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**Reclaiming Constitutional Democracy: Defending Human Rights  
16<sup>th</sup> PUCL National Convention at Bengaluru – 28<sup>th</sup> to 30<sup>th</sup> April, 2023**

**Concept Note:**

The 16<sup>th</sup> PUCL National Convention, 2023 is being held at a critical juncture in India's history. The current moment is witnessing a renewed assault on human rights, human rights activists, human rights organizations by weaponising the law, criminalising the manner in which human rights organisations function and targeted prosecutions. The state however, is not content with 'persecuting by prosecutions' but in reality is waging a concerted, continuous and calculated attack on the Constitution and the values in the Constitution itself.

As we approach the 2024 national elections, a central element of India's politics and an integral aspect of Indian identity, the Constitution is under threat. Why this should concern all Indian citizens is because the Constitution provides the framework of values and institutions for social and political life based on the values of fraternity, equality, inclusion, dignity and rule of law. The Constitution serves as the north star for human rights activism.

What should ring the warning bells is that the highest executive authorities are delegitimizing both the Constitution as well as the key institution which is meant to ensure that governance is in accord with the Constitution - the judiciary. The judiciary remains the one institution which is not totally within the control of the executive. The reason questions are being raised about the collegium system and the mode of appointment of judges, is not with a view to improve its functioning (which would have been welcome), but rather to ensure executive supremacy in the appointment of judges thereby weakening the independence of the judiciary, a vital necessity of our constitutional democracy.

The most significant indicator, and in fact a very dangerous sign of the concerted design behind the executive's attack on judicial independence, is the unprecedented criticism of the *Kesavananda Bharati* decision (1973) in which the Supreme Court articulated the basic structure doctrine which postulated that the power of parliament to amend the constitution, did not include the right to damage or destroy the very basic character of the Constitution itself. Some of the highest functionaries of the land have been stridently demanding that the 'basic structure' doctrine should be rolled back, and parliamentary supremacy should be recognised as being out of the pale of judicial review!

If the '*Kesavananda*' ruling is in the crosshairs of the political executive, what does that mean for human rights activism? What can a parliamentary majority unconstrained by *Kesavananda Bharati* do? The answer is to be found in the words of Justice HR Khanna in the *Kesavananda Bharati* verdict itself; in a simple yet profoundly prophetic manner Justice Khanna pointed that to interpret the Indian Constitution as giving parliament unchecked power to amend the constitution is to

**'embody the death wish of the Constitution or provide sanction for what may perhaps be called its lawful hara-kiri.'** (para 1426)

Not only does this government pose an overarching threat to the continuation of constitutional values and democracy, it continues to trample on all the key elements of the constitutionally mandated fundamental rights what underlies all human rights work, which 'We, the People' have given to ourselves.

Some of the core issues, we face in every corner of the country include

- **Threat to freedom of speech, expression, association, assembly and dissent**

A fundamental precept of liberty and democracy is the freedom to question or challenge the policies of the state using the above freedoms. This is a legacy of the freedom struggle. With the ascendance of the Modi regime, this freedom is under increasing threat as the State has overtly instrumentalised the criminal law to deal with dissent in all its forms, online and offline. This campaign of the State against dissent has become symbolised in the continued detention without trial of many of the Bhima Koregoan 16, the anti- CAA protestors as well as dissenters of various stripes and hues across the country. The unrestrained use of repressive laws to check dissent puts today's India in a state of undeclared emergency. The government seeks to keep critics in check using the instrumentalities of the State such as the CBI, the NIA, the Enforcement Directorate, the tax authorities and 'anti-terror' laws such as the UAPA. The use of the IT authorities against the BBC for daring to criticize the Prime Minister is only the latest example of the way the government uses the criminal law to threaten its critics.

- **Unchecked hate speech which renders the right to life of Muslims and Christians precarious**

Even while the freedom of speech is under threat, there is total impunity for speech that advocates religious hatred which incites discrimination, hostility and violence against religious minorities. Hate speech by repeatedly stereotyping minorities as evil, strips them of their humanity and renders them vulnerable to even more dangerous forms of collective violence. The Supreme Court in *Pravasi Bhalai Sanghatan v Union of India* explicated why hate speech can threaten democracy at its root:

Hate speech is an effort to marginalise individuals based on their membership in a group. Using expression that exposes the group to hatred, hate speech seeks to delegitimise group members in the eyes of the majority, reducing their social standing and acceptance within society. Hate speech, therefore, rises beyond causing distress to individual group members. It can have a societal impact. Hate speech lays the groundwork for later, broad attacks on vulnerable that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide.

One of the lessons of history is that allowing hate speech to flourish with impunity leads to genocides as happened in Nazi Germany and Rwanda. The unchecked nature of hate speech is therefore a matter of deep concern for human rights activists.

- **Passing of unjust laws which threaten constitutional values.**

The enactment of the Citizenship Amendment Act, 2019, (CAA) marked a moment when legislative change emerged as a viable route to take forward the ideological vision of the regime. Notwithstanding the widespread and countrywide protest by youth, women and ordinary citizens,

against the CAA, the ruling regime has not stopped from pushing ahead other similar problematic legislations; the anti-cow slaughter laws as well as the anti-conversion and anti-'love jihad' laws introduced in various states under the control of the BJP indicate an emerging legal framework which puts in place second class citizenship for both religious and caste minorities. The arbitrary demotion of the State of Jammu and Kashmir to Union Territory (UT) status and the revocation of Article 370 have poses a challenge to the federal structure under the Indian Constitution.

- **Weakening of the independence of institutions which safeguard fundamental rights**

Institutions which have a legal and constitutional mandate to function independent of the executive and as watchdogs of the Constitution - be it the Election Commission, SHRC or NHRC, Child rights or Women's rights Commissions, SEBI, RBI, CBI and the CAG are today facing a fundamental existential challenge. Their independence has been steadily eroded and subverted and they have been reduced to functioning as adjuncts of the government, thereby reducing a constitutional democracy with an inbuilt system of checks and balances, to a majoritarian democracy.

- **Rise of the lawless mob**

There has been an intensification of mob lynchings and brutal public killings across the country. From the lynching of Mohammed Akhlaq in his house on the 'suspicion of eating beef' in 2015 to the lynching of Pehlu Khan on the 'suspicion of smuggling cattle' and the knifing of Junaid after an argument on seat sharing in a train in 2017, to the burning alive of Junaid and Nasir in February of 2023 on an allegation of cow smuggling, we have seen the rise of the lawless mob, who has with impunity and brazen

disregard for the law of the land attacked Muslims, Dalits and Adivasis, who are perceived to not belong to a nation based on Brahmanical Hindutva character. Vigilante forces through their acts of murder and mayhem seek to disenfranchise minorities politically, socially and culturally. Their sense of impunity in committing horrific crimes is matched by the stoic indifference of the police – the law enforcers - to prevent the brutal violence inflicted oftentimes, in public. The complicity and culpability of the police forces in the prevailing climate of violence and terror has rarely been questioned by the courts or media thereby clothing such acts of lynching with apparent legitimacy.

- ***State impunity and state lawlessness***

While the human rights movement has always been a critic of state lawlessness especially when it comes to encounter deaths, torture and police violence, this playfield of state lawlessness has expanded. Nothing embodies this dangerous development more than the increasing use of bulldozers with impunity to demolish homes of those the state views as dissenters, as well as those the state feels the public will have no sympathy for, such as criminals and gangsters. The demolition of the house of well-known anti-CAA protestor Afreen Fatima in Allahabad, done in full daylight showcases this shocking impunity. The bypassing of the rule of law shows that the state has itself become a vigilante force. Jammu and Kashmir have seen a large-scale deployment of bulldozers in recent times, again operated outside the rule of law, with no respect for the principles of natural justice. Using the specious logic of 'national security', Gujarat has seen the ethnic cleansing of the Western coast, of the homes of Muslim fisherfolk which alone are targeted for demolition as being illegal. The increasing impunity of a lawless state working with a Hindu

majoritarian bias is something human rights activists will have to confront.

- ***Attack on social and economic rights of people esp. workers, Dalits & Adivasis***

This regime has carried out far reaching changes in areas of social, economic and political life, which would not have been possible without strong pushback if the institutions of democracy were able to function. The Farm laws (since withdrawn due to the strength of the year-long resistance), labour codes, loosening of environmental regulations as well as weakening of the right to work guarantee under the MGNREGA are some of the key legislative and policy measures which have deepened the insecurity faced by those at the very margins of socio-economic life and threatened social and economic rights guaranteed by the Constitution. The challenges of guaranteeing socio-economic rights are exacerbated in the context of migrant labour whose problems touched the conscience of the country during the mass movement during the arbitrary and unplanned COVID lockdown.

- ***Attack on the legitimacy of human rights work and the very philosophy of human rights***

Right from the Prime Minister himself, and spiralling downwards across the entire Majoritarian political leadership, the very philosophy of human rights is being attacked as a 'western' import; we are told that the language appropriate to India is to talk of 'duties' and that speaking of 'rights' is not only unacceptable but has also caused blocks to economic development and is therefore anti-national in character. A powerful narrative has been built up generating an eco-system of fear and intimidation that questioning the government by citizens is ethically wrong, democratically incorrect and a threat to economic

progress, all of which constitutes anti-national acts; the widespread arrests of peaceful protestors agitating against civic and environmental issues or issues of corruption or mis-governance has created the apprehension amongst ordinary citizens that human rights work is downright dangerous.

We must resist this narrative and way of thinking and assert that human rights and fundamental rights guaranteed by the Indian Constitution are intertwined and are the gifts of democracy by our freedom fighters and constitution makers. We need to stress that the Constitution itself is a product of a long standing and wide-ranging national struggle against both colonial oppression as well as caste, class, gender and other social oppression. We need to continuously reiterate that for us human rights is rooted in our history and speaks to the struggle of women, workers, Dalits, LGBTIQ persons against oppression, for fair play, justice and 'rule of law'.

On the same lines, we need to reiterate that it is part of our fundamental rights of free speech to dissent and peacefully question those in power. Intrinsic to the fundamental right of free speech is our rights to conduct our own fact-finding exercises so as to separate the claims of the state between what is true and what is false, and to present a factual and true report of events under question. We need to repeatedly emphasise that organising 'fact finding' activities is the basis of human rights work and we are only following the footsteps of Mahatma Gandhiji, who literally started his political work by conducting 'Fact Finding Inquiry' into the crisis of indigo farmers in Champaran district of Bihar or into the Jallianwala Bagh firings. Though the state is seeking to attack and denigrate 'Fact-finding Enquiries' as 'fault finding', we must continue to defend it as an aspect of our constitutional right to expression and association. We should point out that an integral role

a human rights organisation is when the truth of what happened is not coming out.

The objective of the PUCL under these challenging circumstances is to:

- Continue to defend the values of the Constitution both through courts, as well as outside the courts, through the work of fact-finding, public education campaigns and building a wider constitutional morality.
- Enlarge the sphere of those who are concerned about the erosion of constitutional morality by a wider outreach
- Break the sense of isolation, fear and despair engendered by this regime through joint and collective work to address the above challenges.
- Through our collective work create hope that the defence of constitutional values and the principles of liberty, equality and fraternity is indeed possible.

This Convention provides us a much needed opportunity to collectively deliberate and move forward in association with others who subscribe to the values of the Constitution to achieve the above mentioned goals.

### **A Note on the Schedule of Discussions**

It is proposed to have an inaugural session of the Convention at 500 pm on Friday, 28<sup>th</sup> April, 2023. Formal discussion sessions on the thematic issues and on organisational issues will be held between 29<sup>th</sup> and 30<sup>th</sup> April, 2023.

Of the 8 thematic issues identified in the concept note above, considering the limited time available, parallel discussion sessions will be held on the 4 themes:

- (I) Threat to freedom of speech, expression, association, assembly and dissent; Unchecked hate speech, rise of the lawless mob and right to life.

- (ii) Weakening of the independence of institutions which safeguard fundamental rights, unjust laws etc.

- (iii) Attack on social and economic rights of people esp. workers, Dalits & Adivasis.

- (iv) Attack on the legitimacy of human rights work and the very philosophy of human rights

Members may please note that the above themes are expansive and broad. We request members to include into each theme certain intersecting issues like the special problems of Dalits, Adivasis, Women, specific issues of marginalised peoples and communities in the discussion.

However, what is of great importance is for all of us in PUCL to chart out a concrete action programme over the next 2 years. In this context, while understanding the scope of the issues confronting us is crucial, with all its regional and local nuances, of equal importance is to discuss on the range of possible programmes PUCL, as a national body should undertake. Typically PUCL work over the last few decades have revolved around (a) Organising Fact Finding Inquiries and releasing Fact Finding Reports which becomes the basis for further action; (b) Research and documentation on human rights issues and concerns; (c) Campaigning on specific human rights issues as for example the Campaign against Death Penalty, Campaign against draconian laws like TADA and POTA, and now against UAPA; (d) Training activities, including internships, and (e) litigation – filing cases in different state high courts and the Supreme Court. Given the communications modernisation that has revolutionised information sharing and dispersal, we need to discuss on using new social media and communication strategies to reach out to the common citizen about their rights, the dangers and threats to the Indian Constitution and the importance of being eternally vigilant about protecting,

promoting and expanding human rights.

We request state units to discuss on these issues and share in advance the summaries of the discussions amongst their district and state unit members.

We also plan to have cultural corners within the convention centre to showcase the various creative posters, books, banners and other forms of communications brought out by different state units. We look forward to meeting all PUCL members during the Convention.

### **Attention All State General Secretaries/Presidents**

All State GS's and Presidents are requested to finalise their state unit reports by 20<sup>th</sup> April, 2023 and send the soft copy to the National Office so that they can be shared with all other state units. Durign the oral presentation on 29<sup>th</sup>/ 30<sup>th</sup> April, 2023, they are requested to focus on organisational issues: what is their plan of action in the next 2 years in terms of expanding the footprint of PUCL's work in their states, how do they plan to attract youth and younger people in PUCL activities, their plans to ensure participation of a wider cross-section of people, especially representation of Dalits, Adivasis, Minorities, women, sexual minorities and other marginalised sections in PUCL's activities, suggestions to improve communications internally in PUCL and learn from the experience of others, consolidating, strengthening and launching human rights campaigns on varied themes of human rights interests and improving documentation of PUCL's activities, state wise and nationally. We urge state unit presentations to maximise the limited time available for presentation and discussion, by focusing on issues of concerns, thematically and organisationally.

**Dr. V. Suresh**, General Secretary, PUCL on behalf of other Office Bearers of PUCL.

20<sup>th</sup> March, 2023 □

## PUCL strongly Deplores Police Notice for Cancelling Meeting on Kashmir at GPF

PUCL Delhi, strongly deplores the notice of Delhi Police directing Gandhi Peace Foundation (GPF), New Delhi to cancel the meeting on "Media Blackout and State Repression in Kashmir" organized under the banner of 'Campaign Against State Repression'(CASR) comprising various organizations to be held on 15<sup>th</sup> March, 2023 at the GPF. The reason given by the police in its letter is that the police had received input about a disturbance to law and order in the area. Another reason given by the police is that no permission was sought from the police for holding the meeting.

It is obvious that the reasons advanced by the police do not hold any ground. The meeting was to be held inside the auditorium of the GPF and no permission is required to hold an indoor public meeting. There is no such law. If the police suspected any disturbance, it could have taken adequate measures to control the law and order situation. Large number of indoor public meetings are held in Delhi on various burning issues and there is no requirement to take permission. Another reason given by the police is that an anonymous group was organizing the meeting and it could not verify the details of its members

in spite of its efforts. This reason is also baseless. 'Campaign against State Repression' (CASR) is a well-known body of civil rights activists and organisations which has been organizing public meetings, demonstrations from time to time in Delhi and its activities are covered by the media. On 5<sup>th</sup> December 2022 it held a Press Conference at Surjit Bhawan, New Delhi demanding unconditional acquittal of Prof. G.N. Saibaba & others who have been in jail for years in cooked up charges in Bhima Koregaon case. This press conference was also addressed by D.Raja, well known leader of CPI. CASR also held a public hearing on 12<sup>th</sup> January 2023 at Surjit Bhawan demanding release of political prisoners framed under the yoke of laws like Unlawful Activities (Prevention) Act i.e, UAPA which was addressed by well-known professors and activists and was very well covered in the media.

This meeting on Kashmir was to be addressed by eminent personalities in public life like Justice Hussain Masoodi, a Rajya Sabha MP and retd. High court judge, Prof. Nandita Narain, well known activist and former Chairperson of DUTA, CPI(M) leader MY Tarigami, film maker

Sanjay Kak and Mr. Shahid Saleem, the Chairman of the United Peace Alliance. All are well known figures in public life. It is quite clear that the law and order problem is not the issue, real motive was to gag the freedom of speech on an important public issue involving rights of the people of Kashmir. Banning an indoor public meeting is totally arbitrary, malicious and unconstitutional. Even during the infamous 'emergency' (June 1975 to March 1977) indoor meeting opposing 'the emergency' were not banned. The present government and the police must remember what Gandhi ji said as far back as 1921, in a message he wrote in Young India, " In a democracy people are not like sheep. In democracy we must jealously guard freedom of expression and thought and action" PUCL Delhi therefore urges upon the government and the Police to desist from following such unconstitutional and unlawful methods which are in violation of the constitutional rights of the citizens and are harmful to our democratic system.

**N.D. Pancholi**, President;

**T.S. Ahuja**, General Secretary;

**Ashok Bharti**, Secretary - PUCL Delhi □

### Invitation to the 16<sup>th</sup> PUCL National Convention

Date: 28<sup>th</sup> April (Evening) to 30<sup>th</sup> April, 2023

Venue: Indian Social Institute, 24, Benson Rd, Byadarahalli, Benson Town, Bengaluru, Karnataka 560046.

We invite all PUCL members to attend the 16<sup>th</sup> PUCL National Convention to be held between 28<sup>th</sup> to 30<sup>th</sup> April, 2023 in Bengaluru. The Convention will start with an Inaugural Function on Friday, 28<sup>th</sup> April, 2023 evening. Discussions on the formal thematic subjects and organisational issues will be held on 29<sup>th</sup> and 30<sup>th</sup> April, 2023. We urge all PUCL members from different state units to participate in the Convention being held for the first time after the Corona pandemic induced lockdown.

Accommodation for outstation members of PUCL is being arranged in Indian Social Institute in Benson Town, Bengaluru. Since there is limited accommodation, **we urge members to immediately confirm** to **Shujayathullah**, General Secretary, (9620865888; shujayathulla@ashrafee95@gmail.com); and **Arvind Narrain**, President (9980010933; anarrain@gmail.com), Karnataka PUCL.

The Convention is open for participation of all PUCL members only.

**Dr. V. Suresh**, General Secretary, on behalf of Office Bearers of PUCL □

## Gujarat Tops Custodial Deaths in India in 5 years; Jails in Shambles

The state has a prison capacity of 13,999 prisoners. 16,597 prisoners are currently housed in its jails. The numbers show that Gujarat's jails are overflowing with 2598 inmates.

**Ahmedabad:** Gujarat has the dubious distinction of topping the list of states in the country where the maximum number of custodial deaths took place over the last five years, with 80 such cases being reported.

According to a report of the National Human Rights Commission (NHRC), tabled in Parliament by the Union Ministry of Home Affairs, Gujarat saw 14 custodial deaths in 2017–18, 13 in 2018–19, 12 in 2019–20 and 24 in 2021–22.

The statistics provided by the ministry regarding the condition of inmates in Gujarat's jails also paint a dismal picture.

"Gujarat state has a prison capacity

of 13,999 prisoners, 16,597 prisoners are currently housed in its jails. Importantly, the numbers unequivocally show that Gujarat's jails are overflowing with 2,598 inmates," according to the data tabled by Minister of State for Home Affairs Ajay Mishra while responding to a question posed by Congress MP Abdul Khaleque in the Lok Sabha.

The Ministry of Home Affairs, in response to another question posed in the Lok Sabha, said that there are a total of 745 police stations in Gujarat, out of which 622 have CCTVs and 123 do not. According to data submitted in the Lok Sabha, the central government has not released the Rs 25.58 crores it set aside for the upgrading of the Gujarat Police for the past two years (2020-2021 and 2021-2022).

Gujarat Congress spokesperson

Hiren Banker said, "The growing number of custodial deaths in Gandhi-Sardar's Gujarat is a source of shame for the state. The rule of law governs a civil society. However, the BJP government's use of incarceration amounts to abuse of power."

Congress leader Parthivaraj Singh took on the Gujarat government. "Gujarat's jails are already overflowing. According to a government report, 22,696 accused are still at large in Gujarat. When all of these people are apprehended, where will they be kept? Will new jails be constructed? When will they be completed?" he said.

**Published in *The New Indian Express*: 15<sup>th</sup> March 2023**

Link:

<https://www.newindianexpress.com/nation/2023/mar/15/gujarat-tops-custodial-deaths-in-india-in-5-yrs-jails-in-shambles-2556329.html> □

### Condolence Message - Rajinder Kumar Gupta Is No More

Sadly, I'm informing you all that our Comrade, Shri Rajinder Kumar Gupta Ji died on 07<sup>th</sup> March, 2023 (Tuesday) in PGI due to Cardiac Arrest. As per his last wish to donate his body after death, his two sons are fulfilling all necessary formalities with the Red Cross and Religious Ritual's today at their village home.

Late Sri Rajinder Kumar Gupta Ji was State Treasurer of PUCL, Punjab, Haryana & Chandigarh Chapter. All of us, members of PUCL, are sad & extremely grieved at the loss of our humble Comrade. On behalf of PUCL, we all pray for the departed soul to rest in peace and his family to bear this unrepairable loss of a great human being. - **Rajendra Mohan Kashyap**, State General Secretary, PUCL Punjab, Haryana & Chandigarh UT □

PUDR statement on 01 March 2024

## Prosecute Police Personnel who admitted to Custodial Torture in Gujarat

On 3<sup>rd</sup> October 2022, the Special Operations Group (SOG) office picked up 43 Muslim men for allegedly pelting stones at a garba event in front of a Mosque in Undhela village, Kheda, Gujarat. On 4 October 2022, the police brought the men back to their village, and some of them were tied to a pole, flogged by caning, and beaten in public by several policemen. The video capturing the flogging, which went viral on social media, shows a crowd cheering at the violence. These men were then taken back to the Matar PS and

charged under 13 sections of IPC. They were then sent to Bilodra Jail. For bail, they had to give surety of property documents and agree to conditions which barred them from entering Matar Taluka until 31 March 2023. The Minister of State for Home of Gujarat, Harsh Sanghvi, **appreciated Matar PS for doing a "nice job"**.

In a contempt of court filed by some victims, they claimed they were kept in illegal custody from 3 October 2022 to 4 October 2022. They were presented in front of the Magistrate on 5 October 2022.

According to recent media reports, police personnel of Gujarat have filed affidavits in the High Court, admitting to the public flogging. In the affidavit filed by the police personnel of the Matar PS against the contempt of court case, they claim to have used the act of public violence to maintain peace and harmony in the area. In another affidavit, the claim is that their actions were in the discharge of their duties.

This admission does not surprise anyone, as the use of chauvinistic triumphalism by the police is

apparent in the viral videos. The rhetoric of the affidavit filed by the police, pushing the usual narrative of not having done something with criminal intent, is not new. Violence in custody and especially against Muslims and other minority communities is apparent and widely reported. The most recent PUDR statement highlights the normalised and routine reliance of police on custodial torture during an investigation. However, little has been done to proceed against the guilty personnel in both Mohd. Khadeer's case and the case in question.

The admission of the incidence of flogging as a spectacle to maintain law and order, as a deterrent, is important proof of the police

resorting to extra-judicial, even unconstitutional, means of punishment far exceeding its ambit. It represents a potentially dangerous precedent of disregarding the rights of people in custody. It is a blatant violation of the D.K Basu order of the Supreme Court. The impunity faced by police personnel needs to be destroyed. A clear message needs to be given to all law enforcement who can detain people that custodial torture is unacceptable in any circumstance. PUDR demands:

1. The affidavit submitted by the police in the High Court is taken as an admission of guilt.
2. FIR is filed against the concerned police personnel, and cases are proceeded

against them for assault, aggravated assault and assault with intent to dishonour based on the widely circulated video evidence of the torture and the affidavits filed by the police personnel.

3. The State should provide compensation immediately
4. The Union Government should immediately ratify the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which India had signed in 1997.

**Joseph Mathai** and  
**Paramjeet Singh**, Secretaries,  
PUDR ☐

Chhattisgarh: Joint Press Release, 17.02.2023

## **Memorandum submitted to the Chief Minister by Civil Society Organizations**

**Subject:** Padayatra in Chhattisgarh for the creation of the Hindu Rashtra\*

According to the news published in various newspapers and news portals, on the coming 18 February 2023, Saturday, Mahashivratri, the affiliated organizations of Vishwa Hindu Parishad and Rashtriya Swayamsevak Sangh are going to start a Pad Yatra together, which has been named as "Hindu Swabhimani Jagran Sant Padayatra".

In this entire journey, more than 500 saints from all over the country will participate, who will take out padyatras from different places of Chhattisgarh. After that a big religious gathering (*Dharm Sabha*) will be organized in Raipur on 19<sup>th</sup> March. On the occasion of Dharma Sabha, the saints will make an appeal to declare India a Hindu nation constitutionally. Through this yatra, along with Hindutva Jagran and Connecting Hindus, a campaign will be launched against conversions and anti-religionists. The voice will be raised against conversion and love jihad in the march.

In the context of the above march, People's Union for Civil Liberties (Chhattisgarh), Chhattisgarh

Nagrik Samyukta Sangharsh Samiti and Chhattisgarh Progressive Christian Alliance, with more than 20 left democratic and civil society organizations of the state, jointly submitted a memorandum to the Chief Minister of Chhattisgarh, through the District Magistrate, District Raipur.

It has been said in the memorandum that there is no doubt that the main objective of such events is not only to disrupt the social harmony of the state but also to create a crisis for peace in the state. This is not solely preaching of a particular religion, but an attempt to attack the basic foundations of law and order and constitution with a targeted political objective. That's why in a peaceful state like Chhattisgarh, as soon as the assembly elections are near, this type of activity are increasing rapidly. This is a matter of serious concern for the peace-loving citizens of the state who believe in peaceful coexistence of followers of all faiths and religions.

Communal polarization in the state has been growing since the formation of the state in the year

2000. Right-wing communal organizations have become increasingly active against Christian minorities, especially Christian tribals, after the Congress government came to power in the state in the year 2018. In the year 2022, more than 100 incidents of violence and atrocities occurred against the Christian minorities in the state. There had been more than 60 incidents of violence, harassment and social boycott against Christian tribals in Narayanpur, Kondagaon and Kanker districts in the last November and December. Last December, around 2000 affected Christian tribals in Narayanpur district were forced to flee their villages.

According to the officials of the affected districts, there has not been a single case of conversion by force, fraud or allurement in the entire region. So there is clearly a definite political agenda behind such padyatras in view of the state assembly elections scheduled later this year.

There is apprehension that in the guise of these padyatras,



attempts may be made to incite communal tension by using hate and inflammatory speeches, false information and rumours and communal propaganda.

India is a secular country, where the values of tolerance, diversity, dignity, equality, fraternity and justice are deeply enshrined in the Constitution. While freedom of thought and expression, to form associations and assemble are fundamental freedoms guaranteed under the Constitution, the offense of hate speech and incitement to communal hatred and violence cannot be committed under the guise of exercising these freedoms. The state of Chhattisgarh has a long history of syncretism and secularism, where various

communities have co-existed harmoniously. Attempts to communalize the state and incite violence in the past have had disastrous consequences for the people. This cannot be allowed to happen again.

In order to restore and raise the spirit of communal harmony, social peace and fraternity in the entire state, it is necessary to make serious efforts at the government level, in which cooperation of various civil society and social organizations should also be taken. It is the responsibility of the State Government to ensure that hate speech is stopped and the guilty are punished, instead of being given impunity and a free run. Through the memorandum, the

Chief Minister has been requested to take immediate cognizance of this entire matter and take appropriate action at the level of the Government and administration, to protect the rule of law according to the constitution, to protect the people of all religions and to maintain public peace and order.

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Press Release: February 8, 2023

## **PUCL Maharashtra Statement on Killing of Journalist Shashikant Warishe**

PUCL Maharashtra shocked at ghastly killing of journalist Shashikant Warishe; demands justice for his murder; immediate cessation of land acquisition for refinery project.

People's Union of Civil Liberties (Maharashtra) is shocked at the ghastly killing of journalist Shashikant Warishe, mowed down by car allegedly driven by local land dealer, Pandarinath Amberkar, near the Rajapur highway, on Monday, February 6, 2023. Warishe, who sustained grievous injuries and was rushed to hospital by bystanders, died at 7 a.m. on February 7, 2023.

According to reports, the deceased journalist had published a news-report about banners with photographs of Amberkar with Prime Minister Narendra Modi, Maharashtra Chief Minister Eknath Shinde and Deputy Chief Minister Devendra Fadnavis in the local newspaper "Mahanagri Times". The report appeared on Monday, February 6, 2023. According to eye-witnesses, Amberkar was driving along the highway in his SUV vehicle (MH08AX6100) when he spotted Warishe in his two-

wheeler and turned his vehicle and drove into Warishe.

Photographic evidence clearly shows the manner in which Warishe's two-wheeler was crushed under the wheels of the SUV. While details are awaited on the entire case, it was apparent that Warishe was targeted for his article in the newspaper that said that FIRs had been lodged against Amberkar for land grab intimidation.

PUCL (Maharashtra) believes that the killing of the journalist is designed to silence and intimidate all those who dare to speak up and to uncover the intimidation and land-grab that has been going on in the name of acquisition of land for the project.

There have been major violations of the civil liberties with the ongoing agitation of residents over the location of the Ratnagiri Refinery and Petrochemical Ltd in the eco-sensitive zone in Rajapur taluka of Ratnagiri district. Though the project was scrapped in Nanar, it has been shifted to Barsu-Solgaon villages barely 20 kms away. The local residents have continued to raise a voice against the

destruction of the environment and expressed grave apprehensions of pollution due to the mega-crore refinery.

Several FIRs have been filed against residents who have been peacefully protesting against the project. Externment notices have been issued against members of the Refinery Virodhi Sanghatana whereas no action has been taken against the goons engaged by the company. Repression in the area has greatly increased with the locals not even being allowed to hold peaceful meetings. The Gram Panchayats of the area have issued several resolutions protesting against the high handedness of the authorities but to no avail.

Local residents who were organised under the banner of the Refinery Virodhi Sanghatana, to oppose the mega-crore Barsu-Salgaon refinery project in Ratnagiri district of Konkan in Western Maharashtra, have issued statements condemning the incident and demanding a thorough investigation, apart from immediate arrest of the accused. PUCL (Maharashtra) endorses this



demand and adds that the police investigation must be totally independent and free of any influence.

In addition, PUCL (Maharashtra) demands that:

1. The Police conduct a speedy and impartial investigation into the killing of Shashikant Warishe.
2. The Police prosecute the accused Pandharinath Amberkar and any others found involved for the murder of Shashikant Warishe and that

strict punishment be awarded to the perpetrators.

3. The Maharashtra government ensure that no attempt is made to politically influence the investigation.
4. The Maharashtra government announce adequate compensation to the family of deceased journalist Shashikant Warishe.
5. The authorities ensure safety of the family members of Shahikant Warishe and grant protection to the witnesses in the case.

6. All land acquisition process for the refinery be stopped immediately and that the criminal action including FIRs and externment proceedings initiated against the local residents / protestors be taken back immediately.
7. The government desist from setting up or allowing polluting industries that endanger the ecosystem of the Konkan.

**Mihir Desai**, President, PUCL Maharashtra; **Lara Jesani**, General Secretary, PUCL Maharashtra ☐

### **Courtesy:** Forbidden Stories

**Note:** *Gauri Lankesh's assassination sent shockwaves amongst media professionals and human rights activists for the sheer brazenness with which the killings took place. That the right wing groups were behind the killing was well known. But the extent to which the assassination was meticulously planned, the fake news and media campaigns underlying the entire plan to kill her and the huge media eco-system created to further hatred and anger has only emerged recently. We are carrying the Forbidden Stories article below as it not only exposes the sinister method followed but also raises many ethical and legal issues in contemporary world of social media.*

## **In the Age of False News: A Journalist, A Murder, and The Pursuit of an Unfinished Investigation in India<sup>1</sup>**

**Phineas Rueckert**, Story Killers, 14<sup>th</sup> February, 2023

Additional reporting by Srishti Jaswal for Forbidden Stories.

Oishika Neogi (Confluence Media), Prajwal Bhat (The News Minute) and Laura Höflinger (Der Spiegel) contributed interviews and research.

On September 5, 2017, 55-year-old journalist Gauri Lankesh arrived late at her office in Bangalore. It was a warm day with a light wind in this southern Indian city known for its breezy weather and traffic. At her office, the ground floor of a faded yellow, three-story building on a residential street, she reviewed the upcoming issue of her weekly magazine and put the finishing touches on her editorial, which she always wrote last.

Concerns about the rise of disinformation in India and her experience as a high-profile target of digital hate campaigns weighed on Lankesh as she wrote the piece, which she titled, "In the Age of False News." Lankesh elucidated how "lie-factories" – websites that traffic in rumors and half-truths – spread disinformation in India. She

detailed a viral rumor about censorship of a Hindu idol by the opposition party, tracing it to one of the most virulent of these sites called Postcard News, run by a local entrepreneur named Mahesh Vikram Hegde. The rumor, she elaborated, was further spread by the ruling Bharatiya Janata Party (BJP) and other politically-motivated individuals who "used the fake news as their weapon", she wrote.

She had been finessing the article for several days, and it was meant to come out two days later. Setting the piece aside, she was in an uncharacteristically cheerful mood, friends and family remember, and spent the afternoon chatting with feminist activists.

Dusk had settled over Bangalore as Lankesh headed home, weaving through the streets of India's bustling tech capital. Had it been another night, she might have dropped by her sister's house to binge-watch the show "This Is Us,"

as she had done on prior evenings. Instead, she went straight to her home, in a hamlet of calm where loud noises are uncharacteristic. As Lankesh walked up to the entryway of her house, the cracks of four gunshots echoed through the neighborhood. The first shot hit Lankesh below her right shoulder on her back. Two bullets lodged in her abdomen, piercing her vital organs, while a fourth ricocheted off the wall of her house. A motorcyclist and his accomplice fled the scene, shielding their faces from CCTV cameras.

Lankesh – who died instantly – never saw her editorial in print.

Lankesh's murder soon sent shockwaves across India. Hundreds of mourners attended her funeral, holding signs reading, "I am also Gauri." Within a couple of years, police investigators arrested 17 suspects, all associated with the Hindu nationalist cult Sanatan Sanstha, its affiliate Hindu Janajagruiti Samiti (HJS) and other

fringe religious groups. (An 18th suspect is still at-large.) Members of this unnamed syndicate plotted the assassination for over a year, obtaining weapons, training hired guns and tracking Lankesh's daily movements, according to police sources. (A trial is currently ongoing in Bangalore. In an email, a Sanatan Sanstha representative wrote: "Your questions pertain to a case that is subjudice. It would be inappropriate to comment on such matters as the Indian judiciary is an independent body.")

Forbidden Stories, whose mission is to continue the work of threatened, imprisoned or assassinated journalists, pursued Lankesh's unfinished work. Starting from Lankesh's premise – that disinformation has become both industrial and weaponized – Forbidden Stories gathered a consortium of 100 journalists from 30 media outlets to investigate the global disinformation-for-hire market as part of the "Story Killers" project. From India to South America to the heart of Europe, journalists peeled back the layers of a growing and unregulated market, ranging from small-time fake news peddlers to multinational mercenaries selling disinformation campaigns aimed at subverting democracies.

Now just over five years after Lankesh's murder, Forbidden Stories accessed case files, spoke with local police and lawyers, and investigated an unexplored lead in the criminal investigation: how a viral 2012 YouTube video of Lankesh spread across social media and was later shown to the people who allegedly killed her as "justification" for her murder.

#### **An inconvenient journalist**

Lankesh is now a towering figure in Bangalore, where she grew up and later returned in her late 30s. At Koshy's, an old-fashioned dining hall where Lankesh was a regular, restaurant owner Prem Koshy still thinks of the seat near the window as hers. Reporters look back fondly on interactions with Lankesh, who

some say inspired them to join the field.

But before her death, Lankesh was not a household name, unlike her father. Author of the eponymous Lankesh Patrike – or "Lankesh's Paper" in Kannada, the local language – P Lankesh was famous for his investigations on corruption and politics during a time many consider the golden era of Indian journalism – a period of unprecedented editorial independence starting in the early 1980s.

"My father had brought down governments with his exposes on corruption," Kavitha Lankesh, Lankesh's younger sister, told Forbidden Stories in her Bangalore office, located upstairs from where Lankesh had once worked.

#### **Lankesh, she explained, had not started journalism with such ambitions.**

Lankesh began her career in Delhi, writing everything from criminal investigations to profiles for Times of India, ETV Telugu and Sunday Magazine. It wasn't until 2000, when she returned to Bangalore to take over Lankesh Patrike after her father died, that Lankesh's writing took a political turn and her tongue a sharper edge. The move, colleagues and family recall, led to a "transformation" in how Lankesh understood her role as a journalist. In 2005, Lankesh created a weekly, naming it Gauri Lankesh Patrike. In editorials and reportage from remote regions of Karnataka, her home state, the Patrike took on the establishment and railed against the rise of far-right Hindu nationalists. The paper investigated illegal mining in north Karnataka, local corruption and religious polarization. One of its main targets, however, was the Hindu nationalist Bharatiya Janata Party – or BJP. (Twice, Lankesh was accused of defamation by Pralhad Joshi, a BJP member of parliament.)

Lankesh, who described herself as a journalist-activist, saw combating fake news spread by the BJP as

part of a larger battle against the Indian far-right, colleagues said. "The magazine that she was editing for more than a decade was working against [communal disharmony]," Dr HV Vasu, a colleague, told Forbidden Stories, referring to inter-religious conflict in India. "So fighting fake news was very much integral to that."

Even in her early years running the Patrike, Lankesh's writing underscored the harm of politicians manipulating information. "He believes in the power of a lie acquiring the garb of truth with constant repetition," she wrote of former BJP Prime Minister Atal Bihari Vajpayee. In another article debunking a viral rumor, she referred to "the fake 'facts' of history," alluding to claims that a former ruler from the region had attempted to forcibly convert Hindus to Islam.

Her greater visibility as a journalist and activist contesting Hindu nationalism may have troubled powerful interests in Karnataka, considered by some to be a laboratory for seeding narratives that create religious strife.

Speaking from his office off Bangalore's main drag, advocate BT Venkatesh chuckled, thinking about the countless times he represented Lankesh in court. "She would fire in every angle," Venkatesh recalled. "A gangster would file a case against her. A politician would file a case against her. Some businessmen would file a case against her. She would target anyone who was corrupt."

Even as legal threats mounted, she continued to publish scathing takedowns of the ruling party, as well as opposition figures and corrupt elites. "What she did was something extraordinary. The grit, the gumption, the kind of way she looked at the magazine. In the span of two years, she transformed it," Venkatesh said.

As Lankesh evolved, so too did India. In the mid-2010s, the Hindu nationalists Lankesh had been covering went mainstream. The

2014 election of Narendra Modi catapulted the BJP to power thanks, at least partly, to an expansive network of “IT cells” aimed at spreading positive news about the BJP and attacking its detractors, a group to which Lankesh would come to belong.

According to Joyojeet Pal, an associate professor at the University of Michigan who studies disinformation and politicians' use of social media, IT cells are structured like a pyramid, with party leaders at the top and a network of influencers at the middle and bottom. The bottom layer plays a key role in creating and trending narratives, while also maintaining enough distance from the top to give leaders plausible deniability if the digital foot soldiers become too extreme. These low-level influencers also work to discredit those who “dissent” against the party line, such as independent journalists or activists.

“There is a certain kind of casting of aspersions on their character or motive based on who they are and what they have covered in the past, and the discrediting happens through that association,” he said. This causes a “chilling effect on journalists who then don't want to engage online” anymore, he said.

In personal emails to her ex-husband, journalist Chidanand Rajghatta, Lankesh admitted to feeling disillusioned by this pyramidal ecosystem. “When Modi mania becomes a popular mantra, when fascist fury becomes part of daily discourse, when distorted news becomes the mantra of mainstream media, when religious fundamentalism blinds people...I get disgruntled, disenchanted, disturbed,” she wrote in August 2016.

Friends said that by the end of her life, Lankesh seemed unwell: her paper was losing subscribers and accruing debt because Lankesh refused to take on advertisers, and she had become the target of near-constant online harassment by far-right networks connected to the

BJP. The trolling would peak after Lankesh would give a speech or post personal photos online that far-right activists used to portray her as a “loose” woman. The character assassination intensified toward the end of her life, with negative content cross-posted in popular right-wing Facebook pages.

In late 2016, about a year before she was killed, her name trended negatively on Twitter after she was convicted of libel and released on bail. Social media posts described Lankesh as a “commie,” “naxalite,” and “presstitute,” a term combining “press” and “prostitute” typically used to attack female journalists. In one widely shared post, Postcard News, which Lankesh named in her editorial, described her as a “known Hindu hater.” The article, which linked to a now-removed YouTube video of a speech Lankesh had given in 2012 and was allegedly shown to at least 5 of her presumed assassins, was shared on social media by Postcard co-founders Mahesh Vikram Hegde and Vivek Shetty.

**Angry comments often followed the posts. “Hang them,” one Facebook user wrote.**

Lankesh did not let on to the magnitude of the trolling she experienced and told friends and colleagues not to take online threats seriously. “[Online trolling] is the last of things you should worry about,” investigative journalist Rana Ayyub remembers Lankesh telling her several days before her assassination. “I didn't know the extent of how vicious it was,” Lankesh's sister added.

But in the final months of her life – at the suggestion of a colleague – Lankesh begrudgingly installed a CCTV camera in her house. Friends also pushed her to hire a security detail, but she thought it unnecessary.

Around then, Lankesh and colleagues had discussed launching a fact-checking project, using a decentralized network of WhatsApp groups to counter viral

rumors. It wasn't the first time Lankesh had expressed an interest in fact-checking, but according to her friends and colleagues, the idea of doing it more rigorously and professionally had emerged toward the end of her life. In the days before her death, Lankesh compulsively shared fact-checks on her personal Twitter account, including from Alt News, a fact-checking site run by Mohammed Zubair and Pratik Sinha, who were contenders for a 2022 Nobel Peace Prize for their work on disinformation in India.

Her final editorial, colleagues and family said, was borne from an obsessive quest for truth – but also to admit an error in judgment. Lankesh disclosed that she had accidentally shared a doctored image on Facebook. The photo appeared to show a large rally in favor of the opposition Congress Party but had been photoshopped to inflate the crowd size, fact-checkers later revealed. “There was no intent to incite communal reaction or propaganda,” she wrote. “I only wanted to convey the message that people are coming together against fascist forces.” She concluded with a call to action: “I want to salute all those who expose fake news. I wish there were more of them.”

### **The many-headed hydra**

On a typical weekday in April 2022, the sound of typing filled a small office in central Bangalore, muffling the distant honking that pervades the Indian city known for congested traffic. Here, in the newsroom of Naanu Gauri—or “I Am Gauri”—10 or so journalists work beneath a large photo of the assassinated journalist.

After her death, colleagues and friends launched Lankesh's fact-checking project, establishing the Gauri Media Trust and Naanu Gauri, an independent digital media outlet. Today, the small team produces news analysis and reporting and fact-checks several pieces of fake news per day but struggles to keep up with the torrent

of disinformation, according to Muttu Raju, a staff writer.

Journalists and experts said that Bangalore-based Postcard News, run by Mahesh Vikram Hegde, is still one of the biggest players in India's right-wing media ecosystem. Hegde, a Hindu social media influencer who, like other mid-level, right-wing media players, is legitimized by a Twitter follow from Prime Minister Narendra Modi. In the years following Lankesh's death, Postcard News incessantly shared misleading information about the murder investigation, seeking to deflect blame onto left-wing groups Lankesh had worked with, and away from the Hindu nationalist outfit connected to the murder.

Picking up where Lankesh left off, Forbidden Stories investigated Postcard News. We found that in the years following Lankesh's killing, Hegde grew closer to the BJP, co-founding a company that lists an active BJP advisor as a director. Hegde's media empire, which also includes a popular YouTube channel called TV Vikrama, took off and has over 300,000 subscribers. Hegde's growth is despite a 2018 lawsuit filed against him for spreading fake news and two police complaints for publishing defamatory content and circulating a possible forged document.

In August 2021, Hegde co-founded a PR firm, Wise Index Media, which lists two additional directors: Shrikanth Kote and Beluru Sudarshana. Sudarshana – a former journalist – is special advisor for e-governance under the current BJP Chief Minister Basavaraj Bommai. He was first elevated to the post by former chief minister BS Yediyurappa in 2019 and again in December 2021 after a cabinet change. (Bommai did not respond to requests for comment. Through a spokesperson, Yediyurappa refused to comment.) On its website, Wise Index Media claims to specialize in “Digital Media Management, Political

communication, Profiling and Public Relations management, Image Building, Political strategy placement and Data Analysis.”

Kote, the co-founder of Wise Index Media, told Forbidden Stories the company was created to provide visibility to grassroots initiatives and welfare projects in Karnataka but did not comment on the identity of its clients. Sudarshana, he added, was “not an employee of the BJP” but was an advisor working on digitization of government initiatives.

“There's no political connectivities to e-governance,” he said. “I don't see any conflict of interest.” (Sudarshana refused to comment.)

While the Wise Index Media site makes no direct mention of Postcard News, hyperlinks under the “about us” section redirect to Postcard pages. On his personal website, Hegde brags about having played a “pivotal role” in Modi's 2019 re-election campaign. He also appears to have used Wise Index Media as a fundraising vessel for the BJP. In September 2022, he called on temples to make donations to celebrate Modi's 72nd birthday in a series of social media posts. A handful of these temples drew out checks to Wise Index Media.

(In a WhatsApp message, Hegde responded: “Please send me more jokes.” When Forbidden Stories tried calling, he reiterated that he was “not interested” in responding to our questions.)

Forbidden Stories' findings align with Hegde's past statements about his proximity to the BJP, including allegedly telling police that he “had the blessings of several top right-wing leaders” after he was arrested for spreading disinformation in March 2018. The lawyer who initially represented Hegde in court in this case, Tejasvi Surya, is now a prominent member of the BJP and head of the party's youth wing. (Surya did not respond to multiple requests for comment.) Postcard News is part of a “very

large ecosystem” of media organizations linked to Hindu nationalist groups and the BJP, a digital rights activist who requested anonymity, explained. “It's a growing media ecology,” they said. These organizations, experts said, are typically kept at arm's length, which gives the BJP plausible deniability if they overstep, such as by employing violent or extreme language.

Pal, at Michigan, said in recent years, there has been a “gradual mainstreaming” of media organizations at least loosely affiliated with right-wing entities, including Postcard, The Frustrated Indian and Sudarshan News, a right-wing TV channel. “What they do much more than fake news is suggestion,” he said. “These organizations are often run by very thin staff, and they tap into these mid-level influencers in the pyramid structure [of right-wing groups online].”

“Once they get to a certain point of outreach, they start getting more and more extreme because they need to be even further out than whatever television will say,” he added.

While some organizations operate on a volunteer basis, others have profited off the increasingly lucrative market for on-demand propaganda services, researchers say. “Political parties are now working with a wide range of actors, including private firms, volunteer networks, and social media influencers, to shape public opinion over social media,” a team of researchers from Oxford University wrote in a 2020 report on the growing market for propaganda services.

According to Emma Briant, a fellow at Bard College who studies information warfare, “manipulating the truth has swelled into a billion-dollar business with hundreds, possibly thousands, of service providers worldwide.” “There is a huge range of unregulated industry practices that would widely be considered unethical but not

illegal," she added.

Even before Lankesh's assassination, these offerings had proliferated in India. One company proposed "weaponized information" services used to "pollute" search engines and "manipulate" current events en masse – proof that the world Lankesh described in her editorial has indeed come to pass. Many experts describe these networks as a hydra – growing back new heads when one is chopped off.

Lankesh was facing up against a similar hydra-like structure, her sister Kavitha said. "It's not just one organization. It gets seeped out to many, many organizations," she said. "It can be next door to you."

#### **A victim of disinformation**

In July 2022, the doors of the Bangalore City Civil and Sessions Court opened to a small audience of lawyers and journalists. Seventeen suspects, allegedly linked to the Hindu nationalist cult Sanatan Sanstha and other right-wing groups, were standing trial for Lankesh's murder.

Journalists and lawyers who spoke with Forbidden Stories described an exceptionally well-run investigation – rare in a country with one of the highest levels of impunity for crimes against the press. A "special investigative unit" created to probe the case got to work quickly: matching bullet casings to similar crimes committed in the past few years, matching empty cartridges to a 7.65mm pistol and identifying the getaway vehicle through CCTV footage. From there, it took six months to arrest an initial suspect: Naveen Kumar. Several months later, investigators filed a roughly 10,000-page chargesheet, naming 17 additional suspects – one of whom is still at large.

The group of assassins, they determined, were part of an "organized crime syndicate" operating across states in southern India. The syndicate is accused of several high-profile bomb attacks in the early 2000s across Goa, the coastal state neighboring

Karnataka. Through forensics, investigators tied Lankesh's death to the murder of three other public intellectuals, also allegedly killed by this group's members.

Amol Kale, the presumed mastermind of the murder, selected right-wing activists at religious gatherings and trained them to become killers. Parashuram Waghmare, known as "builder" for his compact form, is believed to have pulled the trigger.

According to case files, Kale trained the hired guns over a months-long indoctrination process that included meditation, arms training and religious education. They were made to read Lankesh's articles and watch videos of her speeches. At least five members of the syndicate were shown the video of Lankesh's 2012 speech, in which she is heard questioning Hinduism's roots. Waghmare, the hired gun, could cite lines from the video, suggesting he had been shown the video "repeatedly," according to a local police investigator who spoke with Forbidden Stories anonymously. (A lawyer representing the accused replied: "As the matter [is] pending adjudication, I am unable to help you.").

At a meeting in a rented safe house, the plotters decided Lankesh had to be killed "at any cost," the case file reads. "If left unchecked she would cause disrepute and create a bad opinion about Hindu Dharma in the society," they allegedly concluded. One journalist familiar with the case, who preferred to remain anonymous, said the popular narrative that Lankesh was anti-Hindu, which was reinforced through online and traditional media, played a key role in her assassination. "They decided to target Gauri because of how she was perceived," the journalist told Forbidden Stories. "The right-wing in Karnataka has been systematically targeting these writers: discrediting, delegitimizing these intellectuals." The hatred, they added, "grew and grew and

grew."

According to local police sources, the video – downloaded onto Kale's laptop from YouTube – was one element in a "gradual indoctrination" process. But this video, Forbidden Stories found through a forensic analysis conducted in partnership with researchers at Princeton's Digital Witness Lab, spread widely across Indian far-right groups, contributing to an intense and vitriolic character assassination that painted her as anti-Hindu well before the plan to assassinate her had been hatched. Using open-source tools, researchers found evidence of eight different YouTube links that were shared widely on Facebook, including three that had more than 100 million interactions (likes, shares and comments). In 2014, the official page for the BJP in Karnataka shared the video with a warning: "The next time we hear such speeches we should give a fitting legal reply."

"The BJP Karnataka post sharing the earliest YouTube video received little engagement from Facebook users but the fact that the video made it there two years after it was originally uploaded speaks to its reach," Surya Mattu and Micha Gorelick, researchers at Digital Witness Lab, said.

(Karnataka BJP did not respond to multiple requests for comment.)

As of April 2019 – the last time it was archived before being taken down – the most popular version of the video had over 250,000 views and hundreds of comments on YouTube. In several cases, the video was published across multiple accounts mimicking the same language, suggesting potentially coordinated posting. In each case, the video is lightly edited and opens with a black screen that flashes the words "WHY I HATE SECULARISM IN INDIA."

According to Guillaume Chaslot, a former Google engineer who studies how YouTube's algorithm promotes hate speech, sublimating

acts of violence instead of calling for violence directly is a common strategy for gaming YouTube's algorithm. "As you ban certain types of content based on keywords, people will find other ways to state things," he said. "Instead of stating, 'You should kill this person,' they can say, 'This is a Hindu hater, he should be lowered to hell,' things like that."

In a statement, Google, which acquired YouTube in 2006, wrote: "YouTube's policies are global, and we apply them consistently across the platform, regardless of the subject or the creator's background, political viewpoint, position or affiliation. Over the years, we've invested in the products and policies needed to help address harmful content, with the vast majority of violative videos removed today with less than 10

views."

The video was further deformed in the editing process, Forbidden Stories found. According to KL Ashok, who coordinated the event where Lankesh spoke, Lankesh's speech was not intended as an attack against Hinduism. "It was shortened to include only the part where she says Hindu religion does not have a father or mother. The intention of saying that was to highlight the plurality of the religion. There are thousands of castes and several beliefs," he said.

On Twitter, the video was less viral, Forbidden Stories and Digital Witness Lab found, but may also have been used for drumming up offline attacks. Our analysis shows that the video was cross-posted from Facebook by an account called @GarudaPurana, belonging to the right-wing activist Bhuvith

Shetty, held in connection to several acts of violence and online hate speech. In 2014, Shetty authored a Change.org petition that sought to have Lankesh arrested for "hurting religious sentiments." (Forbidden Stories reached out to Shetty on Twitter, but he did not respond.)

Lankesh was scheduled to appear in court 10 days after her assassination for a lawsuit against her alleging the speech had disrupted communal harmony. "[I] am facing a case because of this speech," she wrote on Twitter several months earlier. "I stand by every word I said."

She never had the chance to stand before the court or defend herself in the eyes of the public, either.

<sup>1</sup><https://forbiddenstories.org/story-killers/gauri-lankesh-in-the-age-of-false-news/> @ 20Feb2023 □

## PUCL West Bengal Seminar

On 15<sup>th</sup> March 2023 Kolkata PUCL organized a seminar at city office with Justice Krishenaswami Chandru present. The subject matter of the lecture was 'COURT AS THE SENTINEL QUI VIVE' was presided over by Shri Samarjit Banerjee. The meeting was conducted by advocate Jhuma Sen. Dr. Binayak Sen was also in attendance at the meeting. Justice Chandru stated the present condition of the country's democratic structural threat and the threat to the justice system in regards to Stan Swami's unjust.

The discussion centred around the state being in a state of undeclared emergency instead of a declared one.

**Amlan Bhattacharjee**, Convenor, PUCL West Bengal □

PUCL Orissa: Press Statement on 6<sup>th</sup> March, 2023

## Oppose the Unwarranted Censorship of Ravenshaw Film Festival! Stand up for the Freedom of thought and Expression! Defend the right to dissent!

### Subject: Censorship on Film Screenings by the Ravenshaw University

The PUCL is deeply concerned at the rise of fundamentalist and reactionary forces in the state who have, slowly but steadily, emerged as a serious threat to freedom of thought and expression in society in general and in educational institutions, in particular. It is clear that these forces do not believe in debate and dialogue to deal with any difference of views. They rather believe in physically preventing, intimidating and attacking their opponents. We witnessed these

forces at work in Bhubaneswar when they hurled bricks and stones at the members of the Rationalists' Organisation at Lohia Academy (November, 2022) where they were conducting a seminar on Solar/Lunar Eclipse and the widely practised taboo on taking food during the eclipse. They recently assaulted the organisers of a seminar at Utkal University organised by the Citizen's Forum (February, 2023). The latest target has been the film festival at the Ravenshaw University, Cuttack, where they prevented the screening of certain films which

they deem 'objectionable'. The PUCL would like to state that it stands with the student community in Ravenshaw University and elsewhere who aspire to promote critical thinking and thoughtful dialogue through cinema in their educational environment.

We have gathered the following account from the student organisers of the film festival and a perusal of media reports on the incident. A film festival was scheduled from 2<sup>nd</sup> to 4<sup>th</sup> March with the due approval of the University authorities. The authorities were informed of the films to be shown in

the festival. On the morning of 2<sup>nd</sup> March, when the organisers reached the venue of the film screening they were not allowed to enter the auditorium. Shocked at this development, the organisers went to the Vice Chancellor Dr. Sanjay Nayak's office and demanded an explanation. They were informed that they wouldn't be allowed to go on with the festival because a certain student had problems with certain films listed to be screened.

It is also learnt that once the organisers had announced the schedule and the list of films to be shown, there was a campaign by certain fundamentalist groups in social media against a number of listed movies, including Satyajit Ray's much acclaimed *Pather Panchali* for 'romanticising poverty', and *Charulata* for being 'borderline incest'. A student has allegedly filed a complaint with the local Malgodam Police Station against the festival organisers. The Cultural Committee of Ravenshaw University had met with this student before the festival and tried to fathom his demands, which turned out to be nothing

more than misdirected ramblings. Since due process had been followed and permissions had been granted, this surrender of the Ravenshaw authorities to a certain student's complaint was met with protests by the student community. They demanded for the screening of all the films to be allowed. However, after a negotiation with the authorities, the festival was allowed to go on from March 3<sup>rd</sup>, with the omission of two films from the roster, Debalina Majumder's *'Gay India Matrimony'* and Shabnam Virmani's *'Had Anhad'*.

*Gay India Matrimony* is a documentary about the predicament of same-sex marriage in India and the society's attitude towards the LGBT community. This documentary is funded by the Film Division of the Govt. of India and has received 'A' certification from the CBFC. Shabnam Virmani's *'Had Anhad'* deals with the spiritual communities across the Indo-Pak border. Both these films have been widely screened and acclaimed.

It is unfortunate that a public

university should be pressured by a group of students' random intervention that such films would "corrupt" the minds of its students. The giving in to such objections makes us question the intent of the University to create a space to cultivate free-thinking individuals and open discussion. We believe that the very purpose of the existence of a public university is to cultivate critical thinking among students. Instead, the Ravenshaw University, by not allowing the screening of certain films, clearly has taken on the role of moral policing of students - a tell-tale sign of the growing right-wing politics of exerting dominance through irrational means.

The PUCL therefore calls upon all citizens to stand by the student communities and the Film Societies and condemn the action of the Ravenshaw University authorities. It is imperative to preserve the public spaces where students can exercise their rights to study, watch, and discuss to develop critical thinking.

**Pramodini Pradhan,**  
**Suchishraba Sarangi,** PUCL  
Odisha. □

## **Justice for Victims of Army Atrocities in Kashmir: Long Road to Accountability<sup>1</sup>**

Ravi Nair, *The Leaflet*, 12.03.2023

One would have liked to join the hoi polloi in welcoming the decision of the General Court Martial to recommend imprisonment for life to Captain Bhoopendra Singh, alias Major Bashir Khan for staging the encounter killings of three men in Shopian, Kashmir in 2020. The sentence will be final if and when it is confirmed by the Northern Army Commander. However, the brooding presence of the past cautions one's reaction.

Welcome and necessary initiative  
While difficult indeed for the top brass, there are ways to facilitate keeping the rules, where democracy rules. One is to set an example as a military commander by seeing to it that a thorough investigation will be carried out

when human rights violations, by soldiers under their command, have been reported. If offenders are not brought to justice the army will continue dishonouring itself.

The Indian Army will only be doing itself proud by isolating the few bad eggs. For this, in the present case, the commanding officer is to be commended. This is indeed a welcome and necessary initiative.

### **Unhappy past experience**

However, a few swallows do not make the summer. In the past, the army has resisted any move by the Jammu and Kashmir Police (JK Police) to get the custody of accused army officials, including in two highly publicised cases — the 2007 Ganderbal fake encounter case and the 2000 Pathribal fake

encounter case.

In 2007, Rashtriya Rifles and JK Police officers abducted and killed five villagers in Ganderbal, dubbing them as militants. A senior superintendent of police, his deputy, and five others were arrested for murdering the villagers. Some army men's involvement was established, but they were never handed over to the police.

The Pathribal encounter in March 2000 was first reported as a legitimate anti-militancy operation. Within hours of it, the then Union Home Secretary Kamal Panday and the then Union Home Minister L.K. Advani came on record saying that the army and police had gunned down five Lashkar



terrorists, responsible for the massacre of 36 Sikh villagers in Chittisinghpura in Anantnag, Kashmir earlier that month.

The facts of this encounter would not have never been investigated if there had not been public pressure. The case was finally handed over to the Central Bureau of Investigation (CBI), which not only concluded that the encounter was fake but also chargesheeted five army officers.

Ten years later, there is still a debate on whether the CBI has the authority to probe the army. The accused army officers have been promoted during the pendency of investigation. The relief provided to the families was one lakh rupees each.

In 2005, JK Police investigations led to the exposé of a large-scale fake surrender. Forty-one villagers from *Chrar-e-Sharief* town in Kashmir were forcibly taken to Delhi and kept in army custody for six months, to participate in a choreographed surrender ceremony in front of a Corps commander and a Director General of Policy.

The Inspector General of Police, Kashmir, wrote letters to the army, alleging that two of its officers, including a brigadier, were involved in this case. But nobody intimidated these villagers or their families as to what happened to this probe. There was not even an apology, let alone compensation to these people.

Though then Union Defence Minister A.K. Antony and the army leadership promised strict action in the case, there was little hope in the Valley that the offending army officers would be punished. It was believed that the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 would be invoked, and hollow assurances given that the army will conduct an internal probe. The Act provides blanket legal protection to soldiers conducting counterinsurgency operations.

The use of the armed forces against a country's own people cannot be considered an internal affair. As responsible military

officers are aware, it is of paramount importance to maintain good relations with and build the confidence of the civilian population.

Violations of human rights committed by the military can only damage those relations and also lead to a loss of professional respect among military personnel. Military personnel need to be given strict instructions, limiting the use of lethal force against unarmed civilians.

The situation that Indian military commanders in Kashmir are facing is not uncommon in today's world. Each government has to find its own way to deal with insurgent forces. However, one would like to stress two important elements in all such conflicts. One is a matter of experience: recent history teaches us that escalating the conflict by answering acts of terrorism with counterterrorism by government forces does not pay off, certainly not in the long run.

The other is a matter of law and of honour. Military men, especially general officers — who want to maintain their dignity and stick to the values they were introduced to at their military academies — are to carry out military operations without breaching the Geneva Conventions of 1949.

This is difficult, and during a state of internal armed conflict, the wrong idea may develop that no holds are barred. Nevertheless, the rules are clear: torture, rape, arbitrary killings and other such acts are never allowed.

#### **ICRC enfeebled**

The only competent organisation dealing with armed forces training on international humanitarian law is the humanitarian organisation, International Committee of Red Cross (ICRC). However, in Kashmir, the ICRC has allowed itself to be enfeebled to an extent that brings into question its very presence there.

#### **Indian Military Law**

The Indian Army is a disciplined army, with a rigorous chain of command and an esprit de corps. However, there is evidence of

aberrations. The Major L. Gogoi case is illustrative.

Section 46 (certain forms of disgraceful conduct) of the Army Act, 1950, penalises “disgraceful conduct of a cruel, indecent or unnatural kind”.

Per Section 64 (miscellaneous offences) of the Act, failing to provide due reparation or report the case to the proper authority upon receiving a complaint — while in command at any post or on the march — that someone under their command has “beaten or otherwise maltreated or oppressed any person”, is an offence.

Additionally, the 'Ten Commandments' issued by the Chief of Army Staff oblige the armed forces to respect human rights. In *Extra Judicial Execution Victim Families Association & Anr. versus Union of India (2013)*, the Supreme Court invoked the Ten Commandments, stating: “It is quite clear from the various instructions issued (which are binding on the armed forces) that minimum force is to be used even against terrorists, militants and insurgents. There is absolutely no reason why an equally toned-down response cannot be given by our armed forces in times of internal disturbances and why no enquiry should be held if the response is alleged to be disproportionate.”

The Army Headquarters has also issued a list of “Dos and Donts” to be followed while acting under the Armed Forces (Jammu and Kashmir) Special Powers Act and the Armed Forces (Special Powers) Act, 1958. In *Naga Peoples Movement of Human Rights (NPMHR) versus Union of India (1997)*, the Supreme Court declared that “officers of the armed forces shall strictly follow the instructions contained in the list and any disregard to the said instructions would entail suitable action under the Army Act, 1950.”

The list provides for only minimal force required for effective action against persons acting in contravention of a prohibitory order, and specifically prohibits torture, harassment of civilians and

use of force after the arrest, except when the arrested person tries to escape. If the hapless victim used as a human shield by Major Gogoi had been indulging in or inciting violence, as has been alleged, he should have been handed over to the police, rather than being publicly paraded.

The first information report against 53 Rashtriya Rifles for the act of using a civilian as a human shield was registered under the provisions of wrongful confinement, criminal intimidation and kidnapping — all offences under the Jammu and Kashmir State Ranbir Penal Code, then applicable in the then state of Jammu and Kashmir. Under Section 69 (civil offences) of the Army Act, a person subject to the Act is deemed guilty if he commits any civil offence. Using a person as a human shield would also fall under Section 69.

Further, the burden of proving that the circumstances fall within the general exceptions is on the accused. Despite this, the then Indian Army chief stated that Major Gogoi would face no action even if the military investigations found him guilty.

The right to life under Article 21 of the Constitution also means the right to be treated with dignity. In *Prem Shankar Shukla versus Delhi Administration* (1980), the Supreme Court held, for example, that handcuffing undertrials and parading them violates Article 21.

In *Shri Kisan@Kisanchand Tharurmal Wadhwa versus The State of Maharashtra & Ors.* (2013), the Bombay High Court held that being paraded in public in handcuffs “afforded the public at large an opportunity to see the petitioner being taken in this manner, the inevitable consequence of which, it goes without saying, is the feeling of humiliation overtaking the petitioner.” The action “amounted to giving cruel and degrading treatment to the petitioner thereby violating his fundamental right with regard to his liberty and dignity under Article 21 of the Constitution

of India.”

Yet, at least one senior academic in the National Defence College extolled this incident, while the now deceased then Chief of Army staff, in a crass action, gave Major Gogoi a commendation.

#### **AFSPA and impunity**

The Armed Forces Special Powers Acts (AFSPA) contain immunity clauses for armed forces even if they are to engage in violations of the right to life, and/or torture. However, the Union government may give permission to prosecute army personnel for criminal offences upon application, and according to a question raised in the Rajya Sabha (upper house of Parliament) in 2018, a total of 50 requests for the sanction of prosecution against armed forces personnel under AFSPA were made by the Jammu and Kashmir government to the Union Government between 2001 and 2018, of which none were approved.

Since the AFSPA came into force in Jammu and Kashmir in 1990, the Indian government has not granted permission to prosecute any security force personnel in civilian courts. Those cases that were tried were tried in military courts. The targeted denial of support may therefore have a concrete impact in incentivising prosecutions for select units and officers.

And the near impossibility of redress is continually brought to light, most recently in the Supreme Court decision in *Masooda Parveen versus Union of India* 2007, in which the court leaned in favour of 'feasibility' and 'practicability' as against strict conformity to guidelines laid down in an earlier case.

#### **Judicial indifference**

The excessive powers granted to security forces under the AFSPAs also appear to have failed to move the Supreme Court. In May 2007, in *Masooda Parveen*, the Supreme Court undercut its own 1997 ruling in the *NPMHR* case. In *NPMHR*, the Supreme Court upheld the constitutionality of the AFSPA 1958, but placed various checks on

the armed forces' exercise of power under the Act. Specifically, the court rejected the petitioners' argument, which was that the AFSPA was unconstitutional because it transferred to the armed forces full power to maintain public order in a disturbed area, whereas the Constitution only permits the Parliament to enact laws relating to the 'use of the Armed Forces in aid of civil power'.

But in rejecting this argument, the Supreme Court also held that the 'in aid of civil power' clause mandated the continued existence and relevance of the authority to be aided. Under the AFSPA, therefore, the armed forces cannot 'supplant or act as a substitute' for a State's civilian authorities in the maintenance of public order, but are strictly required to act in cooperation with them.

Ten years later, in *Masooda*, the Supreme Court, however, echoed the army's argument that the recovery of arms and ammunition from the arrestee was an “apparent...first priority” that took precedence over the transfer of custody to civil police forces because “to cause any delay could lead to a failure of the operation”. The arguments accepted by the court were alarmingly similar to those used by both the army and the government to justify human rights abuses that are facilitated by the vast, broad provisions of the AFSPA.

**Too sketchy, too bald, too vague**  
AFSPA, or at least a part of it, has been questioned in 2013 by the Justice J.S. Verma-led committee constituted by the Union government to recommend amendments to criminal law for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women.

In November 2004, a five-member committee, chaired by former Supreme Court judge, Justice B.P. Jeevan Reddy, was set up to review the AFSPA, 1958 in the context of its application to the Northeastern states of Assam and Manipur. This was in the wake of an

intense agitation by civil society groups in Manipur following the death of 32-year Manipuri woman Thangjam Manorama on July 11, 2004 while in the custody of the Assam Rifles, a paramilitary force, allegedly after being raped and tortured.

We are still waiting for the sanction for prosecution of Assam Rifles personnel pursuant to a 2016 Supreme Court judgment.

The committee observed that the Act was “too sketchy, too bald and quite inadequate in several particulars.” While it acknowledged that the Act was held constitutional in NPMHR, it asserted that “constitutional validity...is not an endorsement of the desirability or advisability of the Act.” The recommendations further described the committee's impression that the Act had become a “symbol of oppression, an object of hate and an instrument of discrimination.”

#### **Periodic review by the Parliament recommended**

The Committee insisted on a periodic review of AFSPA every six

months, with any extension of deployment approved by both Houses of the Parliament.

The Committee's recommendations were presented to the Prime Minister and the Union Government in June of 2005, seven months after review began. While supported by the Administrative Reforms Commission and the United Nations, in the years since the recommendations, there has been no official acceptance or government action.

#### **Administrative Reforms Commission recommended repeal**

In June 2007, the Second Administrative Reforms Commission (ARC), chaired by politician and lawyer M. Veerappa Moily, published its fifth report on public order. The Commission of Inquiry was set up by the President to prepare a detailed blueprint for revamping the public administration system. A review of the AFSPA was included as part of the report's Chapter entitled Constitutional Issues and Special Laws. In its assessment, the ARC

took into account the conclusions in the NPMHR judgment, recognising the constitutionality of the Act and the imposition of a periodic review.

The Commission's recommendation was submitted to the Union government on June 1, 2007 and met with immediate resistance from the sanctimonious then Union Defence Minister A.K. Antony. Antony rejected the ARC's recommendation, stating the time had not come to scrap the law, adding, “but there is always scope for improvement”.

We are still waiting for the sanction for prosecution of Assam Rifles personnel pursuant to the Supreme Court judgment in Extra Judicial Execution Victim Families Association versus Union of India (2016). Forget the detritus of Operation Golden Bird and Operation Bajrang in Assam. The last hearing was scheduled for February 24 this year. The hearing did not take place. Thereby hangs a tale.

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<sup>1</sup><https://theleaflet.in/justice-for-victims-of-army-atrocities-in-kashmir-long-road-to-accountability/> @ 13Mar2023 □

**PUDR Statement: 23 March 2023**

## **Stop Criminalizing Journalism and Human Rights Activism: Release Irfan Mehraj and Parvez Khurram**

PUDR strongly condemns the arrest of Irfan Mehraj, a Srinagar-based freelance journalist and researcher under the draconian Unlawful Activities (Prevention) Act (UAPA) on 20 March 2023 by the National Investigation Agency (NIA) in the so-called 'NGO Terror funding Case' of October 2020. Irfan's arrest is deeply condemnable as it shows the unrelenting executive crackdown on the valley's scribes in the name of terror activities. This attack on the professional rights of journalists is well-illustrated in the February 2022 arrest of Fahad Shah, Editor of *Kashmir Wallah*, in several FIRs under UAPA; the January 2022 arrest of Sajad Gul, a trainee reporter with *Kashmir Wallah* under sections of the Indian Penal Code

for conspiracy and murder and the Public Safety Act (PSA), and the 2018 arrest of Aasif Sultan of *Kashmir Reporter* under the UAPA. Furthermore, apart from arrests, journalists such as Sanna Arshad Mattoo have been restricted from travelling abroad to receive the prestigious Pulitzer prize for her reportage on the second phase of COVID in India.

Within this trend, Irfan Mehraj's arrest is even more disquieting. It coincided with the ten-day remand that a Delhi Court granted the NIA to investigate further the already jailed human rights activist Parvez Khurram of the Jammu Kashmir Coalition of Civil Society (JKCCS). In the so-called NGO terror funding case, the NIA has charged Khurram with fundraising for terror

activities under the garb of propagation of human rights. And since Mehraj was associated with JKCCS, his arrest is meant to establish the alleged involvement of activists and journalists in cases of terror funding. This bid to brand human rights activities and journalism as a variant of terror activities in the valley is disturbing as it shows intolerance towards independent fact-findings and reportage. It is a known fact because of continuous state pressure, reportage on the local situation and rights violations in the valley has been credibly carried out by freelance journalists and local independent platforms. The present spate of arrests is a concerted effort to silence these voices, despite international

concern as expressed by the Universal Period Review, a peer evaluation body of the UN Human Rights Council in November 2022, over the widespread detention of activists and journalists under the UAPA.

The UAPA and the PSA in Kashmir are the two laws used most extensively to repress journalists. The PSA allows for the detention of up to two years, based on the “apprehension” of the commission of a crime. Under UAPA, bail is next to impossible. The targeting is blatant and shameless as the Police routinely re-arrest the accused after they are granted bail in one case. Such is what happened to Sajad Gul when he was charged under PSA in January 2022 immediately after getting bail on the IPC charges. Similarly, Aasif Sultan was implicated in a PSA case after being granted bail in the UAPA case. The data on acquittal

in UAPA-related cases, like elsewhere in the country, shows the political intent behind its usage: undeterred and lengthy pre-trial detention. For instance, Kamran Yousuf was arrested by the NIA under UAPA in September 2017 under the charge of stone pelting and terror funding, among other crimes. The NIA Court in Delhi finally acquitted him in 2022 because of insufficient evidence. In January 2023, a Delhi Court gave bail to another independent photojournalist Manan Dar arrested by NIA under UAPA in October 2021, stating that the “accusation does not appear to be cogent and true”. The NIA had alleged that Manan Dar’s phone had images of security forces, deployment and pickets and that he was part of a hybrid cadre formed to spread terror through small-scale attacks. By then, the 26-year-old Dar had spent 14 months in jail

already.

This criminalisation of journalism and human rights activities in Jammu and Kashmir, as well as other parts of India, must stop. Freedom of expression and the right to know are fundamental rights. A free press is essential for giving people a voice and making information available to them.

PUDR demands:

1. The immediate and unconditional release of Irfan Mehraj.
2. Release of Parvez Khurram and repeal of cases against him and Mehraj.
3. Release of journalists and activists under UAPA and PSA.
4. The immediate repeal of the Unlawful Activities (Prevention) Act
5. The immediate repeal of the Public Safety Act.

**Joseph Mathai and Paramjeet Singh**, Secretaries, PUDR ☐

## Rajasthan PUCL Invitation - State Level Conference

To the President and General Secretary, PUCL & All the National Office Bearers and members of the PUCL

Dear friends,

The PUCL Rajasthan is organising its 11th state level conference on the 1st and 2nd of April, 2023 in Bhilwara city, in central Rajasthan. Our convention theme is the same as that of the national conference, Reclaiming Constitutional Democracy: Defending Human Rights. Which we have worded as “Samvidhanik Loktantra ki punha prapti: Manavadhikaro ki Raksha”

Justice Govind Mathur of the Allahabad High Court will be delivering the keynote address on the 1st of April. Along with Aruna Roy, MKSS and Pushpa Gidwani our transgender leader as special guests. In the afternoon the second session will be on “Bheed tantra se ghirta rajya: manavadhikar sangathano ki Bhumika”. Siege of the India State by mobs: Role of Human rights organisations. This will be an open discussion forum, a round table, led by senior journalist Naseeruddin, Mooknayak Editor Meena Kotwal and chaired hopefully by Rohit Prajapati. The 2nd of April, the second day will be devoted to organisational building, planning and strategizing work for the next year at least.

On the 31<sup>st</sup> March, we will have the state council meeting with elections of office bearers and hopefully Rohit Prajapati will be attending it from the national PUCL. It is so difficult to run an organisation of volunteers, with little money and so many demands. There are so many ups and downs, but we are trying our best. Although we could be much better.

The venue of the convention is Gajadhar Mansinghka Dharamashala, next to the railway station, and we will be staying at the Seerat Sarai, opposite the Railway station too, separated by the Statue of Dr. Ambedkar. This is an interesting place historically with Muslim, Hindu and Ambedkar Institutions all around each other. It is the city's centre for protests with the Indian Railways facilitating easy transportation to this city centre of coexistence. We are grateful to our Bhilwara group to have agreed to do this conference and establishing such values even in its organising.

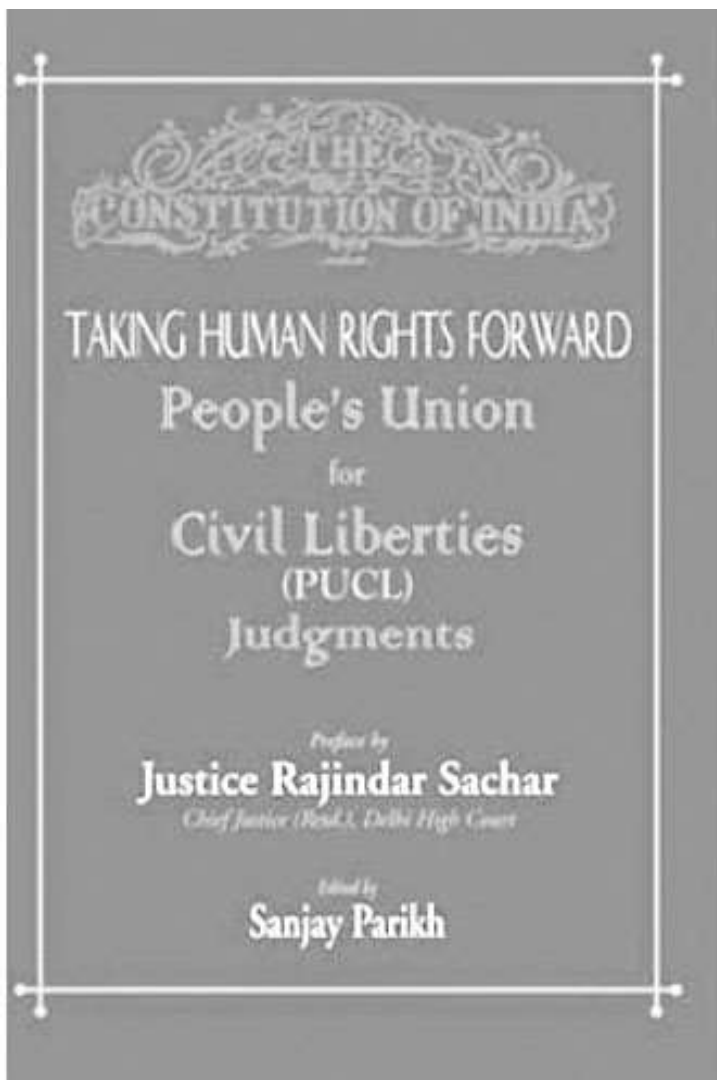
We hope that friends from Gujarat, Maharashtra, UP, MP, Bihar, Jharkhand, Odisha, West Bengal, TN, Karnataka and Delhi will come.

Yours in a welcoming mood,

**Kavita Srivastava** (On behalf of the PUCL, Rajasthan) ☐

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