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

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Obituary:

PUCL Condoles the death of Kuldip Nayar, Veteran Journalist and PUCL Member

It is with great sadness that we heard about the passing away in Delhi today, 23rd August 2018, of Shri Kuldip Nayar, veteran journalist, writer, fierce defender of the rights of the common person, former Rajya Sabha member and former Indian High Commissioner to the UK.

Born in Sialkot in 1923, Shri. Kuldip Nayar was constrained to migrate to India in 1947, almost empty handed, during brutal killings and mayhem going on all around. Though the sad memories of partition haunted him throughout his life, he developed no bitterness. As an ardent champion of Indo-Pak People's Peace Initiative, he used to take a procession to light candle at the Attari-Wagah border. He did this for several years.

He was an independent journalist who wrote with conviction and courage. His fearless writings irked Smt. Indira Gandhi so much it led to his arrest soon after Emergency was declared in June, 1975. In a recent meeting on the Emergency Day at Gandhi Peace Foundation, he narrated the entire episode leading to his arrest and implored everyone present in the meeting to always hear the voice of one's conscience in life. Kuldip Nayar ji was a crusader of civil rights, who was always ready to fight and stand with people against fascist forces and groups, oppose majoritarian hate politics and challenge attempts by the State to suppress people's voices and crush dissent. He was known for his works on the inter-faith harmony.

A long time member of the PUCL, he was part of an important Fact Finding Team which visited Assam in the wake of bloody communal clashes in March, 1983. In 1990, he visited Kashmir several times as part of human rights investigation teams of PUCL along with Justice VM Tarkunde, KG Kannabiran, Balraj Puri and other human rights activists and brought out important reports on human rights violations in Kashmir. He will be remembered as an independent journalist who worked as editor of *Statesman*, *Indian Express* and was associated with several other papers. His regular columns in English were translated in many languages and were popular not only in India but through out the world. He was author of nearly fifteen books, among the well known, 'Between the Lines', 'Beyond the Lines', 'India After Nehru' and 'Emergency Retold'.

He caught pneumonia few days back and was admitted in the hospital. He is survived by his wife Smt. Bharti Nayar (sister of Justice Rajindar Sachar) and two sons. His demise is a huge loss to human rights and democratic movements in the country. PUCL is extremely saddened that within a year's time, we have lost two major doyens of the Human Rights movements in India: Kuldip Nayar and his brother-in-law, Rajindar Sachar. We convey our heartfelt condolences to the bereaved family.

V.Suresh, General Secretary, PUCL National □

Arun Jaitley, Govt's Kashmir Policy & Human Rights groups *A prelude to silencing and crushing the human rights movement in India?*

Prof. Prabhakar Sinha, former President, National PUCL and founder member, PUCL has issued a rejoinder to Arun Jaitley's article posted in the Facebook titled '**Govt's Kashmir policy not muscular, fidayees can't be dealt with satyagrah**'. Prof. Sinha, addresses Jaitley's criticism that human rights organisations like PUCL and PUDR were infiltrated in the 1980's by the ultra-left leading to disillusionment of liberals leading to them leaving these organisations. Jaitley alludes to these organisations as being apologists of Maoists and Jihadists who only espouse the cause of separatism and violence – in Chhattisgarh or Kashmir – and have “brought a bad name to a very precious and valuable concept of human rights”.

Prof Sinha points out that Jaitley's article is “an attempt to justify the free hand given to the armed forces in Kashmir to take liberty with the life and liberty of the Kashmiris in a bid to fight the militants. He (Jaitley) justifies the use of unrestrained force by the security forces against a suspected terrorist who is not fighting but is just hiding”. Prof. Sinha points out that, “The PUCL continues to disapprove of violence as a means of resolving political problems and issues, but **holds that even those who resort to violence must be dealt with according to the law of the land**. The rulers mislead the people into believing that the human rights organisations which stand for the protection of human rights of the alleged Maoists or terrorists are supporters of their ideologies or causes”.

Stressing that “Arun Jaitley, who was very closely associated with the formation of the PUCL, resorts to a downright lie, when he alleges

that in the early 80s the ultra-left infiltrated into the PUCL. The PUCL Constitution adopted at the 1980 conference mandated that the PUCL should bring together all who were committed to the defence and promotion of civil liberties in India, regardless of their political ideology”. Thus, “All the liberals and the members of the political parties, including Arun Jaitley, who joined the PUCL were fully aware of the Constitution they had framed and adopted and were fully conscious that no person was an untouchable or an outcaste for the PUCL, if the person subscribed to its aims and objects and pledged to abide by its Constitution”. Pointing out that even Ravi Shankar Prasad (the present Union Law Minister), than an ABVP member, was elected as Secretary, Bihar PUCL in 1981 and thereafter was elected General Secretary of Bihar State PUCL unit in 1988, which post he left only after he joined the BJP because of PUCL's rule that members of political parties cannot be office bearers of PUCL.

Exposing the double speak of Arun Jaitley, Prof. Sinha points out that “The fact is that the political elements left the PUCL when they came close to coming to power and later turned oppressors and violators of human rights and civil liberties when they became rulers. They could not remain in the PUCL in their new Avatar as an oppressor”.

Answering Jaitley's highly objectionable and unsubstantiated statement that “The liberals got disillusioned with the Maoist takeover of the civil liberties movement. A few were too gullible not to understand this”. Prof. Sinha points out that:

“Arun Jaitley's gullible liberals who remained with the PUCL till the end include V.M. Tarkunde, Rajindar

Sachar, Rajani Kothari, Prof. Amrik Singh, H.M. Seervai, Asghar Ali Engineer, Nayantara Sehgal, Hemlata Prabhu, Aloo Dastoor, M.A.Rane , Baba Adhav , R.B. Mehrotra (Justice), Dev Brat N Pathak, Yashpal Chhibbar, to name only a few. It is not easy to accept that they were so gullible and blind as Jaitley suggests”. (italics ours)

Prof. Sinha draws attention to the fact that the true intention of Jaitley's diatribe against PUCL and human rights organisations is to “destroy the credibility and also to criminalise and victimise” the human rights groups for exposing and opposing human rights violations committed by state security agencies, which is inevitable under the so called ‘muscular approach’.

All across India today, we are witnessing rising social violence in the form of lynchings, hate killings and mob violence and state terrorism and state violence, as vividly demonstrated in the targetted killing of 13 innocent people in the anti-Sterlite police firing in Thoothukudi district of TN.

In this context, it appears that Jaitley's article is a chilling warning to all human rights defenders, that their personal safety and lives are no longer going to be safe. This Prof. Sinha concludes is akin to “**a case of giving a bad name to a dog if one has decided to shoot him**”.

PUCL will not be cowed down by such threats; we reiterate our commitment to uphold the Indian Constitution, Constitutional values, human rights ethos and rule of law. We attach the full Rejoinder issued by Prof. Sinha for your reference and coverage in your media organisation.

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

Rejoinder to Arun Jaitley

Jaitley's advocacy of 'Muscular Approach' to Crush Dissent: Akin to Shooting a Dog after giving it a bad name

Prabhakar Sinha, Former President, National PUCL & Founding Member, PUCL from 1976 onwards

On 22nd June 2018, in an unusual move Arun Jaitley posted an article edited by the India TV editorial team on the facebook. (*ref.: https://www.indiatvnews.com/news/in-dia-jaitley-writes-social-media-post-on-human-rights-448822*).

The article titled '**Govt's Kashmir policy not muscular, fidayeens can't be dealt with satyagrah**' is an attempt to justify the free hand given to the armed forces in Kashmir to take liberty with the life and liberty of the Kashmiris in a bid to fight the militants. He justifies the use of unrestrained force even against a suspected terrorist who is not fighting but is just hiding. The article deals in detail with the author's version of the attack on the human rights of the Kashmiris by the insurgents and concludes that the use of unrestrained force by the security forces is not 'muscular' but the 'rule of law'. Anticipating opposition from the rights organisations against human rights violations, he launches an attack on human rights organisations to erode their credibility and mislead the people. But the most deplorable part is his knowingly resorting to distortion and lies about the PUCL with which he had been associated for several years before he chose to pursue his political career. Referring to the PUCL, he writes:

"In the early 70s, the People's Union for Civil Liberties (PUCL) was formed by Constitutional liberals led by Shri Jai Prakash Narayan. This timed with the supersession of judges, the misuse of Preventive Detention law and the beginning of dynastic rule. Its relevance increased during the Emergency and immediately after. In 1977, the Janata Government headed by Morarji Desai reversed most of the autocratic steps which Indira Gandhi had taken and thereafter, the comfort level of the liberals on civil liberties increased. In the early 80s, the ultra-left seized

the opportunity and started infiltrating into organisations like the PUCL and PUDR. The liberals got disillusioned with the Maoist takeover of the civil liberties movement. A few were too gullible to understand this".

It is incredible that a lawyer of his stature would not consult records and verify facts before launching an attack on a reputed organisation with which he had been associated from its second birth in 1980. The only conclusion can be that he has deliberately resorted to distortion of facts and lies to justify the human rights violations in Kashmir following the Modi government's muscular policy and discredit the PUCL and other rights organisations.

To put the record straight, Jaitley's distortions have to be contradicted and lies nailed with facts.

The PUCL was not formed in early 70s but early 1980's. Originally, the *People's Union for Civil Liberties and Democratic Rights* (PUCL&DR) was founded by Jai Prakash Narayan in October, 1976. A seminar was held on 17th October 1976, which was inaugurated by J.B.Kripalani. Mr. V.M. Tarkunde was elected President and Mr. Krishna Kant as its General Secretary.

The PUCL&DR was deliberately kept free from political ideologies so that people belonging to various political parties may come together on one platform for the defence of civil liberties and human rights. However, only seven months later the Emergency was lifted in March, 1977 following Indira Gandhi's defeat at the 1977 Parliamentary elections. Once the fear of Indira Gandhi disappeared, the members of the political parties lost interest in the PUCL &DR, and it became much less active.

It was Indira Gandhi's return to power in 1980, which revived the

fear of the opposition parties and also their interest in the revival of the PUCL&DR. A conference was held in November 1980 for the purpose. The 1980 Conference was attended by eminent persons from all walks of life and by the members of most political parties including the Congress. However, a section of the PUCL&DR was not willing to include the members of the RSS and did not join the conference. Thus, out of the PUCL&DR were born two organisations: the PUCL and the PUDR. The PUCL adopted its Constitution and elected V.M. Tarkunde as President and Arun Shourie as General Secretary.

Arun Jaitley, who was very closely associated with the formation of the PUCL, resorts to a downright lie, when he alleges that in the early 80s the ultra-left infiltrated into the PUCL. The PUCL Constitution adopted at the 1980 conference mandated that the PUCL should bring together all who were committed to the defence and promotion of civil liberties in India, regardless of their political ideology. Thus, the so called ultra-left were not barred from joining the PUCL in their personal capacity if they signed the pledge that they 'subscribed to the aims and objects of the organisation and agreed to abide by its Constitution'. Where was the question of infiltrating when the door was kept open for all? In fact, the first item in the list of PUCL's aims and objects provides that "the Peoples Union for Civil liberties will try to bring together all those who are committed to the defence and promotion of civil liberties in India irrespective of any differences they may have in regard to political and economic institution suitable for the country".

There were two conditions for a person joining the PUCL. They must subscribe to its aims and

objects and must abide by its Constitution. The aims and objects of the PUCL confine themselves to the issues of civil liberties and democratic rights and strictly exclude political issues or political ideologies. Thus, the question of the PUCL promoting the interest of the left or ultra-left or any other political party does not arise. It is kept outside the ambit of its Constitution. The PUCL is also committed to the use of peaceful means and the rule of law. Thus, it can neither support the use of violence nor armed struggle.

Keeping the distant future in mind when some section of the organisation may try to change the character of the PUCL and exploit it to promote its interest, its Constitution provides that the criteria of membership and aims and objects of the PUCL cannot be amended.

All the liberals and the members of the political parties including Arun Jaitley, who joined the PUCL were fully aware of the Constitution they had framed and adopted and were fully conscious that no person was an untouchable or an outcaste for the PUCL, if the person subscribed to its aims and objects and pledged to abide by its Constitution.

The PUCL members, including the Naxals, also did not discriminate against members on the basis of their ideology. For example, Ravi Shankar Prasad, an ABVP member, was elected as a Secretary, Bihar PUCL in 1981 and held that post till 1988. He was elected as the General Secretary in 1988. He resigned from the post only after he joined the BJP, as the members of political parties are not eligible to hold an office in the PUCL. He eventually left the organisation later because he felt that the PUCL had not acted impartially when it did not send a Fact Finding Team to Ayodhya following the police firing on Kar Sevaks in 1990 in which a large number were killed. While he remained in the PUCL, he enjoyed the members' support on the basis of his performance. No other

consideration influenced the members, including the Naxals.

The political elements (members of political parties) of the PUCL left the organisation only towards late 80's when Indira Gandhi was dead, Rajiv on the backfoot and the prospect of coming to power looked promising. However, the veteran socialist leaders, Surendra Mohan and Karpoori Thakur remained with the PUCL till their end. George Fernandes, too, remained with the organisation, and the PUCL sent Observers' team to monitor his elections for Lok Sabha from Banka (Bihar) in 1986 and Muzaffarpur in 1989. I remember to have met Yashwant Sinha, who was his election agent, at Banka (I was President, Bihar PUCL). A few others remained but the bulk went for a greener pasture. There were many others.

The fact is that the political elements left the PUCL when they came close to coming to power and later turned oppressors and violators of human rights and civil liberties when they became rulers. They could not remain in the PUCL in their new Avatar as an oppressor. Jaitley has not referred to a single meeting of the PUCL where the question of the takeover by the Maoists was raised by the 'liberals' who allegedly left. In fact, there could be no question of takeover by the Maoists in the early 80s as Jaitley alleges, because the CPI (Maoist) was formed only in 2004 with the merger of the People's War Group, the Maoist Communist Centre and a few others.

A few liberals led by Cho Ramaswamy did part ways with the PUCL in Madras Convention of the PUCL in 1982, but the issue was entirely different. They were of the view that those who did not believe in the Indian Constitution and resorted to violent means, were not entitled to the protection of the Constitution and the law. The PUCL rejected this view. The Convention appealed to all to use the agencies and methods available in an open society but "affirmed that even those who have taken to violence

are entitled to the due process of law. We believe that this commitment is the very faith of an open society and also that adhering to this commitment is an effective way of converting all to the democratic and peaceful way of transforming our society".

The PUCL continues to disapprove of violence as a means of resolving political problems and issues, but holds that even those who resort to violence must be dealt with according to the law of the land. The rulers mislead the people into believing that the human rights organisations which stand for the protection of human rights of the alleged Maoists or terrorists are supporters of their ideologies or causes.

Arun Jaitley's gullible liberals who remained with the PUCL till the end include V.M. Tarkunde, Rajindar Sachar, Rajani Kothari, Prof. Amrik Singh, H.M. Seervai, Asghar Ali Engineer, Nayantara Sehgal, Hemlata Prabhu, Aloo Dastoor, M.A.Rane, Baba Adhav, R.B. Mehrotra (Justice), Dev Brat N Pathak, Yashpal Chhibbar, to name only a few. It is not easy to accept that they were so gullible and blind as Jaitley suggests.

Jaitley, an old PUCL member, is aware that the PUCL has been publishing a monthly bulletin since 1981, which publishes its stand on various issues. He does not support his allegations from our publications because he cannot find anything to substantiate his allegations.

His write up appears to be an attempt to discredit the PUCL and other rights organisations with a view to destroy their credibility and also to criminalise and victimise them if they oppose the human rights violations, inevitable under the so called 'muscular' approach. It is a case of giving a bad name to a dog if one has decided to shoot him.

Prof. Prabhakar Sinha, Former President, PUCL National

Released by: Ravi Kiran Jain, National President, PUCL National;

Dr. V. Suresh, General Secretary, PUCL ☐

Does India's Far-Right Government Officially Approve of Lynching as a Political Tool?¹

Most of the victims are Muslim.

Teesta Setalvad *Independent Media Institute*

Most Americans, one hopes, would today feel deeply ashamed and embarrassed by a dark chapter in their history. Perhaps even a white supremacist might today flinch at the mention of the word lynch. It's what the White Man frequently did to the Black Man in "the land of the free" toward the end of the 19th and the beginning of the 20th century. Dictionaries define lynching as a premeditated extrajudicial killing of a person(s) by a mob to punish an alleged aggressor(s) or to terrorize a targeted minority group. For maximum impact, the act had to be made a public spectacle so others could watch, hear or read about it.

America's shameful past is now India's disturbing present with no sign of any letup in the near future. Under the watch of a right-wing majoritarian government, Hindu mobs seem to have discovered a deadly national sport: lynching. In the four years of the regime led by Prime Minister Narendra Modi, the victims have been mostly Muslims and sometimes Dalits.

In June 2017 the data journalism portal Indiaspend reported that between 2010 and 2017, 25 people were killed and 139 people were injured in 60 cow-related hate crimes. Of these, 97 percent of the incidents took place after Prime Minister Narendra Modi's government assumed power in May 2014; 84 percent of those killed were Muslims. The portal updated its database toward the end of December with a report headlined, "2017 Deadliest Year For Cow-Related Hate Crime Since 2010, 86% Of Those Killed Muslim." Of the remaining victims, 8 percent were Dalits. Dalits are India's untouchables, the most excluded in the caste spectrum, often confined to a life of social and economic deprivation. The latest update records 87 incidents since

2010 leading to 34 deaths (again overwhelmingly Muslims) and 289 injured—158 of them seriously.

In the latest instance of mob lynching by self-styled cow vigilantes, a 28-year-old Muslim man, Akbar Khan, was reportedly "beaten to death" on July 21 on suspicion of cow smuggling in Alwar district in the Bharatiya Janata Party (BJP)-ruled north Indian state of Rajasthan. Even more shocking is the news that followed a day later, "Rajasthan cops first took cows to shelter, then lynching victim to hospital." According to the Times of India, the cows were taken to a *gaushala* (cow shelter) 10 kms away before taking the lynching victim to the nearest hospital, which was only 6 kms away, a full three hours after the incident. In a further twist to this gory tale, Gyan Dev Ahuja, the BJP member of the Rajasthan state assembly, alleged that it was the local police who beat Khan to death over three hours in police custody and were falsely "implicating Hindu villagers."

What is significant over the spiral in such incidents of brute mob violence is the political climate that nurtures them, the culture of impunity that allows the perpetrators to go scot-free. While the ruling political class has been quick to pass off the blame on 'fake news' and 'rumors' on WhatsApp, it is clear that it is the mob, unchecked on the ground, that is having a field day. One of India's leading civil rights organizations, the People's Union for Civil Liberties (PUCL), has, in a recent analysis of incidents in the western Indian state of Rajasthan, found that "a well-oiled extortion racket" terrorizing cattle traders is what is behind the lynching(s). In fact, a spate of questionable amendments in state laws on "cow protection" that accord protection to "cow vigilantes" in a sense sanctifying

lynchings of humans. This has meant a close nexus between law enforcement and the vigilante groups that also enjoy protection from politically powerful groups. As CJP reports, several "states with the strictest laws reported higher incidents of lynchings—nine cases in Haryana, eight in Uttar Pradesh, seven in Rajasthan, six in Jharkhand and five in both Delhi and Gujarat, together accounting for almost 54% of the total reported cases. Karnataka is an exception; high incidents (relatively) but not so strict laws." Summing up the climate prevalent in today's India, in a tweet on July 23, the president of the Congress Party, Rahul Gandhi, targeted "Modi's brutal 'New India'" where "humanity is replaced with hatred and people are crushed and left to die."

The slaughter of cows and their "progeny" is now banned in most Indian states. Some BJP-ruled states have enacted laws that make the killing of a cow as serious a crime as (if not more serious than) manslaughter. A Hindustan Times news report dated July 18, 2017, headlined, "14 years in jail if you kill cow, 2 if you kill people: Judge in BMW case," says it all. It reported the verdict of a Delhi judge in a road accident case who "couldn't help but observe how present-day laws provide more stringent punishment to perpetrators of cattle-related crimes than errant drivers who take human lives."

Notwithstanding the stringent laws in place, cow vigilantes prefer to dispense instant justice. The mere suspicion of carrying or eating beef, transporting or killing a cow is sufficient for the lynch mob to stir into instant deterrent action. As news reports after most of these incidents have subsequently pointed out, in the cases registered by the police, the charges against the perpetrators are diluted, and in

some cases it's the victims who are named as the accused.

At times, looking like a Muslim is bad enough.

The first victim of the lynch mobs since Modi took over as prime minister (May 2014) was a 24-year-old IT professional, Mohsin Sadiq Shaikh, who was lynched by seven members of a radical Hindu outfit in Pune in Maharashtra state. Shaikh's only fault was that he looked like a Muslim. (He was returning from a mosque after prayers.) The killing happened within weeks after Narendra Modi assumed the office of prime minister: June 4, 2014. Despite numerous appeals and calls for a statement from him, the PM preferred total silence.

On June 27, 2017, 16-year-old Junaid Khan, who was returning home after shopping for the upcoming post-Ramadan Eid festival along with his brother and three friends, was thrashed and death following arguments over a seat on a local train on the outskirts of the national capital. Those accompanying him were badly injured. The fanatic lynch mob accused their victims of being "anti-national" and "beef eaters." The other passengers in the compartment chose not to intervene.

For civil society, the cold-blooded killing of Junaid Khan turned out to be a murder too many. Saba Dewan, a filmmaker from Gurgaon city adjoining the national capital, issued a call for a #NotInMyName protest, and ordinary citizens responded in large numbers, in Delhi and in cities across the country. The protests, however, seemed to have left no impression on the perpetrators of hate crimes.

While opposition parties have repeatedly accused the Narendra Modi government and his Hindu majoritarian BJP of saying or doing nothing to rein in the "lunatic fringe," human rights groups allege that "lunatics" are no longer the fringe but have captured the national center stage. At times, ministers

and parliamentarians in the BJP government have had no qualms in publicly embracing the accused or the convicted.

Harsh Mander is a former member of the India's elite civil service cadre: Indian Administrative Service (IAS). Following the anti-Muslim mass crimes in Gujarat in 2002 under the watch of its then-chief minister Narendra Modi, Mander resigned his job in protest against the abject failure of senior officials from the IAS and the IPS (Indian Police Service) in ensuring impartial enforcement of the rule of law. Since then, he has been active as an independent human rights defender. In the past two years, along with a few of his colleagues, Mander has launched a *Karwan-e-Mohabbat* (Caravan of Love), visiting families of the victims of cow-related hate crimes across the country, offering them solace and solidarity.

In his latest column in the Indian Express titled "The Mob that hates," Mander wrote:

"Hate crimes flourish most of all because of the enabling climate for hate speech and violence which is fostered and legitimised from above, which frees people to act out their prejudices; and the impunity assured by state administrations to the perpetrators. The political response to these attacks tends to follow a set pattern. Through all of this, the prime minister does not express any spontaneous anguish or outrage about hate attacks, except for brief and very occasional general statements. Senior ministers and elected representatives frequently come out in open defence of the attackers, charging the victims with provoking the attacks. The messaging is unambiguous: Not the lynch mob, but the victim, and the community to which he belongs, are guilty. ...

"One Union minister wraps the body of a man charged with lynching who died in prison in a national flag, an honour otherwise reserved for soldiers who die defending the country's borders. Another visits persons arrested for lynching in prison and weeps for their suffering. A third provides legal aid to persons convicted for lynching, and garlands them when they are released from jail. It is important to recognise that in every single case in which ministers and senior leaders of the BJP honour and valorise lynch mob killers, the victims are always Muslim."

Mander's article was in response to a July 17 (2018) landmark judgment of the Supreme Court of India asking Parliament to consider enacting a separate law to deal with lynching. "Horrendous acts of mobocracy cannot be allowed to become a new norm and... [have] to be curbed with iron hands and states cannot turn a deaf ear to such incidents," ruled the highest court in the land.

In July 2016, on the rare occasion that he spoke out against cow vigilantes, following the brutal thrashing of Dalits tied to a car in his native state of Gujarat, Prime Minister Modi had talked of "close monitoring of the violence" and "strict action against the perpetrators." However, on July 18, 2018, two years later, union minister of state for home affairs Hansraj Ahir told the Rajya Sabha (Upper House of Parliament) that "the National Crime Records Bureau (NCRB) does not maintain specific data with respect to lynching incidents in the country." But the online news portal FirstPost noted that the minister may not have spoken the whole truth in Parliament. It pointed out that in March 2018, the home ministry had furnished data in Lok Sabha, according to which, "Between 2014

and 3 March, 2018, 45 persons were killed in 40 cases of mob lynching across nine states, and at least 217 persons had been arrested." The report added that 14 other states had failed to provide data.

In a statement in the Lok Sabha (Lower House of Parliament) on July 19, union home minister Rajnath Singh condemned mob lynchings, adding that the onus lies on the state governments to control the menace and that the union government had already issued advisories to the state governments (law and order is a state subject in India). Two days after Singh's statement and less

then a week after the Supreme Court's ruling, Akbar Khan became the latest victim of a Hindu lynch mob in BJP-ruled Rajasthan. Condemning the killing, a Congress Party spokesperson said the latest incident "has once again proved that the BJP is working overtime and aggressively to transform Hindustan [India] into Lynchistan. The nation is also witnessing how BJP rather than enforcing Supreme Court's judgment for a need of a strict law on lynching is actually now lynching the judgment and the Constitution." It does not look like India is going to witness the ebbing of the "lynching epidemic" anytime soon. If

anything, the bloodthirsty among Indians have of late found yet another group of persons to target: suspected child-lifters. Indiaspend reports that as of July 23, following child-lifting rumors spread through WhatsApp, there have been 69 mob attacks since January 2017 in which 33 persons have been killed. Twenty-four of the victims were killed in the current year, compared to only one such attack being reported earlier in 2012.

July 27, 2018

¹ <https://www.alternet.org/world/does-indias-far-right-government-officially-approve-lynching-political-tool> @ 28Jul2018 ☐

Lynching of the Muslims under Modi Rule Prabhakar Sinha

Modi's love for the cow is a smokescreen for his hatred for the Muslims. It is well known that a handful of poor Muslims have been engaged in cow-slaughter to provide cheap food to their poor brethren, but the big slaughter houses which have been exporting beef worth millions have been the prized possession of the rich Hindus ironically belonging to the BJP. Thus, all these days the RSS, Modi and the BJP have been swallowing the camel, but straining at the gnat.

After Modi came to power, he made the ban on the cow slaughter a ploy/excuse to harass and kill poor Muslims. It is the unstated policy of the government to lynch Muslims on the pretext of their taking a cow for 'slaughter'. The lynch mob sheds the innocent Muslim blood

as they know that the State is their Protector. The *Hindu Hriday Samrat* is their Patron, and they can kill with impunity. The *Samrat* does not have to herald his message. HIS SILENCE IS HIS MESSAGE. The appointment of 11 killers of Aqalakh in the NTPC is his message. The impunity of the killers of Pehlu Khan is his message.

It is also public knowledge that the poor Muslims who slaughtered cows for a living do not rear them (never did). It is the Hindus who sold them the cows when they ceased to be of use and affordable to maintain. The Sangh never launched a campaign against selling unproductive cows and oxen to slaughter houses. They couldn't care less. They have had no love for cows. Their apparent love for the cow is born of their

hatred for the Muslims. Could Modi, the RSS and the BJP announce at the time of elections that in the North East, Kerala and Goa there would be no ban on cow -slaughter and beef eating if they really loved the cow? Or are the cows in those states not their mothers but step mothers fit only to be slaughtered?

In every crime, the accomplice is equally guilty, but in the case of cow slaughter the law is different. The lynch mob kills the innocent Muslim, but never tries to find out who sold the cow to the alleged culprit. There is law against the person who slaughters a cow but not against the person who sold the cow for the slaughter. Or if there is a law, it is never invoked.

Shedding innocent blood is a heinous crime, and shedding the blood of brother citizens for ascent to power is treachery against one's motherland. ☐

Situation is like that of 1975; Emergency may Re-Emerge in Another Form Let People be awake to preserve the civil liberties!

Gautam Thaker

Human Rights are the privileges and liberties of the citizens which is a distinct part or organ of human life. Those are the birth rights of a human being and cannot be construed as if it is conferred by the Constitution of the country.

Government often indulges into a swoop upon such rights. On the strength of its powers and authority it makes both, use and misuse of police force. Many such incidents have come to light after 1947 when attempts were made to violate

human rights, freedom of thoughts, speech and the press. Be it 1975 or 2018, ruling regimes have endangered the civil liberties and human rights.

Since 25-06-1975, a spell of 43 years has elapsed since

Emergency was clamped but its memories cannot be erased even to-day. At that time, under the leadership of Lok Nayak Jay Prakash Narayan, people had energetically fought against the emergency. Mistakes committed by Indira Gandhi and unrealistic economic policy adopted by her ultimately resulted into intolerable shortages of articles and inflation. In the decade of the 70's the Govt. had strangled our economy by imposing various kinds of checks and controls. This had benefitted black-marketers and corrupt people. The ruling party – Congress – had choked the people by clamping emergency after seizing or capturing absolute and rampant powers. The condition of the common men had worsened so much due to fast rising inflation and unemployment that law and order situation had worsened to the point of collapse. Constant attacks were waged on the judiciary. Farmers, workers unions, civic societies had no freedom of expression. On the pretext of and in the name of 'Emergency', leaders like Jay Prakash Narayan, Morarajee Desai and Atal Bihari Bajpayee were arrested and detained in the jail. Freedom of speech and personal liberty of leaders battling for civil liberties and human rights were snatched away and strategy was hedged to impose autocratic and authoritarian rule by

choking voice of dissent. Amendments in acts and Constitution, including use of 'MISA' were effected to cow down political opponents and others. Above situation is prevailing to-day in the year 2018 as though 'Undeclared Emergency' has been imposed in the shadowy form of the former Emergency. To-day, the ideology of autocratic rule and fascist forces has begun to establish its hold. Efforts for establishing autocratic rule have been made by taking recourse to military regime and by violation of personal freedom of individual and speech. Arbitrary, anti-people and autocratic approach of the Govt. is distressing pro-democracy citizens. Everywhere, freedom of speech, writing and expression are being infringed. Nowhere freedom is tangible, where the people can express their voice. In the democratic country, it appears as though atmosphere of fear and terror has become dominant. On the economic front, vacuum has emerged on account of demonetization and imposition of GST. Systematic efforts are being made for harassing the activists struggling for defending, preserving and promotion of human rights. Activists working for human rights by risking their lives are being branded as guilty of treason. Systematic attacks are

being made by the Police on the whistle blower, peaceful demonstrators and Human Rights activists. Any voice of protest or dissent is termed as anti-national and perilous. Negative treatment is being meted out towards poor people, farmers, have-nots and all the classes battling for their legitimate rights. Attempts by activists to voice the problems facing the different classes of the society are being mercilessly crushed. Our stalwart colleague and Senior Advocate Girishbhai Patel has rightly pronounced that "Modi's model is of joblessness, ruthlessness, voiceless and futureless." For the sake of freedom of our future generation, its esteem, security and for defense of democracy, prudent, educated, foresighted, practicable and reality minded citizens need to shake off their differences and should unite together irrespective of any party affiliations. There is a need for all-out efforts by all the democratically minded citizens to get united to forestall any kind of dictatorship. There is a strong need on the part of non-partisan and concerned citizens to take up the task of keeping at bay emergency by educating our illiterate masses, awakening and uniting them, in the coming days.
Gautam Thaker,
 General Secretary, PUCL Gujarat
 Date: 23-06-2018 □

Lifetime Achievement Acceptance Speech

Anand Patwardhan, Eminent Film Maker

My acceptance speech at the IDSFF Kerala:
 Thank you Kerala! Not only for this award, but for being what you are. For being the last bastion of hope for this country where despite their best efforts the extreme right wing has never won a single seat in Parliament. Thank you for retaining a sense of community without letting it degrade into religious identity so that being a Keralite has more meaning than being a Hindu,

Muslim, Christian or Jew. Thank you for being a State that has still not fully succumbed to the mindless industrialization and destruction of ecosystems that the rest of India proudly parades as "development". Thank you for literally giving us a chance to breathe.
 Thank you International Documentary and Short Film Festival of Kerala and Chalachitra Academy for your hard work and your many years of existence.

Thank you to the vision of the political party that gave birth to you and sustains you even when times are bad.
 I know I musn't stray from the world of cinema so I will try to get back to talking films. The problem is my films are always about the world I inhabit and that world is changing for the worse. A few years ago when I was given a similar award it was at a point in time when the current Prime Minister was about to come

to power in 2014. In introspecting whether my films over the years had changed the world in any way. I could only conclude that they had not. How could we elect whom we had elected if the films had made any difference? I know that many in the audience and outside will consider it an act of hubris that I expect my films to make this kind of a difference in the real world. But really I am no poet who writes for myself or singer who sings in the bathroom or artist confined to the gallery. I want the world to take notice. That is the level of my ambition. Without it, I would not be able to make films.

The writing was on the wall in 2014 when I concluded I had failed. But people like me had not failed because our films were bad or did not communicate. They failed because the mechanism of showing our films far and wide had failed. Because those in power in different parts of the country did not prioritize the need to show them. Today 4 years later things have gotten worse.

Today's India has no freedom of expression unless of course you happen to be a right wing murderer or part of a lynch mob, or a rape murderer of Dalits, minorities and weaker sections. Then you not only have freedom of expression, you also have full impunity. On the rare occasion you are arrested not only will you get bail but ministers will come out to garland you.

Today we are up against the total corporatization of the media. And if you want to know what corporates do when fascists come to power, you don't have to look far back in history. Today we don't need a Goebbels to crack the whip. The corporates have already done it. Soon after the romance of Independence ended we forgot our commitment to quality mass education and later the IMF and World Bank virtually enforced privatization, creating a new form of Brahminism. Dumbed down generations are now fed pop history and fake news. The iconography can change. Saffron can get temporarily covered under the tricolor. Hindutva can become

the new National. But for Brahminism to rule there must always be an object of hate. This Brahminism is not restricted to one caste. It is an exclusivist mindset that always needs to hate enemies. New technology in the form of social media carries the hate to ubiquitous cell phones in the pockets of every lynch mob.

They also train such people to use guns and we have lost many brave human rights activists. Kavita Lankesh is here tonight and it reminds us of our tragic losses.

How can we resist? We cannot do it with counter violence. We can only do it by addressing hearts and minds. A cultural war is raging. We must unite across geography, across political parties, across class and caste to create a culture that is casteless, democratic, just and humane. We are cultural warriors. Our weapons are reason and compassion.

I thank you once again for this award and accept it as a contribution for the work that lies ahead.

July 22 at 7:46 PM □

PUCL Press Statement: 18th August 2018

PUCL Statement on Father Stan and Others

The *People's Union for Civil Liberties* (PUCL) condemns the clearly motivated, malicious and tyrannical action of the Jharkhand police and Jharkhand Government in registering a case against 20 adivasi activists for criticizing the Raghubar Das led BJP Government on Facebook; claiming that they are "manipulating the innocent and uneducated villagers against the government", "misinterpreting Constitutional provisions", "disrupting communal harmony" and indulging in "anti national speeches and propaganda". The activists have been charged with grave offences of Section 121, 121A (waging war), 124A (sedition) of the IPC and Section 66A/ 66F of the IT Act. The human rights workers include prominent and highly respected social activists such as the 75 year old Jesuit priest Father Stan Swamy of the PUCL, who has been a strong and fearless voice of dissent against land acquisition policies, weakening of the gram sabhas, writer and anti-

displacement activist Aloka Kujur, and Congress MLA Theodore Kiro.

The FIR registered by a police inspector Rajesh Prasad Rajak in the Khunti police station has connected these activists to an accident of 26th June 2018 in which villagers of village Ghagra and Anigarha – called "Pathalgarhi" supporters in the FIR - are alleged to have gheraoed the BJP MP Karia Munda's house and abducted his security guards, and resisted police lathicharge with bows and arrows and throwing of stones. Without any shred of concrete evidence being cited, the activists have been accused of inciting this act through their facebook posts. Just a mere glance at their facebook posts, shows how they have been constantly talking about the implementation of Constitutional provisions like PESA and the right to life. The use of Section 66A even after its being struck down by the Supreme Court, and the foisting of the extremely grave offences of sedition and waging war in obvious violation

of repeated guidelines of the Supreme Court shows the absolute lack of application of mind by the police.

This FIR comes at a time when Jharkhand is witnessing continuous and widespread protests of adivasi communities against amendments of land laws and land policies in the state. The Chotanagpur Tenancy Act and the Santhal Parganas Act were sought to be amended to make diversion of land for non-agricultural purposes easier and also to lift restrictions on alienation of adivasi land for linear projects. Finally these amendments were rejected by the Governor Ms Draupadi Murmu in a rare use of the discretionary powers of the Governor. The passing of the state amendment of the new Land Acquisition Act of 2013 doing away with social impact assessment, restrictions on acquisition of agricultural land and creation of a Land Bank rather than returning unused lands to the farmers has meant bringing in from the back door

the very amendments that were rejected by the Parliament in 2016. There is a growing perception that the Raghubar Das led BJP Govt is trying to ease corporate land grab and to favour non-tribals particularly after it announced that 210 MOUs were signed in 2017 in the Global Investors Summit. The state has witnessed many protests and Bandhs, and police repression on agitators including firing at a crowd stopped 40 km away from Ranchi on 23.10.2017 in which Abraham Mundu was killed. Raghubar Das has had to personally face several protests – such being shown black flags at Torpa, Khunti when he went to inaugurate an electric sub-station; and in Saraikela-Kharsawan when he was obstructed from paying homage at an adivasi martyrs monument.

In the tribal regions of the country, particularly in Jharkhand, Odisha and Chhattisgarh where mining has had devastating consequences on adivasi lands, livelihoods and the environment, there is a simmering unrest. Tribal communities are repeatedly raising the issues of failure of the governance model of the Fifth Schedule, the lack of political will to respect the decision making role of the Gram Sabha laid down in the PESA Act, and the poor implementation of the Forest Rights Act particularly in the refusal of community forest rights and resource rights. This has given rise to protests by adivasi villages in the form of “Pathalgadi” or erecting stone tablets as an assertion of their rights and self

governance. This has no doubt created a panic among the mining interests since village communities are demanding that they “seek permission before entry”. The State Governments have come down with exceptional viciousness on this movement – in places claiming that it is linked to Maoists and in others to opium cultivation. In both Jharkhand and Chhattisgarh the political attack on Pathalgadi has been spearheaded by Hindutva organizations and it has been used as a means to repress and target Christian adivasis and drive a wedge among adivasis on religious grounds. The 20 activists recently targeted by the FIR dated 26th June held a joint press conference on 3rd August which was addressed by representatives of various mass organizations and opposition political parties including the former Chairperson of the National SC ST Commission Rameshwar Oraon, former Union Minister Subodhkant Sahay, sitting MLA Arup Chatterjee and former Chief Minister Babulal Marandi. The action of the police in registering an FIR of sedition was unanimously condemned by the opposition as well as civil society as an act only to suppress voices of dissent.

The *People's Union for Civil Liberties* demands that

(1) The FIR dated 26th June 2018 making vague allegations and foisting grave charges of sedition, waging war etc against social activists merely for expressing opinions critical of

the Government should be immediately withdrawn, being an assault on the Freedom of Speech and Expression.

- (2) The persistent demands of the adivasi people of Jharkhand, voicing their grave concern about changes being made in land laws and land policies detrimental to the adivasis and to facilitate corporate land grab, must be considered by the Jharkhand Government through effective consultations with the affected people.
- (3) The provisions of the Fifth Schedule to the Constitution of India, the PESA Act, the Forest Rights Act, the Chotanagpur Tenancy Act and the Santhal Parganas Act should be strictly implemented in letter and spirit to protect adivasi lands and livelihoods.
- (4) Baseless criminalization and demonization of the “Pathalgadi” movement should cease. The district administration and political establishment should resolve conflicts in the adivasi areas through effective consultations with Gram Sabhas and by respecting the centrality of the Gram Sabha in decision making as laid down in the PESA Act and Forest Rights Act, thus restoring the self governance envisaged by the Constitution and the faith of the adivasi communities in the state.

V.Suresh, General Secretary, PUCL National □

Statement of Solidarity for Prof. Shoma Sen from the Academic Community:

WSS Statement on the Sukma Encounter on August 6th 2018

Immediate and independent probe of the alleged encounter killing of 15 'Naxals' in Sukma

The morning of August 6th 2018, preliminary news reports indicated that 15 'Naxals' had been gunned down by the Chhattisgarh police in Sukma district. This encounter, the reports claimed, also included injuries to two others, a man and a woman, who were then arrested. This encounter happened near Nalkatong village in the Mika Tong forests near Gollapalli and Konta Block of South Sukma. It was conducted by two teams of District Reserve Guard (DRG), Special Task Force (STF), Central Reserve Police Force (CRPF) and the elite Commando Battalion for Resolute Action (CoBRA) at roughly 6:30 am

and it continued for roughly an hour. As per the SP of Sukma, this combined force numbering 200 personnel encircled and cordoned off a Maoist camp which appeared to have 20-25 militia members. The militia members, it is claimed, belonged to the tri-junction of Gollapalli, Konta and Bhejji areas. Bastar range Inspector General of Police Vivekananda Sinha has claimed that the exchange of fire lasted two hours and the Maoists had initiated the firing forcing the security forces to retaliate. According to Chhattisgarh's Special Director General of Police (Anti-Naxal operations) DM

Awasthi, the recovery of a large cache of arms, explosives and bodies of 15 Naxals along with the arrest of two is evidence of the success of the “biggest anti-Naxal operation in the history of Chhattisgarh”. Meanwhile, the police claim that they faced no setbacks in this operation and all their personnel returned safely to the base camp in Konta.

A day after all these claims, in Kistaram hundreds of women protested against this police action by calling it a 'fake encounter'. The women protesting police action claim that all those killed were villagers working in their fields and

none of them are Naxals. Following a visit to the site by Soni Sori and Lingaram Kodopi, it was revealed that the police force, in order to show their efficiency in combating Naxals in the area, shot and killed villagers. The villagers, harassed by intrusive search and combing operations in the area, were encircled and killed in indiscriminate firing. It seems some of the people killed are villagers from Gompad, the very village where two years ago a woman was raped and killed by the police and then declared a 'Naxal'. The claim that any of them were Naxals was strongly opposed by the people resulting in questions about police action in the area. None of the villagers were armed. AAP leader and member of WSS, Soni Sori has asked, "If they were really Maoists, how come none of them had a single automatic weapon in a group of 15? The 15 dead included two brother and seven teenagers." Soni Sori, Lingaram Kodopi and Ramdev Baghel, representatives of Aam Aadmi Party in the area, have raised serious doubts about the veracity of police claims by speaking with the villagers and have demanded an independent probe. Most crucially, the villagers have claimed that out of the 15 killed, six were minors aged between 14 and 17 years. All those killed were working in their fields when they were killed. The police encircled them in their fields and shot indiscriminately.

As per reports from the ground, villagers from four villages belonging to Mehta Panchayat – Nalkatong, Gompad, Kindrampada and Velpocha – including children between the ages of 14-17 from Nalkatong village were killed by the combined police team. Two people arrested include Madkam Budri, a woman from Nalkatong village who was shot in the leg and Vanjam Hunga from Velpocha village; both are now declared 'Naxals'. The police are claiming both of them were apprehended during the operation. But the villagers claim that besides these two villagers, three more young adivasis are in police custody. Meanwhile, the villagers are being repeatedly

beaten up, including pregnant women, in an effort to keep them quiet. The people from all these villages are clearly stating that there were no Naxals present among them and have invited independent probes to see for itself. It is crucial to note that Gompad is the very same village where two years ago Madkam Hidme, a young adivasi woman, was raped and killed after being declared a Naxal by the police. At that time too the villagers had come together and condemned the police action.

Meanwhile, Chief Minister of Chhattisgarh, Raman Singh, has called it a "big, successful and clean operation". Just days before this operation, the chief minister had claimed that "either they should surrender and join the mainstream, or our forces are ready and Naxals will no longer be spared". Minister for Home Affairs, Rajnath Singh, has also congratulated the police forces for this operation. The police claim that further search and combing operations are underway. On the one hand, DM Awasthi has claimed that the two teams were sent to the area following intelligence reports and, on the other, the SP of Sukma Abhishek Meena has claimed that "it was sheer chance that our forces spotted a Maoist camp along their route of operation and targeted the cadres. In the gun-battle, our men killed 15 Maoists on the spot". Even as more questions are being raised regarding the incident on August 6th, the CRPF is planning to set up 17 more police camps in Sukma, Bijapur and Balrampur with two companies of CRPF in each wherein each company will roughly have 110 personnel.

In light of the contradictions in the police narrative and, more importantly, the claims made by the people of Nalkatong and the adjoining villages, it is clear that an immediate and independent probe is needed to ascertain the events in the night and morning of 5th and 6th August 2018. The history of sexual violence and police excess in the area raises apprehensions of an orchestrated operation meant to project 'success' for the

Chhattisgarh police and boost the morale of the forces in the area. The impact of such operations on the people of Chhattisgarh, especially the adivasis of Bastar region, needs to be seen in light of increasing repression on people, the easy and convenient branding of adivasis as 'Naxals' and the policy of killing villagers during the monsoons in the days leading up to the Independence Day creating an environment of police terror in the region. WSS condemns the beating up of the villagers including pregnant women by the Chhattisgarh police and paramilitary, all efforts made to silence the people of Sukma, and demand an immediate end to such practices including setting up of camps, intrusive combing operations, harassment of villagers, and threats to the lives of people daring to protest police excess. WSS is alarmed by reports of seven minors being killed in this operation and demands that the police and CRPF immediately cease actions wherein people are shot in cold blood in the name of combating Naxalism. Civil Liberties Committee (CLC) has filed a PIL in the Supreme Court with a prayer to file 302 IPC against paramilitary forces who have killed villagers, asked for the Constitution of a judicial enquiry, a review of the post-mortem, called for a stay of auxiliary promotions to the paramilitary personnel, and appealed for the establishment of a criminal investigation by the CBI or set up SIT to investigate the killings. WSS stands in solidarity and supports this petition by CLC. Women against Sexual Violence and State Repression (WSS) calls on all democratic forces to take note of the appeal made by the villagers of the Mehta Panchayat in Sukma and probe the incident immediately and judiciously.

Women against Sexual Violence and State Repression (WSS)

Conveners: Ajita, Nisha, Rinchin and Shalini; Contact:

againstsexualviolence@gmail.com

Link:

<https://wssnet.org/2018/08/12/statement-by-wss-on-the-sukma-encounter-on-august-6th-2018/> □

Condemnation of the Mob Attack on Sanjay Kumar, Department of Sociology, MG Central University, Motihari Bihar

As sociologists, social scientists and concerned individuals across the world, we strongly condemn the brutal mob assault on 17 August 2018, on sociologist Sanjay Kumar at Mahatma Gandhi Central University, Motihari, Bihar. This particular trend of mob violence directed at dissenting voices in various university/college campuses of late has become 'normal'. Teachers have been targeted and abused on account of their political opinions and social position. In particular, because of the nature of the social sciences where we engage with contemporary society, social

scientists have come under attack. As per media reports, the complicity of the office of the Vice-Chancellor, M G Central University, Motihari in the macabre attack on Sanjay Kumar cannot be ruled out. We unequivocally demand the effective intervention of the Government of Bihar to probe the dastardly act and provide all necessary legal and medical help to the victim. We appeal to all university teachers, students and citizens at large to ensure the safety and civility of our campuses and ensure there is space for open discussion.

Signatories: 1. **Abhijit Kundu**, Sri Venkateshwara College, University of Delhi; 2. **Rajni Palriwala**, Department of Sociology, Delhi School of Economics; 3. **Nandini Sundar**, Department of Sociology, Delhi School of Economics; 4. **Sujata Patel**, Indian Institute of Advanced Studies, Simla, & Former President, Indian Sociological Society; 5. **Gyan Prakash**, Princeton University; 6. **Arjun Appadurai**, New York University; 7. **Geetha Nambissan**, Zakir Husain Centre, JNU; 8. **Satish Deshpande**, Department of Sociology, University of Delhi; 9. **Tulsi Patel**, Retired Faculty, Department of Sociology, Delhi School of Economics; 10. **Nabanipta Bhattacharya**, SVC, University of Delhi and **168 others** □

Press Release: 10th August, 2018

Statement of IIT Bombay Students against Invitation of Narendra Modi in Convocation¹

As IIT Bombay students, we are proud that this institution has now stepped in its Diamond Jubilee year and has occupied a prominent place among the other well-known institutes of learning in this world. However, invitation of Mr. Narendra Modi, the prime minister of India, as a guest of honour in the convocation of this year, has raised some concerns among several students which we would like to share with the larger body of students, academicians and people in general. We would like to question the contribution of the ruling government, whose head is PM Narendra Modi, in higher education and in other vital social issues affecting the social harmony and fundamental rights of a substantial section of the Indian population. Visit of politicians and ministers is not new for academic institutions, but, the motive behind this is also a matter of concern. Whereas nobody would be stopping the Prime minister from entering the campus, or delivering

his speech, there are questions, which we would like to raise here. There are the issues which affect even the privileged students in IITs as well as the other students from more neglected institutions. Such issues should at least be raised, if not addressed by the authorities. Let us begin with the question of poor public expenditure in higher education. Expenditure of the Indian government in education is abysmally low, and it is almost negligible in higher education, compared to many other countries. Budgetary expenditure in higher education is in a steep decline for the last few years as more and more private universities are coming up and public universities are compelled to hike their fees, leading a large number of students to difficulties and forcing many out of higher education. (*Public Expenditure in Higher Education in India*, Kundu, P. 2017: *Education Budget lacks imagination*, Economic and Political Weekly. Vol. LII. No.27).

This ever declining public expenditure in education, is making us question the higher education policy of the ruling government, and naturally we wonder, whether Mr. Modi wants higher education for all, or whether he is promoting the Brahmanical idea of education only for a few people, belonging to upper caste and upper class backgrounds. Even out of this limited education budget, the share of the IIT's alone is more than half. Academia in social sciences is facing acute shortage of funds. We fear, scraping of Non-NET fellowship in central universities or scraping of GOI-PMS scholarship (for SC, ST and OBC students) in TISS, are just the beginning. Further fee hike and scraping of scholarships are expected if the present system is allowed to continue. Of course, the worst sufferers would be the underprivileged students coming from non-upper caste backgrounds. Already the General Financial Rules (GFR) of the

MHRD and UGC are about to be implemented in the central universities, and if these rules are implemented, a substantial expenditure of the central universities has to be raised from the fees paid by the students. This will automatically lead to fee hike. Is it wrong for us to question, what happens to the state universities? Is it wrong to think this to be an attack on the entire academic community of the country in general? Incidentally IIT Bombay has already complied with GFR and recently a massive fee hike was announced. This is true in every other institutions despite how privileged they are. Shouldn't we ask here what happens to the students who are not able to meet this increased financial burden of higher education without economic assistance from the state? Why shouldn't we ask that this abysmally low budget in public education be raised immediately, and education be made inclusive? The next set of concerns obviously arises with the HECI Bill (Higher Education Committee of India Bill), which is proposed to replace the University Grants Commission (UGC), the main body regulating funds given to the institutes of higher education. Since the power to control funds will remain with the MHRD under the new act and HECI will have the power to punish or even shut down any institution which will not meet its guidelines as researchers and students we suspect this to be an attack on the autonomy of the universities. Also without grants, the universities are expected to repay the 'loans' they have taken from the MHRD, which will automatically lead to further hike in fees, making the higher education spaces exclusionary for students. Already specialized centres like Centres for Study of Social Exclusion or Centres for Women studies, which deal with social exclusion and raise

criticisms are dissolved in universities like JNU and TISS. HECI can regulate this to a far greater extent and totally curb the autonomies of the universities in selecting which courses they are willing to offer. Will it be wrong for us to question the prime minister why his government is hell bent on destroying the educational institutions of this country? Will it be wrong for us to ask, why the government is scared of higher education and freedom of teachers and students in selecting what they want to study?

The next very important concern is that of employment. Despite our privileged status as students of IIT Bombay, we are indeed concerned about the falling rate of employment across the country. The government has managed to create very little number of jobs over the last few years. The employment generation speed faced a six-year low in 2015 as only 135,000 new jobs were created compared to 421,000 jobs in 2014 and 419,000 in 2013, as per a quarterly industrial survey conducted by the Labour Bureau under the Labour Ministry jobs in the IT sector have dwindled to 1.5 lakh annual recruitments from over 3 lakh recruitments in previous years. After a survey conducted by job site Naukri.com, the report said, *"The overall job market saw an 11 percent fall in new jobs, with IT-software industry most hit. IT-Software industry was hit the most with a 24 percent decline in hiring in April as compared to April 2016."* Besides, as per Labour bureau figures, India added just 1.35 lakh jobs in eight labour-intensive sectors in 2015, compared to 9.3 lakh jobs that were created in 2011. Whereas recruitment in government sector is almost negligible and employment in other sectors are falling, we are rightfully concerned about the validity of the entire 'Make in India' narrative and

how much it actually guarantees. Without presence of any reservation for SC/ ST or OBC candidates in the private sector, more than 50 % of the Indian population with higher education, are likely to be pushed out of the job market as well. The prime minister is expected to answer for this exclusion in the employment sector.

As researchers and students, we believe that academia is not something disconnected from the society. We condemn all the hate crimes happening across the country in name of religion, caste, ethnicity and race. Somehow, the ruling government has found out a way to defend or be silent about most of such occurring. As we write this, we condemn the rape and murder women across the country, particularly of those, who were targeted because of their Dalit, tribal or Muslim identities. We question how the perpetrators of such heinous crime could get all solidarity from the ruling party. We condemn all the atrocities committed on Dalits and Muslims over the last few years in the name of religion and aggressive upper caste pride. We question how beef becomes so important an issue that living human being could be killed for it, and the murderer would get perfect impunity from the state. We question how the government could so easily decide who is a citizen and who is not on basis of their religious identities. But finally we would like to question Mr. Modi's silence on all these issues. As a prime minister, we demand that he takes a positive stand and condemn all the hate crimes committed and supported by his party members.

Students of IIT Bombay

<https://countercurrents.org/2018/08/10/statement-ofiit-bombay-students-against-invitation-of-narendra-modi-in-convocation/> @ 12Aug2018 □

Why Mail Today Will No Longer Be Carrying My Cartoons¹

Satish Acharya, *The Wire*, 12th August, 2018

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

'Drop the cartoon and carry a photo.'

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

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

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

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

This is what I experienced:

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

- And then, 'Editor is not comfortable with Muslim angle in the cartoon.'
- And, 'Editor didn't like the demonetisation link with 100% electrification.'
- And more of 'this doesn't make sense', 'this is unacceptable', etc etc.

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

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

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

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

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

But this humiliating experience is hurting.

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

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

dictatorial.

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

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

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

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

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

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

¹<https://thewire.in/media/mail-today-cartoons-satish-acharya> @ 15Aug2018
<https://www.facebook.com/cartoonistsatish/posts/10155381160636924> @ 15Aug2018 □

Japanese Investor's (JICA) Guidelines Violated in the Mumbai – Ahmedabad High-Speed Rail Project (MAHSR)

Rohit Prajapati and Krishnakant

Environment Activists, Gujarat

The Japanese Government's investment agency, the Japan International Cooperation Agency (JICA) is signatory to the Memorandum of Understanding (MoU) with the Indian Government for the Mumbai-Ahmedabad High-Speed Rail Project (MAHSR), popularly known as the 'Bullet Train Project'. There are two sets of government norms that the 'Bullet Train Project' has to adhere to: one, as per the Indian laws and second, as per the JICA Guideline of the Japanese Government.

The JICA Guidelines, April 2010¹, make clear the principles and procedures, repeatedly stressing on environmental and social impacts, which must be followed for ensuring assistance in the form of technical cooperation, loan, or grant aid for projects that are applicable to the MAHSR - the Bullet Train Project. While the final responsibility for environmental and social considerations for projects lies with the project proponents, host country governments including local governments, borrowers, etc., JICA recognizes certain crucial baseline principles and lays out a set of definite guidelines for environmental and social considerations that need to be followed for execution of projects like the 'Bullet Train Project'. If during the execution JICA finds that relevant environmental and social impacts have not been considered in letter or spirit, it will withdraw loan aid, grant aid, or technical support to the project.

There has been much debate about how the Bullet Train Project violates the Indian Constitution, laws, and due processes. At the same time, the JICA Guidelines for investing in international projects are also being violated as much, if not more. And, to no one's surprise, these violations are by the Indian Government and its agencies responsible for carrying out the MAHSR. The violations are in public domain and known to almost everyone who cares to know. The

concerned authorities might have some "explanations" and "excuses" to offer, but they cannot deny certain facts and ground realities.

It is also pertinent to note that the Japan's Official Development Assistance (ODA) Charter, August 2003² assures fairness and attention to environmental and social impacts while contributing to sustainable development in developing countries.

When a project like Bullet Train for India is proposed, Government of India and its concerned authorities are bound as signatories to implement the following guidelines, policies, principles, and procedures of JICA and ODA of Government of Japan to ensure that it meets or addresses social, economic, and environmental concerns and core principles in letter and spirit before it can get or continue to receive loan, technical cooperation, or grant aid.

JICA Policy: At the onset, the JICA guidelines state: "Japan's ODA Charter states that in formulating and implementing assistance policies, Japan will take steps to assure fairness. This will be achieved by giving consideration to the conditions of the socially vulnerable and to the gap between rich and poor, as well as the gaps among various regions in developing countries."

In absence of such considerations, can JICA offer other sustainable and financially viable options to the Bullet Train? For example, retrofitting and upgrading the existing rail system, since rail transit is a necessity. It is therefore vital to revisit the project proposal submitted to JICA by MAHSR that justifies the need for a Bullet Train Project over other inter regional and multi-modal transit options. If such a need study exists, then has it been put in the public domain and discussed with the stakeholders? The Bullet Train venture has been promoted in spite of existing reports calling for the strengthening and upgrading the existing rail system, which have been

postponed due to lack of resources.

The JICA Guidelines for Environmental and Social Considerations, April 2010, explicitly state the significance of environmental and social considerations in extending its support and aid towards any project in a developing country. At various stages in the process, right from inception to implementation, the guidelines clearly and repeatedly suggest ways and means to communicate, incorporate, and mitigate environmental and social considerations and impacts. In doing so, JICA endeavors to ensure transparency, predictability, and accountability in its support for examination of environmental and social considerations. JICA has a policy of actively supporting the enhancement of environmental and social considerations in developing countries, to achieve its goal JICA provides support to the project proponents in a number of ways to help them abide by its set guidelines. However, it is clear that there are discrepancies, deviations, and violations observed during the Bullet Train Project planning and decision making process. The following is sections and points highlight and give details of the same.

Advisory Committee for Environmental and Social Considerations:

JICA Guidelines commit to the establishment of an Advisory Committee for Environmental and Social Considerations as an independent body comprising of external experts having the necessary knowledge to provide advice regarding support for and examinations of the environmental and social considerations of cooperation projects. JICA reports to this committee and seeks advice as needed for the environmental and social monitoring of the project. Meetings of the Advisory committee are open to the public and minutes of each meeting are duly prepared and

disclosed to public.

There has not been an announcement of such an advisory body in the public domain. If this body exists, then the details of the members, their expertise and deliberations are also not available for reference by the stakeholders. No information regarding the meetings is available on the websites nor have the minutes been made public.

Disclosure of Information: The Guidelines clearly state that adequate information needs to be provided by the project proponents in order for JICA to assess impacts on the environment and local communities. JICA not only assists project proponents to help with this disclosure but JICA itself also discloses information on environmental and social considerations in collaboration with project proponents, in order to ensure accountability and to promote the participation of various stakeholders. The main project proponent, the National High Speed Rail Corporation Limited (NHSRCL), a joint venture of Government of India, bears the ultimate responsibility of the environmental and social considerations of the project and must disclose all information about the same to JICA as well as to all the stakeholders in public domain.

The response by JICA to the reports prepared by the project proponents is not available in the public domain. Hence, there is no transparency in the process of planning and decision-making.

The Environmental and Social Impact Assessment reports of 2010 do not address majority of these factors. Surprisingly, in the Joint Feasibility Study for Mumbai Ahmedabad High Speed Railway Corridor, July 2015³, prepared by JICA and Ministry of Railway, Government of India, four chapters, namely, Chapter 12 - Project Cost of the High-speed Railway System, Chapter 13 - Project Implementation Plan, Chapter - 14 Project Scheme Financial Option, and Chapter 15 - Economic and Financial Analysis, are missing for reasons best known to them.

Though JICA begins reviewing the project through information disclosed

by the project proponents, when necessary it consults with the proponents to conduct field surveys and such and also applies a Strategic Environmental Assessment (SEA) while working out the Preparatory Survey. All final drafts are duly disclosed on its website promptly after completion. Specifically for category A projects, whenever JICA concludes Preparatory Surveys, the final reports and equivalent documents are disclosed on its website. These are not made public.

As per the Guidelines, alternatives to the MAHSR – Bullet Train Project are also to be presented, but details of the same are not available, at least, in public domain either in any of JICA's or Government of India's public document.

Project proponents are supposed to disclose all information well in advance of the meetings with local stakeholders in cooperation with JICA. To achieve this, JICA supports project proponents in the preparation of documents in an official or widely used language and in a form understandable by local people. In response to third party requests, JICA ensures fair disclosure by providing all information related to environmental and social considerations.

In stark contrast to the JICA mandate, the Joint Feasibility Study for Mumbai Ahmedabad High Speed Railway Corridor, July 2015⁴, report remains unavailable in Gujarati and Marathi, the primary languages of the affected stakeholders, even on the JICA website.

Additionally, the subsequent impacts of projects, as well as impacts associated with indivisible projects, will also need to be assessed with regard to environmental and social considerations, so far as it is rational. The life cycle impacts of a project period are also to be considered.

This information and consideration is not available in public domain.

Terms of Reference: The principal violators are the Government of India (GoI), Government of Maharashtra (GoM), Government of Gujarat (GoG), National High Speed Rail Corporation Limited (NHSRCL), and Mumbai - Ahmedabad High Speed Rail Corporation Limited (MAHSRCL) who deliberately or

otherwise are neither adhering to the Indian Constitution and laws nor the JICA Guidelines. Government of India (GoI) has created a special vehicle National High Speed Rail Corporation Limited (NHSRCL) for the Bullet Train Project, but the Terms of Reference are not made public. Interestingly, the Ministry of Environment, Forest and Climate Change (MoEF&CC) which is intrinsic to all the environment and public consultation process and impact assessments universally for all industrial - investment projects is completely missing from the entire public consultation processes being held in the project affected region in the states of Gujarat and Maharashtra.

Categorisation: Once adequate information is available, JICA classifies projects into four categories according to the significance and extent of environmental and social impacts taking into account an outline of the project, scale, site condition, etc. The guidelines also assert that JICA can change the category after screening and in cases where the category has not been clearly specified at the Master Plan stage, the categorization will be based on the likely significant impacts on all the considerations – environmental, social, derivative, and cumulative.

The Bullet Train Project is classified as 'Category A' project as it is likely to have significant adverse social, economic, and environmental impacts since it passes through severely and critically polluted, ecologically sensitive, and socio-economically vulnerable areas. For Category A, projects like the Bullet Train, the project proponents must submit, in addition to the preparatory survey, Environment Impact Assessment (EIA) and Social Impact Assessment (SIA) reports. The Environment Impact Assessment and Social Impact Assessment Report (SIA) submitted are for the year 2010. In the same area, various projects like Delhi-Mumbai Industrial Corridor (DMIC), Western Dedicated Freight Corridor (WDFC), and Express Highways are coming up.

The cumulative impacts of all the projects together must be considered while determining the

category of the Bullet Train Project.

The Bullet Train Project's public consultations have been undertaken in the year 2018. As per international and even national norms and in the interest of just and fair environment and social outcomes, consultations should be based upon the most recent studies and reports. If this is not done, the project will not be just illegal but also unscientific because such consultations were conducted based on eight-year-old reports of 2010. These reports have to be based on more recent and due assessment processes since the Bullet Train's route is passing through severely and critically polluted clusters of Gujarat as well as some ecologically most critical and socio-economically vulnerable areas, both in the states of Gujarat and Maharashtra.

Environmental Impact Assessment and Social Impact Assessment:

JICA clearly states that the impacts, assessed with regard to environmental and social considerations, include impacts on human health and safety, as well as on the natural environment, that are transmitted through air, water, soil, waste, accidents, water usage, climate change, ecosystems, fauna and flora, including trans-boundary or global scale impacts. These also include social impacts, including migration of population and involuntary resettlement, local economy such as employment and livelihood, utilization of land and local resources, social capital such as social and decision-making institutions and processes, existing social infrastructures and services, vulnerable social groups such as poor and indigenous peoples, equality of benefits and losses, equality in the development process, gender, children's rights, cultural heritage, local conflicts of interest, infectious diseases such as HIV/AIDS, and working conditions including occupational safety. The subsequent and cumulative impacts along with the project lifecycle impacts should also be considered.

The EIA and SIA reports of 2010 lack any of the impacts and considerations regarding health,

safety and quality of life of not just the human beings as well as for the health of the natural ecosystems. It is also pertinent to note that since 2010, many other initiatives and projects like the WDFC, DMIC, Vadodara - Mumbai Expressway have been undertaken by the Government at National, State and Local level. The influences of these projects have not been taken into account in the 2010 EIA and SIA and, therefore, these should be redone.

In the EIA and SIA consultation processes, not only people's participation is missing in a proper and real sense but the authorities have also not considered the crucial report of (i) Gujarat Ecology Commission – 'State Environmental Action Programme Industrial Pollution, Phase III - Sectoral Report, Volume I dated April 2002, (ii) Order dated 07.05.2004 of the Supreme Court in Writ Petition (Civil) No. 695/1995 pursuant to the Supreme Court Monitoring Committee's report, (iii) 'Comprehensive Environmental Assessment of Industrial Clusters' of Central Pollution Control Board, of 2009, 2011 and 2013⁵, (iv) various crucial important investigations report of Central Pollution Control Board and Gujarat Pollution Control Board, and (v) various High Court and Supreme Court's order regarding current statues of environment degradation of the area. These reports and orders of the courts record and reflect the severely degrading state of the environment for the majority of the Bullet Train Project area.

JICA conducts environmental and social surveys at EIA level for Category A projects and prepares draft of mitigation measures, monitoring plan, and an institutional arrangement. At every stage when project proponents consult local stakeholders during and after the information disclosure, JICA monitors the process and incorporates the feedback of these consultations into its survey results. It also analyzes alternatives including 'without project' scenarios. Over the course of the project, JICA closely monitors items that have significant environmental impacts in order to keep a check on the proponent's claims of including and addressing

environmental and social considerations. The project proponents are required to supply necessary information for monitoring by appropriate means, including in writing. JICA conducts its own investigations when necessary. Once the draft reports are prepared, they are discussed with the project proponents and consultations with local stakeholders are carried out as well. Once it is concluded that the proponents have met the environmental and social consideration guidelines, JICA prepares and submits the final reports to the proponents. The results of the monitoring process are disclosed on the website, including in local languages, to the extent they can be made public.

Even though the entire EIA-SIA public consultation proceedings were video recorded, that too have not been shared in public domain. The minutes of EIA-SIA are required to be made public, especially to be made available to its stakeholders but they have been neither uploaded on JICA or any of Government of India's website nor placed in any of the public domain yet.

Consultation with Local Stakeholders:

The prime project proponent, the Government of India, needs to work with JICA to create agreeable frameworks for consultation with stakeholders. To assure fair participation, project proponents are required to publicize consultations in advance and pay special attention to the people who are severely and directly going to be affected by this project. For projects with adverse impacts like in the case of the Bullet Train, JICA insists on consultation with local stakeholders at an early stage to discuss their views on the project, their development needs, and environmental and social impacts of the proposal as well as analysis of alternatives. It also encourages that minutes of each meeting are prepared for perusal by the stakeholders. To ensure democratic decision-making, JICA insists local stakeholder participation and encourages project proponents to disclose information well in advance when they have meetings. JICA

offers support in preparation of disclosure information in a form and language understandable by local stakeholders. Additionally, JICA also discloses information on its website in Japanese, English, and local languages.

Almost all stakeholder consultations, both environment and social, were announced on a very short notice for the public and the concerned stakeholders for them to participate at all, let alone effectively. The advance notice period has varied from 24 hours (1 day) to few weeks. There is no coherent approach towards the announcement of stakeholder consultations. At times, they were announced for district level and conducted for taluka levels. There was no clarification as to whether the stakeholders invited to the consultation should represent social concerns or environmental concerns or both. In fact, it became apparent that the confusion was caused intentionally. Two different public advertisements were published by NHRSCS for the same venue and same timing, but for different purposes. The epitome of the disorder was that even the concerned authorities conducting the consultations were not clear as to under which Indian law and provisions the consultations were conducted!

In case of Environmental Consultations, the Supplementary EIA copies are kept for public viewing at different places which are 100s of Kms away at offices of NHRSCS. The nearest place being the District Collector office. In many cases, this is about 30 Kms away. The supplementary EIA copies are being conspicuously made available only to certain chosen individuals. At the same time, in some districts, there is no mention of the EIA or a copy made available to the public. The reports are available in English language, while most of the stakeholder participants can neither read nor understand English. The reports and documents should have been made available in the local languages, Gujarati and Marathi, for the public to be able to represent and participate effectively. Farmers (who are mostly illiterate or semi-literate) were not allowed to raise questions/queries.

Environmental activists/experts were deliberately shunned out of the consultation venue with use of police force. This is open violation of basic human rights of the people and also as per Section 2.5 of the JICA guidelines – Concern about Social Environment and Human Rights. For the organisers the stakeholders were mere spectators attending the consultation. Even farmers organisations and other social/environment groups are kept out of the process. Elected representatives who can potentially raise uncomfortable queries regarding the project were manhandled and taken away by force before the start of consultations. The Surat consultation is one such example. The queries raised during the consultations were very casually addressed and there is no written response to the written submissions or oral queries raised at the consultations. The minutes of the consultations and the video documentation are also not made public. These are essential for a transparent and accountable process.

As if all this was not enough, some of the public announcement for the stakeholder consultations for the districts of Navsari and Valsad (both in the state of Gujarat), published invitation in local newspapers specifically mentioning that **'unauthorised people would not be allowed at the consultation'**. We fail to understand what criteria are prescribed under JICA guidelines or even Government of India's policies to segregate attending stakeholders as "authorised" and "unauthorised". Even Supreme Court of India had clearly stated that all citizens, including those not directly affected by a project, should be allowed to participate in environmental public hearings. Therefore, not allowing some citizens to speak at public hearings would be also a violation of the Supreme Court order.

From the manner in which the stakeholder consultations were conducted, it appears that these are just paper arrangements; that is, bureaucratic paper work or attempts to divert and delay the consultations, with no serious concern for the people and the environment. It

seems that, in the case of these consultations for the proposed MAHSR project, participation, transparency, respect for basic human rights of people, and such are just words to throw around and mislead. Trampling of basic human rights through police force seems to be a part and parcel of the conducting of stakeholder consultations. It is to be noted that at several places, due to the apprehensions of affected people arising out of the high-handed and opaque functioning for the consultation, the atmosphere was vitiated and the consultations had to be postponed or rescheduled.

There are claims by the concerned authorities that the consultations of 2018 comprise the second round of consultations. They claim that the first consultation was conducted but details of first consultation are not available in the public domain and people at large are not aware about such consultations at all. The people only know of the consultations that were held from April 2018 onwards. Therefore, the MAHSR authorities should make clear the details, if any, of the first consultation, the dates when it was held, the participants, the outcomes, suggestions, and reports. It is also quite surprising that during EIA-SIA hearing, we found no Indian official taking any notes. This is almost unprecedented in any of EIA-SIA public consultations being held for any development project.

Concern about Social Environment and Human Rights:

JICA necessitates the inclusion of social and institutional conditions of the host country and actual site conditions while examining environmental and social factors likely to be impacted through the project. JICA also upholds internationally established human rights standards and pays special attention to the human rights of vulnerable social groups including women, indigenous peoples, persons with disabilities and minorities during the decision-making process.

In most places, police were deployed in large numbers during the EIA and SIA public hearings and, at places, activists and local participants were detained creating an atmosphere of

terror. The intimidation through use of police in guise of maintaining law and order has acted as a deterrent in ensuring meaningful public dialogue and clearly indicates that authorities and instruments of Government of India intend to browbeat any dissent or relevant queries.

Laws Regulations and Standards of Reference:

JICA confirms that the project complies with environmental and Constitutional / social laws of the central and local governments of host countries. The project must also adhere to the government's policies and plans on the environment and society. JICA necessitates that projects comply to a large extent with the World Bank's Safeguard Policies and refer to the standards of international finance organizations, internationally recognized standards, treaties declarations, and such. JICA also emphasizes the importance of good governance of projects and encourages the proponents to raise the performance levels, where inferior local regulations exist.

The MoEF&CC officials are found to be completely missing in all the public consultation processes, even as JICA officials are participating diligently. The complete absence of Indian officials from the MOEF&CC, despite required by the Indian laws is unprecedented and also very disturbing as it appears that it is absolving itself or is being made to absolve itself of its inherent mandatory duties, especially the ones required for such projects of massive and grim environmental and social impacts.⁶

Decision - making by JICA: JICA takes into account outcomes of its environmental reviews when making conclusive decisions regarding proposals. In projects where the environmental and social considerations are not adequate, JICA insists that project proponents rectify their approach. If the proposal still does not comply with required standards, JICA will not undertake or support the project. For projects that necessitate enforcement of environmental and social considerations or rules, the project proponents must report to JICA on the measures and monitoring they undertake related to environmental

and social considerations. Project proponents are required to hold discussions with local stakeholders regarding any problems related to environmental and social considerations and reach consensus.

JICA can make changes to the agreement or suspend loan aid, grant aid, or technical cooperation in case the project proponents do not meet the guidelines set out or the project will have adverse impact on the environment because of the failure of the proponents to supply adequate and correct information during the review process. In cases where JICA concludes non-possibility of environmental and social considerations despite adequate measures, it will recommend the Ministry of Foreign Affairs of Japan (MOFA) to discontinue the project.

As all levels and kinds of the Indian authorities are violating all the basic norms, procedures, and requirements of the JICA Guidelines for Environmental and Social Considerations 2010, in letter and spirit, this attitude clearly invites necessary, appropriate, and prompt action from JICA.

In 2014, the Government of India introduced amendments to 'The Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' (a Central Act) diluting the stringent provisions of social impact assessment and consent clauses in the 2013 Act by the promulgation of the Land Acquisition Ordinance under Article 123 on the last day of December 2014. The provisions of the ordinance were sought to be kept alive by repeated promulgation on April 3 and May 30 of 2015. The Central Ordinance eventually lapsed on August 31, 2015. The stage then shifted to the states. Several states including Gujarat and Maharashtra then sought to implement the content of the Ordinance by routing it through their respective state legislatures. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, whereby the basic structure of the Original central Act has been unConstitutionally changed to give exemption to large categories of projects from consent provisions,

Social Impact Assessment, Objections by affected citizens and participation of local bodies.

With the advent of the NDA government in 2014, the crisis in environment policies in India has reached unparalleled proportions and worsened by leaps and bounds⁷. There has since been a spate of changes in environmental laws in order to allow for urbanization, industrialization, and unfettered development to the detriment of the environment and, often, the local and regional public.

Ensuring Appropriate Implementation of and Compliance with Guideline:

If there is an objection raised regarding noncompliance with the guidelines laid out by JICA, an independent body separate from the project execution departments will be formed that will review the case. JICA also verifies the status of the implementation of the guidelines and revisits its way of procedures within 5 years of their enforcement by way of hearings of the concerned people.

Many objections have been raised by various stakeholder groups regarding the conduct of the stakeholder consultations. However, as far as the stakeholder groups are aware of the situation, no independent body to investigate or address the discrepancies or violations of JICA guidelines or Government of India's laws and rules has been formed.

Overall, the stakeholder groups assert that the process conducted so far has failed to follow the JICA Guidelines for the Bullet Train Project in its true intent and spirit. The manner in which the project is conceptualised, proposed, and planned, it grossly contradicts the sustainable development promises and policies of the Japanese Government and Indian Constitution. Such a situation will bound to set wrong precedents at the national and international levels.

If serious issues and questions are not raised at this time in the process for this project, all the national or international human rights and environmental values, treaties, laws, and regulations will prove to be paper tigers only.

We owe an apology to the Earth - Air, Mountains, Hills, Valleys, Rivers, Ravines, Tributaries, Ponds, Lakes, Sea, Forests, Land, Farmlands, Wetlands, Grasslands, Deserts, Physical and Biodiversities ... Entire Nature, Other Life on Earth and all farm produce for having failed to protect and nurture them from the effects of climate change, human greed and abuses, irreversible damage, contamination, and pollution. The present "Development Model" rests on the severe exploitation of Nature, and the have-nots whose voice isn't heard. We need to redefine "Development" to be more holistic, comprehensive and inclusive.

Rohit Prajapati is National Organising Secretary, PUCL and **Krishna Kant** is National Council

Member from PUCL Gujarat.

¹https://www.jica.go.jp/english/our_work/social_environmental/guideline/pdf/guideline100326.pdf

²<https://www.mofa.go.jp/policy/oda/reform/revision0308.pdf>

³<https://www.nhsrcl.in/feasibility-report>

⁴http://www.indiaenvironmentportal.org.in/files/Industrial%20Clusters_environmental_assessment.pdf

⁵<https://sabrangindia.in/article/bullet-train-or-bullet-environment>

⁶<https://counterview.org/2014/12/16/tsr-subramanian-committee-is-interested-in-management-of-environment-and-not-in-protection-of-environment/>

⁷ <https://counterview.org/2014/12/16/tsr-subramanian-committee-is-interested-in-management-of-environment-and-not-in-protection-of-environment/> □

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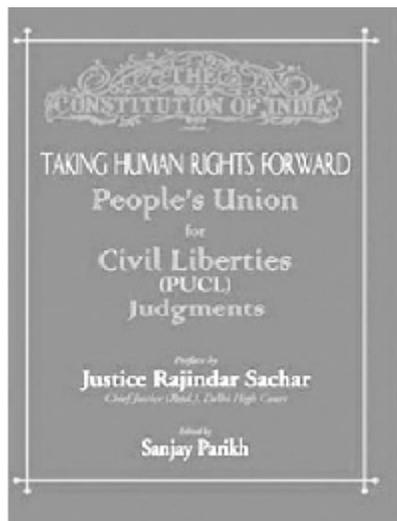
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PUCL BULLETIN

Editor : V. Suresh

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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: 270-A, Patpar Ganj,
Opp. Anand Lok Apartments,
Mayur Vihar-I, Delhi 110091;
Editor: V. Suresh.