSangathan	8000802702
13	NitinAruna Ashok	Bharari Foundation	9510733412
14	ZehraCyclewala	National Federation of Indian Women, Surat	
15	Jaimin Desai	Surat Trade Union Council	9825551360
16	GustadWadia	Surat Trade Union Council	9824113574
17	Suryakant Shah	PeopleFor India	
18	Nikunj Desai	PeopleFor India	9427637709
19	Denishbhai	MajurAdhikarManch	9409307633
20	SugeetPathakji		9925143779
21	Salman Patel		8160737678
22	Vijay Shenmare	AITUC	9925919649
23	Sanjay Ezhava	SAAC Charitable	9712999666
24	Natubhai Patel	Gulabi Gang	9879290601
25	Ajay Jangid	RTI Activist	9376633301
26	ZuberShaikh	Saath	9712955667
27	Jagrut Patel		9727639820
	Raj Mahajan		9377971117
28	VallabhDabhi	People's Union for Civil Liberties	9825984677
29	VipulDobariya	People's Union for Civil Liberties	9924929998
30	Hitesh Jasoliya	Helping Hand Charitable Trust	9537832006
31	SagarSavani		9909095395
32	VimalParmar		9723038152
33	SorathiyaChirag		9033120084
34	UmeshNakrani		7819072678
35	PradeepSinhRathod	NayaSavera Foundation	9601146672
36	Priyanka Patel	EkSamanyaNagrikAdhikarManch	
37	MahendrabhaiPatil	KM TV News	
38	MSH Sheikh	Enironment Activist	9825546017
39	Milan Chauhan	RashtriyabhrashtacharaneAtyacharVirodhi Force Tiger	9909291524
40	Kuldeep Gohel	JagrutYuvaSangathan	8866172207
41	MitulGoyani		9979545978
42	Adv Bilal Kagzi		9429507017
43	VimalParmar		9723038152
44	VinodraiVaria		9925199954

After Riverfronts, comes the Season of Water Aerodromes:

The Priorities of Government of Gujarat, in April-May 2020 - Covid 19 Rohit Prajapati and Krishnakant

11 May 2020
Covid 19 – MoEF&CC – Government of the Day's Priorities Even in month of April-May 2020: In the current scenario of Covid 2019, where the entire country is struggling for

survival, safety, and security, the Government of the Day is working Suo Moto (on their own) very proactively, **24x7**, to “Help” the industries and other mega projects. An eye-opening example is the

recent Draft Notification Environmental Impact Assessment 2020 by the Ministry of Environment, Forests and Climate Change (MoEF&CC). Even industries would not have been able to devise such a Draft.

Obtaining the Terms of Reference (ToR) for EIA from MoEF&CC is analogous to booking a vehicle and getting a RTO Receipt. All most all of us must have experienced how easy it is to apply and get a 'Vehicle Registration Number' at the RTOs all over India: Hire an Agent (Consultant), apply, submit documents, pay the stipulated fee and get the permit! Believe it or not, obtaining an "Environment Clearance" (EC) for any big "Development" project, according to the Government of the Day, is just like and as easy as applying for and getting a 'Vehicle Registration Number' (EC).

It is apparent that the MoEF&CC is practically playing the role of the Ministry of Commerce and Industries, trading the environment and the resources for short-term monetary gain. Both the Ministries can undergo a merger process, like many corporates, and be renamed as 'The Ministry of Environment for Commerce and Industries'. They can then chart out newer strategies to obliterate our undervalued resources and then also apply for international loans for the same.

Water Aerodromes: The Government of the day, amidst the increasing Covid 19 chaos in the month of April and May 2020, considers planning for tourism as an important need and a priority. The Government has promptly planned for *Water Aerodrome Projects* near Statue of Unity Project Panchmukhi Lake (Lake 3) of SardarSarovar Dam at Limdi Village, Narmada District, Gujarat, and at Shatrunjay Dam, village Vadal Village, Bhavnagar District, Gujarat both by M/s Civil Aviation Department, Government of Gujarat. Once planned and approved during the lockdown period, these projects will be ready for implementation, when things return to the new normalcy and by the time people realise the potential impacts, they would already be built.

The Minutes of Expert Appraisal Committee (EAC) of MoEF&CC dated 22-24 April 2020¹ at Page No. 8 mention, "*The project proponent informed the EAC that Water*

Aerodrome is primarily on water, intended to be used either wholly or in part for the arrival, departure and movement of seaplanes, and any building and equipment on ground or water. Sea plane operation from coastal/ river/ canal as well as terrestrial water bodies will extend the connectivity to those areas where there is no land-based airport. The high capital investment for airside infrastructure development required in land-based airport can be avoided. Thus, there is a necessity to establish water aerodromes for seaplane operations. It was also confirmed by the project proponent that M/s Civil Aviation Department, Govt. of Gujarat shall follow safety regulations, maintain good housekeeping and judiciously operate pollution control facilities to meet the prescribed norms and shall promote environment friendliness. This project can be set-up with minimal or negligible adverse environmental impact."

One of the Terms of References, we feel necessary to repeatedly iterate that "(xxx) Public hearing is to be conducted. Issues raised during public hearing and commitments made by the project proponent on such issues should be included in final EIA/EMP Report in the form of tabular chart with financial budget for complying with such commitments." If we read in between the lines of this ToR, it clearly indicates that the EAC of MoEF&CC expect that affected and concern people should not say 'No' to 'The Project' and only have to think about the demands to allow this project to happen. The EAC has made it clear that they are not going to consider if affected and concern people say 'No' to The Project.

The 'Water Aerodrome Project' proposal near Statue of Unity Project² is completely silent about the fact that it is surrounded by the serene environment with VindhyaChal and Satpudamountain ranges on either side, there are projects like: SardarSarovar Dam, Garudeshwar Weir, Statue of Unity Project, Shrestha Bharat Bhavan (Hotel), Valley of Flowers, Vishwa

Van, Jungle Safari, Cactus Garden, Butterfly Garden, Ekta Nursery, Arogya Van, Zarvani Eco-tourism & Adventure Sports, Khalwani Eco – Tourism Site, Ekta Mall, Ekta Auditorium, Children Nutrition Park, Mirror Maze, Ekta Food Court and Various Accommodation Facilities. These projects completely lack any holistic planning and their shoddy implementation will most likely cause throwing good (public) money after bad (public) money that are already wasted in these projects.

Looking at the Government's ongoing activities, one might conclude that the SoU Area is 'Special Government Zone' (SGZ), and, therefore, the following laws do not apply to this area: (1) The Wildlife (Protection) Act 1972; (2) The Environmental Impact Assessment Notification 2006; (3) The Environment (Protection) Act 1986; (4) The Wetlands (Conservation and Management) Rules 2010; (5) The Solid Waste Management Rules, 2016; (6) The Water (Prevention and Control of Pollution) Act, 1974; (7) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and (8) The Street Vendors(Protection of Livelihood and Regulation of Street Vending)Act, 2014.

In such a scenario, the environmental impacts due to the Aerodrome project would be compounded and exemplified, to which the MoEF&CC seems to be in convenient denial. And, it is assumed that tourism activities do not have adverse and grave environmental impacts. The MoEF&CC is a mute spectator of such a manipulative approach of the Government of Gujarat to ignore the real irreversible damage to the ecosystem and their functions in the area by looking at them in isolation. Until now, the Narmada waters were expected to fulfilling the basic as well as extravagant requirements of Gujarat; be it provision of drinking and waters for agricultural activities for the Kutch and Saurashtra region

or quenching the thirst of the Sabarmati Riverfront. The overarching question is that where will the water come to fulfil the needs of the pompous projects near SoU on River Narmada? The EAC has ignored the constitutional provisions of Schedule V for forested areas inhabited by indigenous tribals and the Panchayats Extension to Scheduled Area Act, 1996 (PESA) – both of which apply to this area. It is shocking and surprising that the EAC of MoEF&CC is able to digest the line “*This project can be set-up with minimal or negligible adverse environmental impact.*” It is

important to note the Government of Gujarat is so “sensitive” to “Protect and Help” people of Gujarat from Covid 19, is also able to plan for the Tourism Projects as an immediate need for the people of India.

In summation, *Central Vista Project*³ is the priority of the Government of India and *Water Aerodrome Projects* are the priorities of the Government of Gujarat. Moreover, shockingly MoEF&CC is proactively ready to help fulfill these priorities so that Doing Business as Usual can continue at an exponential rate, no matter what.

Rohit Prajapati, Environment Activist, Researcher and Writer;
Krishnakant, Environment Activist

¹[http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/01052020FBE69HJ650thEAC\(Infra-2\)FinalMinutes.pdf](http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/01052020FBE69HJ650thEAC(Infra-2)FinalMinutes.pdf) Page No. 7 to 13

²<https://thewire.in/environment/in-gujarat-tribal-evictions-state-repression-in-the-guise-of-tourism>

³[http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/01052020FBE69HJ650thEAC\(Infra-2\)FinalMinutes.pdf](http://environmentclearance.nic.in/writereaddata/Form-1A/Minutes/01052020FBE69HJ650thEAC(Infra-2)FinalMinutes.pdf) Page No. 17 to 29 □

PUCL Maharashtra: April 16, 2020

Statement on Coronavirus and Civil Liberties

The CORONA virus Pandemic is a huge global challenge and needs to be dealt with in all seriousness. While some amount of restriction of the rights and liberties to the extent to which it is reasonable and necessary may well be justified and would be Constitutionally permissible, but not in a manner that is disproportionate to what is actually required. There is also a tendency of the population to acquiesce with the control over their liberties expecting that this is being done in their best interests. This deference to surrender of fundamental rights is also witnessed in the media and judiciary. Same is the logic applied at the time of legislating draconian laws in the name of national security such as UAPA and AFSPA. Therefore while supporting a lot of measures for the fight against CORONAVIRUS, it is important to recognise the continued importance of civil liberties and human rights – which are guaranteed under Chapters III and IV of the Constitution of India – the Fundamental Rights and Directive Principles chapters. Undoubtedly there can be restrictions on these rights but only to a limited extent and proportionate to the mischief sought to be dealt with and legitimate state interest sought to be protected.

Under Article 352 of the Constitution a national emergency can be declared if the security of the state or any of its territory is under threat due to war or external aggression or armed rebellion and upon declaration of such emergency some of the civil liberties can be suspended. Under Article 361 the President can declare ‘financial emergency’. But the provision of financial emergency does not entitle the Executive or Legislature to curtail fundamental rights which remain fully operational. At present India is not facing any situation like a security emergency or financial emergency, thus neither have been proclaimed. The provisions of Disaster Management Act, 2005, partly the Epidemic Diseases Act, 1897 and the Criminal Procedure Code have been invoked to impose a complete lockdown with the intention of limiting the spread of the virus through physical contact. However this imposition of a lockdown has resulted in a virtual abrogation of many of the civil liberties guaranteed under Article 19 of the Constitution including the right to mobility, right to reside anywhere in India, right to organise and peaceably assemble, right to carry on any trade, occupation or vocation.

The present situation of the lockdown which in effect tramples upon

various civil liberties and human rights needs to be looked at carefully. While the first case of COVID-19 was detected on 30th January, 2020 in India, and the numbers kept on escalating over a period, thenational lockdown operative from 00:00 hours on 25th March 2020, was announced only on 24th March giving virtually 4 hours' notice to people. The Government is aware of the demography and socio economic situation in India. It could have easily planned for travel arrangements for migrants, depositing money into poor peoples account, ensuring proper food distribution, community kitchens and shelters and also sufficient medical infrastructure and equipment. There was no justification for such a short gap between the announcement and imposition of thenational lockdown. This in itself has led to disastrous consequences for civil liberties and human rights.

While restrictions to a certain extent may be justified the following aspects have to be borne in mind irrespective of the emergent situation.

1. The restrictions have to be proportionate to the danger sought to be addressed and should be narrowly tailored towards that objective.
2. Restrictions through

commands of the sovereign are premised on the ground that minus a coercive order the people will not behave in the manner which is in the best public interest. But for this, people have to be supplied information and time for preparation. An informed and ready population will behave in a manner that satisfies public interest. But in the present case what we have witnessed is complete lack of transparency and communication of information at the time of imposing an authoritative and sudden lockdown about the available medical facilities and equipment, food security and housing resources for stranded people, number of migrant labourers, homeless people, domestic workers and others who require help, the transparency concerning the PM Care Fund, etc. Instead, on the ground of flouting lockdown restrictions, stranded migrant workers and poor civilians have been met with police brutalities, stigmatised and ostracised.

3. The Coronavirus situation must be viewed within the wider perspective of human rights- socio economic rights –in India which still has the largest concentration of poor. In an already malnourished, anaemic population, large number of whom are migrant labourers, homeless people, landless labourers, those working in unorganised sector, sex workers, transgenders,

orphans, abused women, Dalits, adivasis and many of them divided on basis of caste and communal fault lines – it is vital that all steps to deal with the pandemic bear in mind the socio economic rights of millions of already disadvantaged people. Above all, the most basic human right, the right to food and to receive adequate financial support cannot be postponed till the Coronavirus comes under control. For millions this is a matter of life or death.

It is also vital that the current curtailment of civil liberties is limited to the duration of the present crisis and not a moment beyond that. On the contrary there is currently a live danger of a “new normal” being created and used by government agencies to expand restrictions of civil liberties and human rights. Continued and widespread surveillance should always be avoided. The patterns by which this particular virus spreads cannot be made a justification for putting in place a surveillance system that will last and be applicable well beyond this time of medical crisis.

Similarly the rights of workers will be further diluted under the guise of economic necessity and national interest. Environmental regulations will be further diluted under the excuse of fast tracking the economy. There is therefore a continued and long-term threat to civil liberties which we have to be wary of and fight against. The latest MHA order released on 15th April

2020^[1] notifying revised guidelines for states and union territories for containment of Covid-19, reasserts lockdown restrictions, while at the same time allowing construction activities during the period of lockdown.

We therefore oppose the disproportionate curb on civil liberties, the violation of socio economic rights of millions of people and the threat to this becoming a new normal in future. We also demand that till such time as restrictions to deal with Coronavirus continue the State must ensure free testing for all (including by paying the costs of tests to private hospitals), free treatment for those affected by the virus, safe and adequate arrangements made to ensure that the migrant workers who want to go back to their hometowns are facilitated, adequate number of community kitchens are established and sufficient free food ration is provided to everyone. Without adequate / mass testing, proper medical care facilities and providing social security measures in order to enable the poor and vulnerable groups the privilege of social distancing, the lockdown with all its restrictions, can never be successful in containing the Covid-19 pandemic. In addition, we also demand that all data from Arogya Setu be permanently deleted from everywhere on a monthly basis and Arogya Setu be scrapped once the present crisis is under control.

**Mihir Desai, Convenor,
Ad-Hoc Committee, People's
Union for Civil Liberties (PUCL),
Maharashtra** □

PUCL Statement on Communalisation of the Coronavirus Pandemic and hate crimes against Muslims and other ethnic groups

April 11, 2020
People's Union for Civil Liberties (PUCL), Maharashtra strongly condemns the attempts of the government, the Media and right wing groups, including members of the Bharatiya Janata Party to communalise the nation, at the time

of such unprecedented Coronavirus pandemic. PUCL Maharashtra urges the authorities and members of the Media not to perpetuate such concerted actions to communalise the country. PUCL Maharashtra urges citizens not to fall prey to fake news and the

diabolical attempts by vested interests to communalise and divide them.

The Indian Constitution, drafted in the backdrop of the bloody history of Partition that raged over religion, remains a unifying document for a pluralist democracy. Though the

word 'Secular' was brought into the Preamble by the 42nd Amendment in 1976, the Supreme Court of India, including in '**S.R. Bommai v. Union of India**', has held that secularism has been an inherent constitutional tenet from the very emergence of the country's founding document. Yet, as a State and People we have fallen woefully short of fully imbibing the secular spirit of the Indian pluralistic democracy, which has become glaringly obvious in these times of the Covid-19 pandemic.

When lakhs of migrant workers are walking hundreds of kilometres with no food, money or shelter, when the government has still failed to provide food, shelter and sanitation to the poor, when medical professionals lack basic amenities, it is utterly shocking and reprehensible that television channels and members of right wing organisations and the ruling party in the Centre are fuelling sectarian and exclusionary politics. This exclusionary majoritarian identity has led to a growing mobilisation of intolerance against those identified as the "other", mostly Muslims, people ethnically different, as well as other oppressed sections of the society. There is a spread of misinformation and communal fake news targeted at Muslims, with instances of wide circulation of videos falsely claiming Muslim worshippers to be intentionally performing acts contrary to social distancing, when in reality these were old videos which pre-dated the spread of the pandemic. Earlier videos of crowded Muslim localities in various cities have been shown as footage post the lockdown being announced¹. The recent spike in cases testing positive for Coronavirus being attributed solely to the Tablighi Jamaat, and calling it 'Corona-jihad', has added to the demonising of an already marginalised community.

While the organisers of not just the Tablighi Jamaat, but all gatherings whether religious, political, sports

or otherwise have to be condemned, the fact remains that those linked to Tablighi Jamaat have been aggressively traced and tested for the virus, and a vast number of the rest of the population has remained untested hence, statistically unaccounted for when it comes to the spread of the disease in India attributable to multiple sources. FIRs have been registered against members of the Tablighi Jamaat and arrests made, while no action is taken against any other groups who have violated the lockdown. Further, unfounded allegations claiming that Tablighi Jamaat is a terror outfit and filing of cases under the National has pushed its members to flee authorities and prevented them from coming forward immediately, which has added to further demonising them.

The fact that quarantine mandates have been disregarded by other religious communities, well after the announcement of the national lockdown, has been completely ignored. The preoccupation of the Central Government over the US President Donald Trump's visit, Delhi State election, Madhya Pradesh Assembly crisis and complete lack of preparation for the pandemic continues to be overlooked. While the fact that the Tablighi Jamaat event took place from 13th to 15th March has been highlighted, the failure of the Delhi Government and Delhi Police to revoke the permission granted to them and the Union Health Ministry issuing a statement that Coronavirus was not an emergency as late as 13th March, 2020 is not questioned. It is pertinent to note that it was not until 16th March 2020 that the ban on religious congregations was finally announced, even as many other religious and political gatherings which have been widely reported continued until as late as 25th March 2020 when the national lockdown was in place, which has been overlooked. The Tablighi Jamaat ought to have cancelled

their programme but the State too must acknowledge and be held accountable for its negligence in effectively handling the crisis and its selective approach in criminalising the Tablighi Jamaat.

In addition to targeting Muslims, there have been various cases of people from North-Eastern India being blocked from entering supermarkets or being verbally abused and spat at while out to buy groceries in other parts of the country. Students from India's northern-eastern states have been publicly humiliated and attacked in housing societies. Posters that read, "If you talk to transgender, you will get infected by coronavirus," put up across Hyderabad, have put the entire transgender community at a bigger disadvantage in these hard times, than they already are.

Such vicious attacks on sections of people in these times of uncertainty is dangerously irresponsible, and it wreaks real consequences on the lives of real people and causes a further spiralling of underlying anxieties that already exist. This not only hinders communities from accessing medical care and state relief, it has also led to targeted police brutality, hostile misuse of criminal laws and denial of access to essential services like medical aid and food.

This has also led to a spate of hate crimes against Muslims. A pregnant woman in Rajasthan reportedly being refused admission at a hospital for being a Muslim, who then lost her baby, is yet another bleak reminder of our fragmented society. The denial of entry to Muslims in Shastri Nagar, Delhi and murderous assault / attempted lynching of a Muslim youth on return to Bawana, Delhi from a Tablighi conference in Bhopal on 5th April 2020, are only some of the latest instances of hate crimes against Muslims as a consequence of the vitriolic hate speech and communal propaganda.

On 6th April 2020, the WHO Emergency Programme Director

Mike Ryan expressed concern over the religious profiling of Covid-19 cases in India stating "It is very important that we do not profile the cases on the basis of racial, religious and ethnic lines". While the Maharashtra Chief Minister Uddhav Thackeray has on 4th April 2020 issued statement warning people that legal action will be taken against those spreading fake news and inflammatory content to stoke communal hatred, the Central Government has failed to take a stand against the increasing

communalisation.

PUCL Maharashtra calls upon the state authorities and police administration to take strict and exemplary legal action against violators, including political party members, indulging in hate speech, inciting hate and violence against Muslims and various ethnic and marginalised groups and spreading communal propaganda and inflammatory content. PUCL Maharashtra calls upon the Central government to issue notification to the media, social media platforms

and public in general to refrain from disseminating or allowing dissemination of hate speech, communal propaganda and take all measures to ensure that the same is stopped and strict action is taken against violators.

Mihir Desai, Convenor, Ad-Hoc Committee, *People's Union for Civil Liberties (PUCL)*, Maharashtra

¹**Compilation of some instances of fake news available here -** <https://indiafightscoronaasone.blogspot.com/2020/04/collection-of-islamophobic-fake-news.html>). □

Notification issued by Dr. V. Suresh, National General Secretary: 08th March, 2020

Immediate suspension of PUCL - Dakshina Kannada (Mangalore) unit and cessation of all activities in the name of PUCL - DK by any person without prior approval of the PUCL National General Secretary.

During the PUCL National Council meeting held in Allahabad on 22nd and 23rd February, 2020 the issue of factional fights within the PUCL-DK unit, one led by Mr. P B D'sa and some members close to him and another by Mr. Eshwarraj and some others, and the public circulation of derogatory attacks on one another, allegations of organisational improprieties and norms and other serious allegations, was taken up for discussion. After elaborate discussion, based on reports presented about the dispute by Prof. Rajendra, President and Mr. Venkatraju, General Secretary of PUCL, Karnataka state unit, and a summary of the meeting held in Mysore in January, 2019 chaired by the National General Secretary, it was decided by the NC to authorise the National General Secretary, Dr. V. Suresh, to initiate appropriate action in consultation with the President & General Secretary of PUCL, Karnataka State unit, including to immediately suspend all activities, as felt necessary, Constitution of a team of National Office Bearers to visit Mangalore to enquire into the issue, meet all members concerned and ascertain the nature of allegations and the validity of the allegations and

initiate any other action that may be deemed necessary to end the public bickering and discussion of allegations which affects the reputation, credibility and standing of PUCL and ensure that PUCL - Dakshin Kannada unit works as a cohesive unit in compliance with the PUCL Constitution.

Pursuant to the National Council meeting, in the last week, we have received information of Circulars issued by Mr. P B D'sa and Mr. Eshwarraj making very serious allegations about each other and accusations of organisational improprieties.

In view of the continuing public display and circulation of allegations about the functioning of the PUCL - DK unit, all of which have a serious impact on the credibility and respect of PUCL as a national level human rights organisation, it is necessary to suspend the functioning of the PUCL - Dakshin Kannada - DK unit, based in Mangalore, with immediate effect and to constitute a committee of PUCL National Office Bearers headed by the National General Secretary to conduct a detailed enquiry into the issue so as to resolve the issue.

Therefore, by virtue of the authority

given to me by the National Council of PUCL, and in consultation with and the concurrence of the President and General Secretary of PUCL Karnataka State unit, I herewith direct immediate suspension of the PUCL - Dakshina Kannada unit with immediate effect. No member, including Mr. P B D'sa and Mr. Eshwarraj, or any other member on their behalf or on their own, shall, as of today, 8th March, 2020 be authorised to release any statement, organise any function and in general transact or undertake any activity in the name of PUCL - Dakshina Kannada unit until further orders to be issued in this regard.

In the event that any necessity arises to issue any statement or initiate or undertake any action to protect, preserve or promote human rights in Dakshina Kannada district, existing members may contact Mr. Venkatraju, General Secretary and Prof. YJ Rajendra, President of the PUCL Karnataka State unit and request their intervention. Any public statement, of any type, shall be released only in the name and under the signature of the PUCL Karnataka State President and General Secretary, until further orders.

It is also directed that the full list of existing members and full accounts may be immediately handed over to the Mr. Venkataraju, General Secretary of PUCL Karnataka State unit. No new members will

also be enrolled nor any activity be undertaken in the name of PUCL DK units. A copy of this notification will also be circulated to the media in Mangalore for information of the

media and general public.
Dr. V. Suresh, General Secretary, *People's Union for Civil Liberties (PUCL)*, National unit. □

R.Eswarraj, who is an unemployed and unauthorized journalist who is styling himself as a PRESIDENT of PUCL without even becoming a registered member of PUCL and illegally collecting money from public. We've already informed the PUBLIC about his deeds This is our final Warning.
P.B. D'Sa, former national Vice-President, PUCL.
7th March 2020

PUCL Delhi: May 13, 2020

Press statement on the Arrests of Anti-CAA activists by Delhi Police

Peoples Union for Civil Liberties {PUCL}, Delhi and Citizens For Democracy (CFD), Delhi view with grave concern the manner in which the Delhi Police has been arresting large number of activists who were in the forefront of the recent anti-CAA campaign in Delhi. These activists are sought to be implicated and charged for pre-mediated conspiracy in organising the recent Delhi violence, and surprisingly, the anti-terror laws like UAPA and Sedition are being used against them. The police claim that it has been doing its job with sincerity and impartiality. During three days between 23rd to 25th February, 2020 when violence was in full swing, videos were in circulation in which angry young men, wearing helmets and waving swords, chanting provocative slogans against the Muslims, could be seen on mobiles. There were frantic calls to police for help but no help came. In one day, as per reports, there were around 1400 messages to police seeking help but the same went unheeded. Violence was allowed to spread

unchecked. Violent mobs were not even allowing the injured to be taken to the hospital and a group of citizens had to approach the Delhi High court at dead of night on 26 Feb. for getting an order against the police as a result of which the latter spurred to action for helping injured. In the end there were 53 deaths, around 200 injured and property worth crores of rupees was destroyed and looted. Muslims bore the major brunt of violence - as two third of the deads were Muslims. A retired Police Commissioner of Delhi remarked, "If the police had been doing their duties, some of the deaths could have been avoided". Now taking advantage of the prevailing lock down, the police is targeting the prominent activists, mainly Muslims, who were actively involved in anti-CAA and anti-NRC agitation, not sparing even a young woman activist, namely Safoora Zargar, who is pregnant. Some other names are Shifa-ur-Rehman, president of Jamia Alumni Association, Meeran Haider and

Gulfisa. Umar Khalid, former JNU student and Kawalpreet Kaur of All India Students Association (AISA) are also being investigated. It is understood that the police is acting at the behest of the Home Ministry which is under a Home Minister who was openly campaigning against the anti-CAA protesters during the recent election in Delhi. The prime motive of this exercise seems to be to silence the voice of dissent in the garb of investigating Delhi violence. It would be a sad day for any democracy if decision to arrest such activists are taken on political considerations which are intended to be favourable to the ruling party. It is a sure source of subverting the rule of law. In this context the following words of the Report of the Shah Commission of Enquiry {1978} on the misuse of police are relevant:
"...The politician who uses a public servant for purely political purposes and the public servant who allows himself to be so used are both debasing themselves and doing a signal disservice to the

Organisational Queries

We receive from time to time queries/requests from new members regarding the PUCL identity card and also regarding the privileges of the Life members and Patron members as compared to Annual members. The three types of membership, i.e., Yearly, Life, and Patron, do not represent a hierarchy of membership. All members are equal. Life membership and Patron membership simply afford an opportunity to those who desire to contribute some extra money to the PUCL to strengthen its financial position. No membership carries any privilege. All members shoulder the burden of fulfilling the aims and objects of the PUCL. The PUCL does not issue any identity cards to its members as they are not supposed to take initiative independently.
V. Suresh, General Secretary, PUCL National

country.”

We therefore urge upon the Central Government as well as the police authorities in Delhi to refrain from harassing and arresting anti-CAA and anti-NRC protesters and activists under the garb of investigating Delhi violence of Feb.2020 and release those who

have been arrested on flimsy and dubious grounds.

N.D.Pancholi, President Delhi PUCL; **Sheoraj Singh**, General Secretary Delhi PUCL; **Manimala**, **Arun Maji**, **Shalu Nigam**

On behalf of PUCL, Delhi and CFD, Delhi. □

Regd. Office :

332, Ground Floor, Patparganj
Opp. Anandlok Apartments
Mayur Vihar-I, Delhi-110091

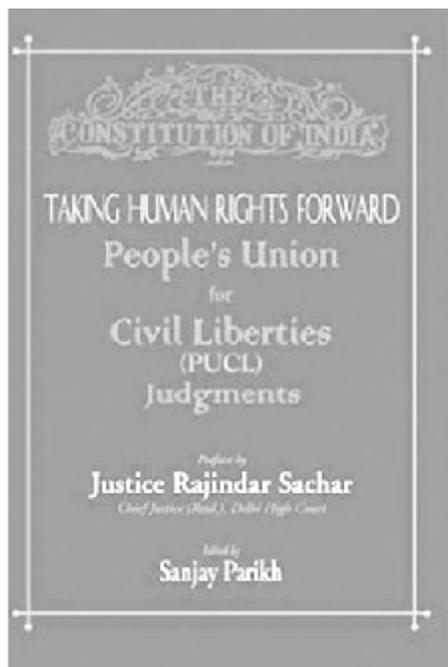
Tel.: +91-11-22750014

E-mail : puclnat@gmail.com
pucl.natgensec@gmail.com

Website : www.pucl.org

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Editor : V. Suresh

Editorial Board : Sanjay Parikh,
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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 Apptt.,
Mayur Vihar-I, Delhi 110091;
Editor: V. Suresh.