

Inside :

Keynote address by Justice Govind Mathur (Retired) at the 11th Rajasthan State Convention of the PUCL: "Reclaiming Constitutional Democracy and Defending Human Rights" (1)

ARTICLES, REPORTS & DOCUMENTS:

Special Address delivered by Eminent Social Activist Ms. Aruna Roy: The struggle against hatred and fear ... has deepened and sustained constitutional democracy in Rajasthan (5); Address by Kavita Srivastava, outgoing PUCL Rajasthan State President: "Challenging Majoritarian Attack on the Constitutional Values in India today : Some thoughts on the path that PUCL Rajasthan needs to take" (6); 11th PUCL Rajasthan State Conference Report: Reclaiming Constitutional Democracy: Defending Human Rights (9); Bhilwara State Executive List (13); Custodial Tortures: The Omerta Code between Policemen and Government (19).

PRESS STATEMENTS, LETTERS AND NEWS:

PUCL Statement: Stop Encounter Killings in UP: End State lawlessness! (14); PUCL Gujarat Statement: We condemn the demolitions done by the Government of Gujarat (16); PUCL Statement: Stop the Witch-hunt of Journalists and Human Rights Activists in Kashmir (17); PUCL Rajasthan: Press Note: PUCL demands action against the police team (18).

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

INDIA	
PUCL Members	Rs. 200
Non-Members	Rs. 240
Libraries, Institutions	Rs. 300
OVERSEAS	
PUCL Members	US\$50
Non-Members	US\$100
Libraries, Institutions	US\$120

PUCL MEMBERSHIP

	INDIA
Patron	Rs. 2000
Life	Rs. 1000
Annual	Rs. 50
	FOREIGN
Annual	Indian Rs equivalent of US \$15

Keynote address by Justice Govind Mathur (retired) at the 11th Rajasthan State Convention of the *People's Union for Civil Liberties* held in Bhilwara city in Rajasthan on the 1st and 2nd April, 2023. Justice Mathur retired in 2021 after serving as chief justice of the Allahabad High Court; he has also served as a judge in Rajasthan High Court:

"Reclaiming Constitutional Democracy and Defending Human Rights"

Govind Mathur, Former Chief Justice, Allahabad High Court

"(Constitutional) principles cannot be sacrificed on the altar of majoritarianism. To accept a majoritarian diktat would be to proclaim the failure of our struggle for freedom. An India at ease with inequality, that does not care for socialism or secularism would be an India untrue to her founding fathers".

Ms. Kavita Srivastava, Chairperson of the PUCL, Rajasthan Chapter, General Secretary Shri Anant Bhatnagar, President – designate, Shri Bhanwar Meghwanshi, Ms. Aruna Roy, prominent Social Activist, other dignitaries on the dais, Office bearers of the PUCL, State Exe. Members, Ladies and gentlemen.

At the threshold, my gratitude to the PUCL State Executive, for giving this opportunity to me to be here in the town of Bhilwara, that was a centre of the activities of revolutionary leaders like Vijay Singh "Pathik", Manikya Lal Verma² and Sadhu Sita Ram Das³. This is the land that witnessed the Bijolia kisan movement, which sharpened the consciousness of the peasants throughout the country against imperialism and feudalism. I am also grateful for inviting me to convey my thoughts about **"Reclaiming Constitutional Democracy and Defending Human Rights"**. This is an issue of importance, not only for us but all people of conscience across the world. Our concern is about the serious destruction of the constitutional values in India.

Just yesterday, my daughter asked me if "democracy" alone might not have sufficed in the topic of today's speech. Was it necessary to include "Constitutional"?

I thought that was a significant question. We need to understand why we must stress on the Constitution, and why our democracy rests on the Constitution.

Some months ago, in January this year, the Vice President of India stated during a meeting attended by presiding officers of state legislatures that the judiciary was intruding into the territory of the legislature. He commented on the verdict of a case that was adjudicated by the Supreme Court 48 years ago, that settled in law that the basic structure of the Constitution could not be changed. He mentioned that if the elected representatives of the people of India in Parliament wished to change the Constitution, then that ruling of 1973, the Kesavananda Bharati case, could not be cited to deny them that right. He contended that such opposition to changing the Constitution was against the

principle of democracy. The judiciary, in the opinion of the Vice President, was extending its reach by ruling thus. According to the Vice President, the Parliament is free to alter the Constitution as it sees fit, according to its wisdom. That, to him, is democracy.

This is not the opinion of the Vice President of India alone – there are others who hold this view and in recent years, it is as if a whole movement has been orchestrated to mainstream this view. At occasions of national importance, we have speakers aligned to a particular worldview expressing the view that if the people of India wish to give themselves a new Constitution, they must be free to do that. It is as if the doctrine of the basic structure of the Constitution goes against the popular will.

Today we must try to understand this point of view, where it springs from and the conspiracy that this represents. We need to understand the thousands of years of Indian history, and the good and bad in our society. We need to understand the principles that inspired India's struggle for freedom, and the basis on which that struggle proved successful. Our struggle for independence was not targeted only at the end of imperialism – it was also a movement for reform within the nation. Our freedom fighters envisaged a nation where inequality would end – where all citizens had equal opportunity, where no distinction was made based on religion, caste, region or colour. It was based on these principles that, at the last meeting of the Constituent Assembly of India on 26 November 1946, the Constitution of India was signed and accepted.

It was on this basis that the preamble outlined:

WE, THE PEOPLE OF INDIA having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all

its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

The ideals that form the basis of this preamble have served to power the progress of our nation and society. The basis of the resolution draws from the insights of our freedom struggle. Our democracy rests on these principles. These are the principles that the Supreme Court defined as the basic structure of the Constitution; these principles thus cannot be changed. The Constitution of the land is Supreme, and no power can change its basic structure.

For 75 years, the Indian nation had adopted these principles and charted its path to progress. The democracy of India rests on these principles; ours is a Constitutional democracy that draws on the struggle for freedom and is guided by the principles that underlay that struggle.

These are principles that cannot be sacrificed on the altar of majoritarianism. To accept a majoritarian diktat would be to proclaim the failure of our struggle for freedom. An India at ease with inequality, that does not care for socialism or secularism would be an India untrue to her founding fathers.

Without those founding principles, India would lapse into rule by caste, religious divisions and inequity. That is why ours is a democracy that runs on Constitutional

principles, and does not follow the law of the mob, or majority diktat. John Adams, who served as the president of the United States between 1797-1801 said that a Constitutional democracy runs on the basis of the law, not based on what people in power – or out of it – might feel or think.

Friends, a system that runs on the law, where the Constitution is supreme, where equality is part of the basic structure – there are vested interests that would not like to see such a system function. Just as when such a state emerges that works for the welfare of the people, forces are unleashed to topple it. That is the lesson we learn from history. Whenever the few in power find that democracy is empowering the many, a movement emerges to stem the march of democracy. There were revolutions in the US and France in the eighteenth century; the nineteenth century brought revolution to many European nations; the Russian Revolution of 1917 is well known; democracy and the rule of law were the inspiration for many of these revolutions. At the core, these were movements for the freedom of the exploited and the suppressed. These revolutions were suppressed, and by the early 20th century, the movements for fascism and Nazism gained momentum, leading the world to war.

Using the methods of democracy, dictatorships arose that campaigned for the superiority of a certain race and nation; in Germany and Italy, fascist powers used propaganda that sold the lie that the people were of different and superior quality. It was that sense of superiority, based on the lies of dictators, that led to the horrible extermination of fellow-humans. Such lies are a threat to human civilization and leave in their wake the ruins of war. It was felt after World War II that such lies would never again hold sway over people, and that the lessons of

history would be learnt for good. But that is not the case.

After World War II, many countries of Asia and Africa were freed from the control of European imperial powers. Burma (Myanmar), Sri Lanka, Indonesia and India were among the newly freed nations after World War II. With India's partition, Pakistan came into being. The Philippines too emerged free and was no longer a colony of the US. These were nations engaged in a peaceful globalization, choosing to tread the path of peace and progress through rule of law. Yet, forces within these nations that were fascist were unnerved by the progress towards a constitutional order and unleashed chaos. On August 15, 1947, even as communal riots raged, India and Pakistan emerged as independent nations. On January 20, 1948, Gandhiji was shot dead at a prayer meeting in Delhi. In October 1951, Liaquat Ali Khan, Pakistan's first prime minister, was shot dead while he was addressing an audience at Rawalpindi. Just a day ahead of his assassination, Liaquat Ali Khan had proposed an amendment to the Pakistan Constitution aimed at checking the influence of religious groups. In 1959, Sri Lanka president Bandaranaike was killed by a Buddhist monk.

There is a pattern to all these instances in the nations of our region – Gandhi was shot dead by a Hindu right-wing man; a Muslim extremist pulled the trigger of the gun that killed Liaquat Ali Khan; Bandaranaike was felled by a Buddhist monk. The assassins were all men with an affiliation to extremist organizations.

Social equality, a Constitutional democracy and balance in public life are not acceptable to those steeped in fascist ideology. Despite the attempts of such fascists to derail the march to equality and democracy, nations have progressed towards better governance through an acceptance of the principles of

Constitutional democracy. The progress and empowerment of Dalit groups, religious minorities and other backward communities, however, would not be welcomed by right-wing extremists.

For the first time in world history, a black man became president of the US in 2008 when Barack Obama assumed that office. White supremacists then raised that old slogan of "Make America Great Again" (MAGA), which until then the people of the country had not paid heed to. However, it was that slogan that caused Donald Trump to ride into the presidency of the US in 2016. Fascist forces have been on the rise not only in the US but in other parts of the world too, manifesting in different forms. The iconic Hagia Sophia in Turkey, a country once renowned for leaders like Kemal Ataturk, was converted from a museum into a mosque.

In India, there are groups that have been singing the praises of Gandhi's murderer. A whole movement for the conversion of masjids into temples has been launched, and people of a particular religious persuasion are being targeted for no reason. The sad reality is that these forces of disruption and violence have the silent support of what appears to be a majority. The reason for such support is that 'lie' lodged deep within, the lie that refuses to die a quiet death, and which tells us that we are superior. Fascist powers make use of differences in culture or language to promote differences and sow the seeds of false pride. With the discourse turning to these, the real issues that people grapple with in their daily lives – inflation and joblessness, for instance, recede to the background. In our country, these fascist powers have much to feed on; culture, language, region, religion and other differences are all used to feed this project of creating differences and causing division.

Caste for instance is an insidious marker of identity that leaves

people marked even without their knowledge or consent. Fascist forces draw on such markers of identity to entrench the divisions between people, causing murder and mayhem in the name of religion or whatever else fuels that false sense of superiority. Fascism stands at our door now, flexing its muscles. It is necessary that we recognize the dangers we face, for only when we strengthen our adherence to Constitutional values can we deal with the rise of fascism. Just some decades back, caste and religion were bases on which discrimination was frowned on. These days, such discrimination is seen as virtuous. There was a time, not so long ago, when inter-caste marriage was encouraged and incentivized by government. Kavita (Kavita Srivastava) tells me that there is still a scheme of Rs10,000 reward for an inter-caste marriage – that's a good thing. We must be mindful, though, that there are parts of the country where couples engaging in such relationships are punished. What is worse, society even today does not accept, but instead punishes, young couples seeking to marry from outside their caste group. Young women fear entering into such marriages, for they risk boycott by their families. Girls fear that younger siblings will then find it harder to get partners, if they dare break traditional caste taboos. I would appeal to each of you to encourage such marriages in your own families. We hope to break such taboos, and the fascists are nourished by these traditions.

P U C L and other such organizations make it their business to take on the fascist ideology at all levels, and to relentlessly oppose the fascist agenda.

This is a struggle in which the judiciary has an important role. The judiciary is the custodian of the Constitution. The people of India have deep faith in the judicial system. An ordinary person takes

on the powerful – whether individuals or institutions – with the faith that justice will be done by the Indian judiciary. That is why the fascist forces have their eyes on the judicial system too. Given the faith of the Indian people and the strength of India's Constitution, however, it is not easy to end or dismantle the Indian judiciary. The Bar Council, Bar Association, individual lawyers – all of them have a great role to play in keeping alive the fairness of the judicial system and defeating attempts to control it. These are the people who raise the torments of the common people under the Constitution, in the courts. These are people with close links to the common Indian and can use the Constitution and the law of the land to bring them relief.

There are a few other small points I would like to bring to your attention. There is a big disease of the enlargement of singular personalities to the status of deities, which could cause much damage to the nation. This magnification of individuals has already reached scary proportions in India. We need to look for solace not in individuals but in the rule of law, and that is a habit we need to develop as a nation. Otherwise, we are bound to face disappointment and destruction, and no one can then save us. The cult of the personality, the tendency to exaggerate the power of individuals – that is a symptom of fascism, and we need to be wary of it. We have now come to the point of '*Vyakti Puja*' – worship of the individual – and that habit has set in very deep. If you look at streets in the US, UK or other nations, you will seldom find them named after individuals – in our country, you will be hard-pressed to find a street not named after an individual. Even hospitals and schools are named after individuals. All junctions have statues of individuals. What is sad is that since independence this

worship of individuals has only deepened. This is a tendency that we need to counter – within this lie the seeds of fascism.

When it comes to human rights, if we can uphold our Constitution, there is no doubt at all that human rights will be secure in India. Part 3 of the Constitution (fundamental rights) offers a shield to human rights. The Supreme Court and other courts have only expanded on these protections. These days, we speak not only of the rights of human beings but of all things sentient. If anything remains to be covered, there are provisions within the Directive Principles that cover those areas too, quite comprehensively. We need to ensure that the legislature makes laws in accordance with those principles, and that the executive implements them in right earnest. Aruna Roy has suggested that we form a human chain to ensure the protection of our rights – we need to see that this human chain works also to direct the legislature and the executive to work in accordance with the Directive Principles of State Policy.

Meena Kotwal is here on the dais – it is important to give a voice to the voiceless, and that is what she is doing through her channel, *Mooknayak*.

Please do not stay silent. If you see something wrong, speak up. Raise your voices for the right thing. I say this to you, and to my friends in the judiciary. As the custodian of the Constitution, the judiciary has an important task. If Constitutional values are being violated, then the judiciary should take these matters up suo motu. That is the constitutional responsibility of a judge.

These days, without a proper understanding of their significance, public interest litigation is getting a lot of flak. PILs are an important means of protecting constitutionally guaranteed rights. Wherever necessary and appropriate, PILs

ought to be used. This is one way of voicing pain. Whenever you feel you must speak, when you think silence would give free rein to injustice, do not remain silent. Right in front of me, in this hall, is the picture of Ram Manohar Lohia. He had said, '*Zinda Komein paanch saal nahi intezaar karti*' meaning '*Living communities / nations do not wait for five years*'. Please stay alive – if there is an incident where you think you need to speak out, then make it clear to people that you are alive and will react. Please stay alive, and where necessary, speak up.

Thank you for listening to me.

I wish for the success of this assembly.

(*The speech was delivered in Hindi, the Hindi transcript and the video are both available with the Rajasthan PUCL and will be uploaded in the PUCL website shortly*).

¹For benefit of our readers who may not be familiar with freedom fighters from different parts of India, we share the following description of the 3 persons referred to by Justice Mathur in his speech. "Vijay Singh Pathik (born Bhoop Singh; 1882–1954), popularly known as Rashtriya Pathik, was an Indian revolutionary. He was among the first Indian revolutionaries who lit the torch of freedom movement against British rule. Much before Mohandas K. Gandhi initiated the Satyagrah movement, Pathik experimented during the Bijolia Kisan agitation. After being implicated in the Lahore conspiracy case in 1915, he changed his name to Vijay Singh Pathik. His grandfather's sacrifice in the struggle of 1857 in Bulandshahr district, affected him deeply to be freedom fighter". (See https://en.wikipedia.org/wiki/Vijay_Singh_Pathik)

²Manikya Lal Verma was a freedom fighter who was jailed by the British. He was a leader of the Bijolia movement, a farmer's movement between 1919–1923 in Bhilwara area of Rajasthan. He was also a member of Constituent Assembly, MP and recipient of Padma Bhushan. For more details, refer: https://en.wikipedia.org/wiki/Manikya_Lal_Verma.

³Sadhu Sita Ram Das was a leader of the Bijolia peasant / farmer's movement in the Mewar region. For more details see https://en.wikipedia.org/wiki/Sadhu_Sitam_Das. □

“The struggle against hatred and fear ... has deepened and sustained Constitutional Democracy in Rajasthan”.

Aruna Roy, MKSS

If we guarantee the right to freedom of expression, and prevent the abuse of the Indian Constitution and its values, then alone can we ensure the prevention of torture, exploitation and illegal activities. This is the challenge we as activists face today. We continually look for the best ways of doing so.

As activists we work for people at the grassroots and help them struggle against the non-delivery of basic services, which are violations of the Constitution; a denial not only of economic but human rights. The unfortunate reality is that the same communities that unite to struggle against economic inequality are polarised when it comes to social equality and equal access and opportunity. Caste and religion have become dominant identities and even within them, people fight over smaller fragmentations like 'gotra'. All these differences spark tensions and cause violence. Never before in independent India have we witnessed a situation ready to explode in violence; where even perceived differences and hierarchies between the gods can set off clashes.

We are all aware that such myths and stories have found easy circulation. The only way we can counter this narrative is to meet people face-to-face and start rationalist discourse. The lies manufactured through the 'WhatsApp University' needs an alternative that is historically truthful and referenced. To begin with, we need to start with India's freedom struggle, narratives about Gandhi, Ambedkar, Jawaharlal Nehru, Maulana Azad, Subhash Chandra Bose, Rafi Ahmed Kidwai, etc. These leaders, amongst others, in my childhood, were recognised as good leaders who represented the ideals of a free

India.

Unfortunately the Constitution itself has become a document of contention and mystery. The need for understanding the Constitution has led to the holding of trainings and meetings on the Indian Constitution and its provisions. At the Loktantrashala, School for Democracy, we have designed programmes for the past decade to bring the Constitution to the people in the villages. The focused attention on fundamental and human rights guaranteed in the Constitution have opened up awareness and interest in this document. People need to understand how their individual rights link to constitutional guarantees, and more precisely what they might lose if the Constitution is tampered with.

The Constitution guarantees us the right to equality. The people – the community, have to understand the seminal value of that right. It is not just an abstract right but has a living relationship to our daily lives. These connections have to be made. We have to expose the doublespeak of those who celebrate the Constitution from the ramparts of the Red Fort, even as their foot soldiers form vigilante groups to threaten, monitor and intimidate people - on right to expression and free speech, cultural rights of food, clothing, etc. There is a deliberate plan to replace the Constitution with the values of inequality propagated in the Manu Smriti and bring in inequality as a norm through re-legitimising caste and gender hierarchies. The accepted form of social organisation of caste, paves the way for the 'Hindu Rashtra'. As activists we need to get into these debates and conversations to present the more truthful and

rational narrative; and point out that once the Constitution is withdrawn, many democratic rights which we now take for granted will go with it.

My association with the People's Union for Civil Liberties has provided me a platform and a support when rights have been violated. I have been enriched through my association with the PUCL from the time of Hemlata Prabhu, Kavita Srivastava, D. L. Tripathi to now.

The current scenario does not permit us to continue with the tradition of struggles and public protest we are used to. As an activist, I suggest for your consideration that we plan public action which is simple and spread out. I would like to share what I learned from the Sabarimala movement in Kerala. Why don't we begin with the formation of a human chain, bringing in all kinds of people from all sectors who are concerned about changes to the Constitution. As I held hands in that human chain, I felt empowered by the lakhs of people holding hands asking for justice and equality in Sabarimala. The act itself fostered curiosity and conversations with newer groups of people and citizens, who had so far shunned involvement in public action.

Even as I speak, there is a group of us protesting the changes in implementation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). Workers have been denied their rights, and the protest has been ongoing. Rights are being violated through inadequate budgeting, and through other means, including apparent means of fighting corruption through technology.

Increased corporatisation, limits our attempts to hold the

government accountable and we are thwarted by the might of their control over government. Corporates have partnered with the government to evolve technologies that deprive people of their rights – the application through which MGNREGA workers mark attendance, for instance. The NMMS app requires that a worker be photographed at the work site twice each day. The Rajasthan government had provided that workers do not need to stay at the site on completion of work. With this app, workers must return to be photographed twice a day. Not to mention the problems with internet connectivity, which even prevent photographs being uploaded to the system. The so called attempted efficiency denies the workers basic rights guaranteed by the NREGA. Technological control has to be viewed as the appropriation of centralised power. If people have to struggle, they have to identify and dissect exactly how their rights are being curtailed and denied. As MGNREGA workers, they see and

understand its machinations best. They are the real experts- not the technocrats and bureaucrats who frame and implement these policies.

Unemployment is a huge problem made even more acute by the adoption of certain technologies and the priorities that are set by the government. If these arguments are included in our discourse on human rights, we will be able to begin with people's problems and engage with large numbers. If we want to magnify our impact, we need to plan a course for action with people in villages based on conversations with them. It is in these many conversations that the real change for a different India will take root.

Many years ago we took up the cause of economic inequality and argued that human rights are violated when people are forced to live in poverty. We know from our experience with the campaigns for the right to information and the right to work in rural areas that it was only when people joined us in large

numbers, and the struggle continued for over a decade, that we met with success. We worked in the streets – on many streets, in many cities, in many states and we continued our protests till we got those rights. We have to get that momentum and that push going again if we have to win constitutional and democratic struggles.

PUCL has been part of this journey and has stood by the people. In moments of crisis and threats, PUCL has always been on hand. All the campaigns of Rajasthan, RTI, MGNREGA, NFSA have benefitted from the strong commitment and support of PUCL. I would like to end by saying that the struggle against hatred and fear, which the PUCL has been involved in, along with many of us, has deepened and sustained constitutional democracy in Rajasthan.

(The address was delivered in Hindi the video and the transcript in Hindi is also available with the PUCL Rajasthan and the PUCL website). □

Address by Kavita Srivastava, outgoing PUCL Rajasthan State President at the 11th PUCL Convention organised in Bhilwara on 1st and 2nd April 2023:

"Challenging Majoritarian Attack on the Constitutional Values in India today : Some thoughts on the path that PUCL Rajasthan needs to take"

I think that maybe for the first time, PUCL has a full-time activist president. This trend started with Prabhakar Ji. Earlier, the presidents of PUCL, if you hear their names, were very prestigious people - Justice Tarkunde, Justice Rajendra Sachar, Professor Rajni Kothari, and K.G. Kannabiran. After that, our activist members started coming in. He was followed by Ravikiran ji, also a senior counsel in Allahabad High Court. So, whether we are president or just a simple member, the point is that we all have to work hard, that is the main thing. And we have to work together, take all together and move forward with everyone. That is the objective, so thank you so much for this and to the national

council of the PUCL who made me the President.

Friends, I don't have much more to say after so many amazing speeches. And to add to what our three speakers said, I would like you people to think about the consensus that a sizeable section of the people of the Hindu community have given to the political ideology of Hindutva of the RSS. Fascism is taking deep roots. A large section is feeling glorious that they can use their numbers, being the majority community to dominate and persecute minorities. This consensus is reinforced everyday, through WhatsApp messages and the electronic media and other social media platforms. So it has deeper roots than we can

even imagine. I think the work to challenge Hindutva is difficult. Because the consensus is not of a few thousand or lakhs, it is of several hundred million - in crores, and we have to work on it NOW as it will not be forgotten quickly.

I present a context to you. The current scenario of hate crimes against Muslims is unprecedented. We are on the road to a big genocide. Let me tell you that in some places it has begun. In this situation of desperation a group of five eminent Muslims, including the Former Lieutenant Governor of Delhi, Najeeb Jung; journalist Shahid Siddiqui; and Vice Chancellor of Aligarh Muslim University, Zameeruddin Shah, Saeed Shervani a business man,

and former Chief Election Commissioner S Y Quraishi who led the delegation to meet the RSS chief in Nagpur regarding lynchings, hate crimes, the false propaganda against Muslim population explosion. Mr. Bhagwat told them that the dialogue should continue and the five should meet the leaders from RSS in Delhi. With this go ahead they decided to take in other Muslims organisations in the dialogue, including the *Jamaat-e-Islami* Hind, the *Jamaat-e-Ulema*, the Deoband clergy and others.

In the second round of the dialogue with the second rung of RSS leaders namely Indresh Kumar, Krishna Gopal, the discussion along with other issues focussed on "If we (the Muslim community) hand over Gyanvapi mosque to Kashi Vishwanath temple in Varanasi and the Shahi Idgah Mosque at the Krishna Janambhoomi temple, Mathura will the killings of Muslims end? Will the Muslims be allowed to live with dignity?"

While none of these groups hold a brief for Indian Muslims, they probably thought that sacrificing these mosques, for the sake of the right to life of the Muslims community, was a necessity.

What is serious is that instead of going to the Prime Minister and Home Minister of India, they are turning to the RSS Sar Sanghchalak Mohan Bhagwat giving him and other RSS leaders extra Constitutional authority. It also shows that persecuted communities are now looking towards non state actors for their survival.

The important question to ask is whether by talking to the RSS and arriving at some consensus with them, will this poison of hate against the Muslim community stop. Will the persecution stop. I ask you whether the RSS can actually stop what is happening presently. I feel that the average Hindu man is completely intoxicated with the brute power

that they now have over Muslims that too with absolute impunity. After having relegated the ordinary Muslim to the position of second or third grade citizen, it would be difficult for the ordinary foot soldier of Hindutva to step back now. His actions have been justified with notions that they are fighting a religious war against Muslims. Taking revenge of a thousand years war with Muslims.

So for the ordinary Hindutva foot soldier person whose life's goal has become to assert themselves as being above Muslims, will he accept the RSS signal of stopping now.

I want to give another context to you. Last year we know how all over Rajasthan and in other states, the rallies and processions celebrating Hindu New Year and Ram Navami (1st of April) decided to go only through Muslim dominated areas and in front of mosques. There was no corner of the country where Ram Navami processions did not pass by the mosques or Muslim neighbourhoods. These rallies were filled with anti Muslim slogans. And wherever there was some resistance, and in some place even where there was no resistance, the Muslims were attacked, their shops burnt down. The police in Rajasthan to date has not arrested the main conspirators of the rallies in Karoli, which had no history of any rioting in the past. The losses incurred by the Muslim community was never compensated fully.

Everywhere the number of Muslims arrested were more than those of the majority community who brazenly used rallies as vehicles of hate speech and caused disruption and violence. The PUCL did a fact finding in Karoli and intervened with the police's indiscriminate arrests of Muslims including of children and leprosy patients, demanded dignified compensation and also supported cases in court by working with the lawyers.

Jodhpur too had rioting on 2nd May on Eid around the issue of putting

up flags and missing flags. Stone pelting snowballed into rioting. Jodhpur, a city with no history of rioting once again saw polarisation happen.

Post the controversial remarks made by the BJP spokesperson Nupur Sharma on the Prophet on 28th May, 2022, after the Jodhpur riot, there were rallies in Rajasthan where "sar tan se juda" – beheading slogans were heard in some of these rallies, leading to the Udaipur beheading of Kanhaiya Lal (Suthar) Darzi on 28th June, 2023. Once again there was mayhem and not a single city where the rallies led by Sadhus and other citizens did not pour hate against Muslims. In Sojat city, the Masjid had saffron flags hoisted on its minarets as happened in Tonk and other places. Although the police was vigilant and prevented these rallies from becoming or causing violence, however a context of extensive polarisation was created in the state.

We know how the Udaipur beheading became the cause of greater persecution of Muslims building the stereotype of the Muslims being violent. This was followed by the targeting of the Popular Front of India, followed by raids in hundreds of homes of their workers followed by its ban and arrests under UAPA by the NIA. Assertive Muslim are being targeted as PFI and being subjected to raids, interrogation and arrests. Everyday young Muslim men are contacting us for help against the NIA strong arm investigations.

Organisation like ours, have been working hard and fighting against all violent ideologies, but there seems to be little impact on the challenge to hate speech against Muslims. And what can be the solution? Surely not what the five eminent Muslims have initiated with the RSS. However desperate or dire the situation be, will we be negotiating with the perpetrator of violence? Neither is the route of beheading a solution for it is

suicidal for the entire community. Our praxis will have to be different. We have to work towards restoring the rule of law, whether we be Hindu or Muslim or Christian. The collapse of the Rule of law is inimical to all, whether Hindu, Muslim or Christian. ***We will have to work with our human rights tools, do fact findings, expose the truth, work with the criminal justice system but also dialogue with the people in depth. The latter, till now has been the forte of majoritarian groups, but we too have to enter this arena. Which is why the PUCL has to expand its base and change its mode of work.***

It is extremely important to start working with the people, as the latest Status of Policing in India report highlights. One of the most important subjects today for human rights activists is surveillance. We have stopped talking straight into our mobile phones with the fear of our phone being tapped and us being surveilled. We may make Signal and WhatsApp calls for our privacy. We know about how India is increasingly become one of the most surveilled countries, with Pegasus in the phones of over a hundred and fifty people, and Netwire in the computers of all those caught in the conspiracy case of Bhima Koregaon in 2018. The Arsenal lab in the Bhima Koregaon case which examined the hard disks of some of the activists, gave a report showing how lethal the programme Netwire was, which was planted in the computers and created new files and data, which was transported into the computers by agencies, to falsely implicate these activists. The matter is currently being heard by the Bombay High Court; hopefully justice will be done there. Recently Common cause released a Report called '***Status of Policing in India (SPIR): Surveillance and the Question of Privacy***' (2023), which was a study done in about 15 states where people are subject to extensive surveillance, like in

Chhattisgarh, Jharkhand, UP, Maharashtra, Andhra Pradesh, Telangana and other states. And what did this report reveal? The first thing is that most people have no problem with being monitored. Many people even said it is excellent and should be done. MLA-MPs should also be monitored, and so should activists. You can imagine how much agreement there is - right now, we are first advocates of human rights - our liberty which we don't want compromised at any cost, is not a priority with the people of India. Surveillance compromises with my liberty and privacy.

Ordinary Indians were not bothered according to the report. Those most troubled about surveillance were Muslims and Tribals. Tribals of central India are surveilled in the name of Maoism. And the Muslims in the name of terrorism. They have borne the maximum brunt of a security State and so oppose the idea of surveillance.

I saw this report and some of the discussion with great regret yesterday. While PUCL Rajasthan must hold a workshop on its findings, what is important is that our fight is getting more difficult because a large part of the public is thinking opposite to the values so sacred to us in the constitution. Therefore, this engagement with the people becomes even more necessary, and we can no longer wait for it to somehow take place. It will have to begin with initiating sustained dialogue with small groups of people. Till we are not able to communicate the implication of all this, the people will be tacitly supporting the state project of imposing more controls over us.

Justice Govind Mathur and Aruna have given us a framework on how to approach the challenges confronting us. So, I will not go into more detail on this subject but say that there is an urgency to begin understanding these issues and work differently.

All is not grim, there are cracks in

the wall, there are contradictions within the Hindutva powerful. How do we convert these cracks and contradictions into opportunities. This is the important issue in front of us.

I am reminded of what Devanura Mahadeva, a famous writer in Karnataka said, that till our spirit is alive and not broken, we need to fight the divisive forces. We must fight this with a well-planned strategy.

The role of PUCL as a rights organization is critical at this juncture. During the last three years interactions amongst us have reduced because of COVID restrictions. While we have continued to respond to situations through our timely statements, what is important is that the message should reach the people so it is debated and discussed widely by common people.

So, friends of Rajasthan PUCL, we need to introspect and discuss in the next two days - How many young people are amongst us? How many young women and LGBTQIE+, minorities, Dalits and other marginalised peoples are among us? We will have to start asking these difficult questions if we want to be relevant and impactful.

What should be the role of us who are above 50-60 years, now that we have pledged to have a young people's PUCL. I feel sharing the history of how rights issues were taken up earlier and the roles, struggles and successes of the past, is crucial. The sense of history is vital to share with the younger generation because the youth are also part of the 'cancel' culture.

Senior people have to have a role in the organisation. Our introspection over the next two days will help us plan ahead. Finally, apart from the internal dialogue, how will we have cross-organizational dialogue in a systematic way, not high-profile but small. We need to give some rest to the big events style of functioning and do small events instead. We need to travel and reach out to our

members in every district and every town to start the dialogue. If we do not reach out to each other now, this fight will not be fought. And as for our new executive committee, I

would be calling their names, please come to the front. A loud applause will be our style of welcoming the new committee. Thanks a lot.

(This is a translation of the address given in Hindi during the Convention on the 1st of April, 2023). □

11th PUCL Rajasthan State Conference Report on 1st-2nd April, 2023, Bhilwara Rajasthan:

Reclaiming Constitutional Democracy: Defending Human Rights

The PUCL Rajasthan unit organized the State Conference on 1st and 2nd April in Bhilwara. About two hundred activists and human rights defenders from the state participated in the conference. This was an important conference as the last conference had happened in Ajmer in 2019 and after four years, we were having a general assembly of its members. The new office bearers and executive committee also took charge from this day, apart from the fact that there were serious discussions on the theme of the conference to help create an understanding and plan of action for the immediate and long term future.

The inauguration of the conference was done by former Chief Justice of Allahabad High Court, Govind Mathur. Social worker and recipient of the Magsaysay Award, Aruna Roy, senior journalist and writer Nasiruddin and editor of *Mooknayak*, Meena Kotwal all addressed the conference. At the beginning of the conference, homage was paid to the PUCL officials and activists who passed away in the past years, including Harold Singh, P.L. Nimroth, Virendra Vidrohi, Arvind Ojha and others.

Opening the Conference General Secretary Anant Bhatnagar said that the PUCL Rajasthan was at juncture of recasting itself which required the participation of all its members. With a healthy total of over 450 members from ten district of the State, we were in a good position to make a change in the positive directions. The PUCL being one of the only human rights organisation in the state we were duty bound to respond to the challenges of Hindutva and the

changing character of the Indian State.

Welcoming all the members to the state conference, the newly elected president Bhanwar Meghwanshi said that the young team of PUCL members will be the change that the PUCL Rajasthan is seeking. He stated that the Bhilwara district team which was made of a majority of youth and College students had put together the State conference in a very able way. He was confident that if every district recruits young people, then the energy and direction that the State PUCL would have would be unbelievable. He added that the spate in the increase of atrocities against Dalits and Adivasis was due to the improvement in educational levels which had given them the power to assert and claim equality. He feared that the state had a tacit consent with actors of violence and was not stopping it as it did not want to upset the dominant castes who form its vote bank. He also stated that the country including the state of Rajasthan was in the grip of Hindutva and the RSS would leave no stone unturned to make India into a Hindu Rashtra. And there we had little time to change this course. However, he had hope that if we all came together across organisations and worked with the people, we would be able to make a difference.

Justice Mathur in his key note address on Reclaiming Constitutional Democracy: Defending Human Rights, said that it is important to understand the difference between democracy, majority and majoritarian rule. No government is free to undermine the rule of law and the fundamental

rights granted by the Constitution simply on the basis of having a majority in Parliament. Unfortunately, an orchestrated attack on the judiciary is happening by those in Constitutional positions, trying to assert the supremacy of the Parliament over the judiciary. But it was important that the legislature, the judiciary and the executive do not cross their boundaries and respect each other's role.

He said that there is a difference between mob rule and democracy. The right to dispense justice cannot be given to the mob. Justice Mathur expressed hope that the public will understand the importance of democracy and the Constitution and will thwart any intentions to trample on them. He urged the audience to understand that the judgement in the Kesavananda Bharti case of 1973, stated that the basic structure of the Constitution which was encapsulated in the preamble, cannot be changed, thus they should prevent any move to change the essence of the Constitution.

He said that the Indian Constitution has paved the way for the protection of human rights and the interests of the people through fundamental rights and Directive Principles of State Policy. The establishment of a democratic system has given the people a weapon to choose their power, while the Constitution has defined the direction of the state. Clarifying the difference between democracy and constitutional democracy, he said that a democratic system based on constitutional values is a constitutional democracy.

On this occasion, eminent social worker Ms. Aruna Roy, who was

present as a special guest, said that at this time an atmosphere of fear is being created in the country and efforts are being made to silence the voices of social workers who raise the concerns of the oppressed and the poor. Those who raise their voice are trapped in false cases. Constitutional institutions such as the Election Commission, Human Rights Commission, and Women's Commission have become ineffective. She urged the large number of human rights activists who have come from across the state to establish a dialogue with the people through small meetings. She also said that a mass human chain should be made all over the state on a particular date for the rule of law and the adherence to the Constitution.

The outgoing state President of PUCL, Kavita Srivastava, talked about the unprecedented attacks that were happening to the Muslim minority and their perception that they were now subordinated as second or third grade citizens. The majoritarian project of the RSS had an enormous consensus with a big section of the Hindu community, she said. She warned that the attacks on the minorities, don't need to wait for diktats from above anymore, it was now happening autonomously. Hate speech is the first step towards genocide and we were now there. The Muslim community, particularly the youth were giving up on their dreams which they wished to follow but were now grappling with basic survival issues. She also gave examples of the continuous attacks on human rights defenders and other dissenters in various states of the country. The attack was with the help of the agencies like the ED, IT, NIA and CBI. She also talked about the how a recent survey brought out that the people of India had no issues if the Government was using surveillance tactics on the people. This had been brought out by the Survey of the Police in India Report. That the Government is right was

still a deep belief with the people. As such we were in a difficult situation to challenge the ways of the present majoritarian Hindutva politics due to the support that a large section of society was giving it. So how could this situation be countered by a small organisation like the PUCL. It was urgent that we build new platforms led by youth to fight this with nonviolent democratic means. No way would we resort to violence or counter violence. Such platforms can only happen if we strengthen ourselves as an organisation. The PUCL Rajasthan had to assess its strengths and weaknesses in the next two days collectively. Make plans organisationally of how to reach out to ordinary people, with trainings, workshops, social media, pamphlets, regular meetings, we could take the idea of how the Indian Constitution, constitutional democracy were being attacked and on how to bring back the rule of law in this country.

Senior PUCL member mentoring the organisation, DL Tripathi, said that the biggest challenge for the Indian democracy today is unemployment amongst youth which subsequently results in their excessive involvement in religious and other forms of hatred. The PUCL should work with unions and other organisations to foreground the issue of unemployment.

Newly elected Vice President Tara Ahluwalia, PUCL Bhilwara district president Rakesh Sharma and secretary Shaitan Raiger also expressed their views. On this occasion, the house congratulated Kavita Srivastava for being elected to the post of national president of the PUCL and thanked her for her services of 25 years of working with the Rajasthan State PUCL as an office bearer.

Speaking during the second session of the conference, called ***the Siege of the Indian State by mobs and the Role of Human Rights organisations***, Meena Kotwal founder and editor of the Mooknayak media house said that

apart from the various issues that ails Indian media, one of the main issue was the lack of diversity, which was what got them to form a media house on a different foundation. Dalits, Adivasis and minorities, who are hardly represented in mainstream media were the foundation of this house. She stated that Mooknayak media was a project of revival of the newspaper in its hundredth year which was started by Dr. BR Ambedkar in 1921. It had been languishing and they felt its revival was the need of the hour. She said that the only way we could fight the mob takeover of Indian democracy was by continuously exposing their violations, but also not to give up on the work of human rights of the suppressed and the depressed classes who even today are mostly the Dalits, Adivasis, minorities and working-class people. It was important to show the contradiction within Hinduism to its face which was how some sanity could be restored. She also said that their media group had become very popular and was a source even of the mainstream media houses. They had been recognised nationally and internationally for their work. She said that it was important to keep the values of the Constitution alive as that was the India that Dr. Ambedkar visualised. We should never allow the mob to take over this country.

Senior journalist Naseeruddin, who came from Lucknow, said that only one political party was benefitting from the frenzy created by the mobs. The party that was fourth in 2009 had the maximum lead and come to power in 2014. It is shocking the accused in the killing of the minorities and in cases of lynching are being honoured. The mob has now limited every person's personality to their religious identity. The mob looms large like a shroud of fear. His thrust was that the legal language and culture of human rights work developed by organisations like the PUCL over several decades false

short of countering and providing relief to the affected. Its work only addressed the State, which has now closed its eyes and ears to all questioning of its actions. Unless the PUCL develops a new human rights language for its work with masses it will cease to be effective, other than providing stray relief here and there.

Social worker Inamul Hasan said that the condition of the minority community in the Mewat area in Haryana and Rajasthan was deteriorating and they feared whether they would even survive this onslaught. He talked of how the local politics of the Congress which was mired in Nepotism and corruption in their region prevented the youth from even mobilising for justice. He shared the details of the killings of Junaid and Nasir in the name of cow smuggling which was basically a task done by the Cow Special protection task force of the Haryana, a task force which has just legitimised the "Gau Rakshaks" which now moves with the police and attacks and even kills with impunity. He urged the PUCL to ensure justice in the above case and work towards preventing the imminent genocide.

The PUCL Conference was supported by several local groups in the district of Bhilwara and one of the very positive expressions was the poetry recital session organized for the PUCL members by the *Janwadi Lekhak Sangh*, Bhilwara in the evening of the first day. Local poets and poets who attended the conference recited their poetry.

The second day of the conference was dedicated to organizational activities, strategies, and action plans. Dr. Anant Bhatnagar, the State General Secretary, presented a report on the functioning of the PUCL (*People's Union for Civil Liberties*) in Rajasthan, including activities from past years and the human rights issues in the state. The report was unanimously passed. Subsequently, district units

presented their reports. In an open session, activists from various districts expressed their views. Animated discussions happened on strengthening the organisation and expanding our outreach.

At the end of the conference, the following resolutions were unanimously passed:

Organisational Resolutions:

- Each district would hold mandatorily in every quarter, their district executive meetings. And send the reports within a fortnight to the State secretariat in Jaipur.
- To keep the members involved, generate understandings on what is happening and to plan activities together, either every week or definitely in a fortnight, the active district members (whether Exe. Members or not) should meet in person for a couple hours. Presently the PUCL Jaipur district members meet every week in the office and on an average 10/12 persons come. Ajmer meets once a month. This would be reviewed and made once a fortnight. All other districts where there are elected or adhoc district committees must begin it soon.
- Membership drives every three months at a minimum so that through the year we have members being recruited. The PUCL should have its presence in places where the youth is available, whether it be college canteens, other spaces in the city and on social media. We should take our drives to the rural areas too.
- Diversity in membership was very important. Every district must ensure that Dalits, Adivasis, Minorities and working class people from different age groups are enrolled. The fact that the PUCL has kept membership at a subsidised rate of Rs. 10 for students and the working class

people, it was always envisaged that the PUCL be a platform with age and class diversity. The membership drive must adhere to this.

- Trainings of new members was a must and with the support of State and National each district must ensure training workshops of their members on Human Rights, Civil Liberties and the present challenges. Trainings could be organised twice a year.
- Holding of Seminars/ workshops/meetings/dialogue s/yatras/public hearings/was an important part of bringing our work in the middle of the public.
- Fact Findings and Survey's was also a critical part of the PUCL work and each district and at the state level such activities should be undertaken when we are engaging in cases of HR violations.

Resolutions related to Issues.

1. The PUCL demands that the supremacy of the judiciary within the overall judicial system of the country, should be maintained and not be tinkered with. Government interference and unwanted comments should be stopped. To maintain judicial integrity, there should be an embargo on the appointment of retired justices of the Supreme Court and High Courts to political and other positions with benefits soon after retirement. There should be a cooling off period.
2. The PUCL once again resolves and demands that the Government of India should stop criminalising the work of people in the voluntary sector and that of social and human rights workers. The misuse of Governmental agencies like the CBI, IT, NIA and the ED should be disallowed. All the activists in jail should be released immediately, like those arrested in the Bhima

- Koregaon cases for five years remain in jail without trial and the Delhi riot conspiracy case has young Muslim activists who strongly opposed by non-violent means the CAA 2019, have been in Jail since the last three years.
3. The PUCL appeals to the Government and the people that the efforts to curb the freedom of expression and association by the Indian State apparatus should be stopped. Writers, journalists, social media bloggers, artists, and intellectuals and ordinary citizens should not be trapped in legal cases, and their electronic devices should not be taken away which is a big loss for their work. All intimidation should by the police should be stopped for expressing themselves freely. The draconian laws being brought in to control social media platforms and activists should be strongly opposed.
 4. The Minority communities in India, particularly the Muslim and Christian community are being pushed to the edge of subordination and losing their constitutional rights, with complete impunity of the foot soldiers of Hindutva, state sponsorship in many cases and the judiciary also turning its face. Hate speech and killings in the name of cow and other issues against the minorities needs to be stopped by legal means at the earliest and the Constitutional rights restored. The PUCL would also not leave any stone unturned to obtain justice for Junaid and Nasir.
 5. The PUCL Rajasthan once again demands of the Chief Minister of Rajasthan that his announcements related to bringing in of a strong accountability law in Rajasthan should be implemented soon. The law should be enacted by the State Assembly and enforced quickly.
 6. The PUCL Rajasthan welcomes the Rajasthan Right to Health Law brought in by the Rajasthan Government and demands that the Chief Minister to take immediate action to end the lockdown of private doctors and hospitals in Rajasthan, and to continue to address issues that protect the interests of the general public.
 7. The PUCL Rajasthan wishes to assert that interference with Academic freedom will not be permitted. Higher educational Institutions are on the verge of being destroyed due to unnecessary interventions not just by Higher Education authorities but even the Chancellors and Vice Chancellors. It should be ensured that there be no interference in educational institutions at all level and the communalization of education in every form, including changing textbooks be stopped.
 8. The PUCL is pained that the government is refusing to stop illegal mining in the state. All support being given to the mining mafias who work illegally and violate environmental laws with the tacit consent of the executive should be stopped too. Social activists who challenge mining mafias and are struggling to save the Aravalli should be provided with security.
 9. The PUCL Rajasthan is alarmed by the increasing number of atrocities against Dalits and tribals in Rajasthan. It demands that every possible effort should be made to stop it. Police and judges should be trained to adopt a sensitive approach. It also demands the withdrawal of false cases against activists and other citizens that were registered during the All India bandh of April 2, 2018, when the SC/ST Prevention of Atrocities Act was weakened by the SC.
 10. The PUCL Rajasthan condemns the State Women's Commission efforts to criminalize women whose FIR related to rape cases were closed by the police. We also condemn the state government's irresponsible statements that women file false cases related to violence against women. We are surprised by the government's lack of seeing and understanding how much risk any woman has to take by making her violence public and how many limitations she has to face while seeking justice due to limited legal access. In such a situation, calling them liars is an insult to the government itself.
 11. Choice Marriages and relationships between consenting adults should be seen as them exercising their choice under Article 19 and 21 of the Indian Constitution and the state must not try to control their decisions. The Rajasthan Government must urgently implement the guidelines issued by the Supreme Court in the Shakti Vahini Case, 2019. Couple shelter homes must be urgently set up by the Government in every district of the State.
 12. The PUCL Rajasthan demands that the proposal of mining Uranium from Rohil, Sikar with the MECL be stopped immediately. The people of the area are opposed to the mining and with the experience of Uranium mining in Jadugoda, Jharkhand which devastated the region and destroyed the lives of the people there, the PUCL Rajasthan would oppose tooth and nail this act of mining out Uranium in Rajasthan. It appeals to the Government of Rajasthan to oppose this act.

Bhanwar Meghwanshi, President and **Anant Bhatnagar**, General Secretary, PUCL Rajasthan. □

Bhilwara State Executive List

Minutes of the meeting: The State Council meeting of *People's Union for Civil Liberties*, Rajasthan was organised on March 31, 2023, at Sirat Sarai, Bhilwara. In the meeting, the new state executive was elected under the supervision of the PUCL National Secretaries Kavita Srivastava and Rohit Prajapati.

The new state executive was unanimously elected as follows:

S.No	Name	District	Post
1.	Bhanwar Meghwanshi	Bhilwara	President
2.	Mamta Jaitly	Jaipur	Vice President
3.	Tara Ahluwalia	Bhilwara	Vice President
4.	Kailash Meena	Sikar District	Vice President
5.	Arun Vyas	Udaipur District	Vice President
6.	Anant Bhatnagar	Ajmer District	Gen. Secretary
7.	Pragnya Joshi	Jaipur District	Joint Secretary
8.	HarkeshBugalia	Jaipur District	Joint Secretary
9.	Dr. Meeta Singh	Jaipur District	Treasurer
10.	Dr. Suresh Agarwal	Ajmer District	Exe. Member
11.	Dr. Rajesh Chaudhary	Jaipur District	Exe. Member
12.	Nishat Hussein	Jaipur District	Exe. Member
13.	Bhanwar Lal Kumawat	Jaipur District	Exe. Member
14.	Mukesh Goswami	Dholpur District	Exe. Member
15.	DharmachandKhair	Udaipur District	Exe. Member
16.	Ajay Saxena	Pratapgarh District	Exe. Member
17.	Radheshyam Shuklawas	Jaipur (Rural) District	Exe. Member
18.	Jairam	Sikar District	Exe. Member
19.	Suman Devathiya	Jaipur District	Exe. Member
20.	Akhil Chaudhary (Ex Officio)	Jaipur District General Secretary	Exe. Member
21.	Mohammed Yakub (Ex Officio)	Udaipur Dist. General Secretary	Exe. Member
22.	Surendra Gopaliya (Ex Officio)	Bharatpur Dist. President	Exe. Member
23.	Narendra Pachauri (Ex Officio)	Bharatpur Dist. General Secretary	Exe. Member
24.	Rakesh Sharma (Ex Officio)	Bhilwara Dist. President	Exe. Member
25.	Shaitan Raigar (Ex Officio)	Bhilwara Dist. General Secretary	Exe. Member
26.	Shakeel Ahmed (Ex Officio)	Ajmer Dist. President	Exe. Member
27.	Sister Carol Geeta (Ex Officio)	Ajmer district General Secretary	Exe. Member
28.	Madhulika	Coordinator Adhoc Committee, Dungarpur	Exe. Member
29.	Patras Dodiya	Coordinator Adhoc Committee, Banswara	Exe. Member
30.	Dinesh Rai Dwivedi	Coordinator Adhoc Committee, Kota	Exe. Member
31.	Jawahar Singh Dagar	Coordinator Adhoc Committee, Pratapgarh	Exe. Member
32.	Sitara Bano	Coordinator Adhoc Committee, Karoli	Exe. Member
33.	Bharat Meena	Coordinator Adhoc Committee, Alwar	Exe. Member
34.	Rajendra Soni	Coordinator Adhoc Committee, Jodhpur	Exe. Member

Presidential Panel: Aruna Roy, D. L. Tripathi, Premkrishna Sharma, Radhakant Saxena, Sawai Singh, Ramesh Nandwana, Maulana Hanif

It was decided in the meeting that after the election of executive bodies in districts, the district elected members would become a part of the state executive and the adhoc committee representatives would be replaced by the elected ones. □

Stop Encounter Killings in UP: End State lawlessness!

Doubts arise about Complicity of UP Police in killing of Atiq & Ashraf Ahmed :

Questions to be answered by UP Police

1. Why did the UP Police not seek 'Police Custody' of the killers of Atiq and Ashraf Ahmed when produced for remand before Duty Magistrate on 16.04.2023 itself, and agree to Judicial Custody?
2. If the killer gang was unknown to the police, didn't the police think it important to interrogate them to find out how the killer gang knew about the police allowing the Ahmed brothers to meet the press at an unearthly hour of 1030 pm on 15.04.2023?
3. Didn't the UP police think it was important to find out who all were behind the killer-gang by interrogating the 3 youngsters who shot Atiq and Ashraf?

PUCL is outraged by and strongly condemns the cold-blooded shooting down by a 3-member gang of politician and former minister, Atiq Ahmed and his brother, Ashraf Ahmed, at about 1030 pm on 15.04.2023 in Prayagraj (Allahabad) Government Hospital, in public and in the full glare of the media. What is most deplorable is that Atiq and Ashraf, were surrounded by an armed team of policemen who allowed a set of media persons to interview them, when the 3 killers came to the spot in motorcycles, whipped out sophisticated guns and shot the brothers in cold blood at point blank range, with the armed police remaining as mute spectators doing nothing to prevent the slaughter.

What raises serious questions about the complicity of the police is the fact that the 2 brothers, who have been in police custody, were brought by the UP police late in the evening at about 1030 pm on 15th April, 2023, to the Prayagraj Government Hospital for a purported medical check-up. Though hand cuffed together, and surrounded by armed policemen, the two were permitted by the police to have a media meet in the open at about 1030 pm which was captured live on visual media, when the 3-member killer gang shot them dead.

The killing is not just a security lapse on the part of the police, who failed to check the identity of the killers posing as media persons; a much more disturbing issue is how the killer gang knew that a media meeting would be held in the open, outside the hospital.

Equally worrisome is the question

why Atiq Ahmed and his brother were not transported by ambulance, why the medical check-up was at such an unusual time late at night and why despite the security concerns, the police permitted such a media meet in an open space and in public. The other question is as to why the police did not seek police custody of those who did the shooting? The answer to these questions will tell us whether it was a question of mere negligence by the UP police or a deeper conspiracy by the UP police and the UP administration, in the murders themselves?

The suspicion as to whether the twin killings were planned affairs gets strengthened when viewed against the background of the encounter killing by the police on 13.04.2023 at Jhansi, of Asad Ahmed (son of Atiq Ahmed) and Ghulam, both of whom were also accused of the murder of Raju Pal. In effect, in a space of 2 days, four key accused persons in the Raju Pal murder case, had been killed in alleged encounters, by the UP police.

Atiq Ahmed apprehended being killed in UP and his counsel had told the Supreme Court that if he was transferred from Gujarat to UP, it would literally be a death warrant. The Supreme Court while turning down the plea for protection had orally observed that since he was already in police custody, the state machinery would take care of him. Despite this grave apprehension expressed by Atiq Ahmed of being killed by the police in a staged encounter if he was brought to UP from Gujarat, the UP Government does not seem to have taken adequate steps to ensure this most

basic guarantee, namely the right to life. Meanwhile, Tragically, the very state machinery that was to protect him in its custody, has failed miserably.

We are also greatly concerned over the news that on 18th April, 2023, a crude bomb was thrown outside the house of Atiq Ahmed's lawyer, Mr. Dayashankar Mishra, in Prayagraj. While thankfully no one was injured, the incident has sent shock waves amongst the family members of Mr. Dayashankar Mishra and Vijay Mishra, Advocates representing the murdered Atiq Ahmed.

An important question that must be raised is as to why the Prayagraj/UP Police did not seek 'Police Custody' of the three-member killer gang on 16th April, 2023 itself. This would have allowed them to interrogate them to find out the full facts behind their gunning down of Atiq and Ashraf Ahmed.

Suspicion arises over the strange conduct of the police. If the gang members were unknown to the police, it was important for the police to interrogate them to find out if other people were also involved in the conspiracy to kill the Ahmed brothers and whether they received support and funding from others. However, this was not done. Instead, they were sent to the Central Prison. The crucial question is why did the police do so. Ever since Yogi Adityanath government was sworn in on 19.03.2017, he unleashed a controversial plan to eliminate alleged criminal and gangsters with his "Thok Diye Jayenge" or "They will be knocked out" policy. The CM also unleashed 'Operation langda' by which alleged criminals were

shot in their legs incapacitating them for life.

According to Prashanth Kumar, Special Director General of Police (Law and Order), UP Police, between March, 2017 and April, 2023, there have been 10,900 police encounters in which over 5046 alleged accused persons have been injured and 185 persons have been shot dead.

It should be noted that the UP Chief Minister, Yogi Adityanath who has sworn an oath to 'bear true faith and allegiance to the Constitution of India' had previously stated that "*Mafia ko mitti mein mila doonga*". This seems to have encouraged his ministers (who, it should be pointed out, are also sworn to uphold the constitution) to give statements that the murders were "karma" or that they were "divine justice". What is very ominous is the news that some groups with links to the ruling party celebrated the encounters by bursting crackers.

It is the responsibility of the UP government led by the Chief Minister to ensure that vigilante murders do not occur and that the police do not kill people extra judicially. That is the essence of rule of law. It is in this most basic aspect of the responsibility of the Uttar Pradesh government, that it has most abjectly failed. It is the right of the accused to prove their innocence in a court of law, through due process, which has been blatantly denied and summary (in) justice is meted out without fair trial. This is in blatant violation of Articles 14 and 21 of the Indian Constitution and cannot be allowed or condoned.

The PUCL is concerned that this de facto policy of the Yogi Government of treating rule of law as an unnecessary irritant of no consequence, will result in the destruction of one of the basic pillars of constitutional democracy – the principle of 'Rule of law' and pave the way for lawlessness and brute power. It is up to other institutions of accountability right from the media, the judiciary, the NHRC and other independent human rights bodies to defend this core democratic principle in the face of this ferocious assault on the

rule of law by the UP administration.

This position of the UP government led by Yogi Adityanath which asserts that criminals are not entitled to the rule of law is antithetical to the values of the Constitution. To those in the public who support this amoral position that 'gangsters' should not be entitled to the benefits of rule of law, one should note that once an exception is made in the grand edifice of rule of law, there will be others who, the state will argue, don't deserve the protection of 'rule of law'. If this trend is not checked the state will feel emboldened to opt for vigilante justice, including extra judicial executions, against all those questioning its actions and policies. The ground for this has been prepared through the relentless delegitimation of all dissent, dubbing those who are exercising the right to free speech as 'anti-nationals'.

This amoral and cynical approach has been roundly castigated by the Supreme Court as being unconstitutional. In '*PUCL v State of Maharashtra (2014)*', a case filed by the PUCL regarding the issue of genuineness or otherwise of nearly 99 encounters between the Mumbai police and the alleged criminals resulting in death of about 135 persons between 1995 and 1997', the Supreme Court observed that,

"Article 21 of the Constitution of India guarantees "right to live with human dignity". Any violation of human rights is viewed seriously by this Court as the right to life is the most precious right guaranteed by Article 21 of the Constitution. The guarantee by Article 21 is available to every person and even the State has no authority to violate that right".

The Supreme Court appointed Commission of Inquiry headed by Justice V Sirpurkar to inquire into the killing of four men accused of rape by the Telangana police when the accused were in the custody of the Telangana Police, (known as the Disha rape and murder case which occurred in Hyderabad on 27.11.2019) the Commission came

to the conclusion that the killings were murder and not justified as self-defence. The Commission also noted that:

"Just as Mob Lynching is unacceptable, so is any idea of instant justice. At any point of time the Rule of Law must prevail. Punishment for crime has to be only by the procedure established by law".

It is the most basic principle of our constitutional democracy that all are equal before the law. We must hold this principle dear for if we let it go, the rest of the structure will crumble. Action must be taken against all those who failed to uphold their constitutional oath to 'bear true faith and allegiance to the constitution of India' and instead chose to use the strategy of using encounter death to eliminate alleged criminals thereby demolishing the edifice of 'rule of law'.

Although the UP Government has announced setting up of a 3-member Judicial Commission to enquire into the encounters, considering the questions raised about the role of and complicity of the UP Police and government themselves, it is important that investigation is entrusted by the Supreme Court to a completely independent investigating body.

PUCL therefore demands that:

1. The SC should consider passing orders in the UP encounters PIL already pending before it, entrusting investigation into the quadruple encounter - murders of Atiq Ahmed, Ashraf, Asad Ahmed and Ghulam, on 13th and 15th April, 2023 to an independent investigating agency, preferably a SIT, consisting of Police officials from outside UP, under the direct supervision of the Supreme Court.
2. The case should be investigated as a custodial killing in accordance with the Supreme Court guidelines in '*PUCL vs State of Maharashtra*' (2014 (10) SCC 635). The UP administration has shown no respect for the

rule of law and therefore a Supreme Court monitored probe will build faith and confidence among the larger public as compared to a probe initiated under the aegis of the UP government.

3. A FIR be registered into the encounter killings immediately, naming the police persons responsible for the encounters, and transferred to the 'Special Investigation Team' comprising officials from outside UP, for free, fair and independent investigation.
4. The police officials involved in the encounters should be

immediately transferred out of their districts to enable the SIT to conduct an unbiased investigation and to ensure that evidence is not tampered with.

5. Magisterial inquiry in accordance with law should be conducted. All the evidence, including forensic evidence by way of ammunition and weapons used, postmortem findings, chemical examination reports, electronic evidence and so on should be handed over to the jurisdiction Magistrate's court to prevent tampering with evidence.
6. Compensation should be given

to the surviving members of the family as a partial recognition of the irreparable loss caused to them. Police officials responsible and complicit in the offence should be punished in accordance with law.

We appeal to right thinking citizens concerned about the total breakdown of constitutional order to stand up and raise their voices to condemn state lawlessness. We also appeal to the Supreme Court of India to take up the matter *Suo Motu*, considering the grave repercussions the matter can pose for the rule of law in the country.

Dr. V. Suresh, General Secretary,
PUCL ☐

PUCL Gujarat: Press Statement on 14.04.2023

PUCL Gujarat: We condemn the demolitions done by the Government of Gujarat over the past 6 months at several locations in Devbhoomi Dwarka District

PUCL Gujarat expresses its serious concern over the manner in which the Government of Gujarat has been demolishing the homes and properties primarily of Muslim citizens, particularly belonging to the traditional fishing communities in different locations in Devbhoomi Dwarka District.

The spate of demolitions has been going on since the first week of October starting with approximately 150 homes and commercial establishments belonging predominantly to Muslims in Bet Dwarka. Among the structures so demolished there were also over 15 places of worship such as shrines, mazars and dargahs.

In January 2023 the fisherfolk of Harshad and Navadra coastal villages of Kalyanpur Taluka of Devbhoomi Dwarka district were given eviction notices by the administration which they challenged in Gujarat High Court. The High court disposed of their petitions as the government of Gujarat gave an assurance of rehabilitation. By 11th March 2023 the bulldozers came in, targeting minority shops, shrines, homes and mosques in Harshad village/harbour near Gandhvi harbour and Navadra village rendering 122 families from Navadra and 69 from Harshad

homeless and bereft of the locations from where they carried out their fishing activities, their only means of livelihood.

The manner in which the demolitions were carried out seemed to be intended to terrorise the Muslim population, forcing them to flee within 24 hours taking whatever belongings they could retrieve, on their boats. The community has been completely scattered and rendered helpless, with the condition of women and children being extremely painful. Most of them have gone to other fishing villages and local harbours, where the local people are not in a position to take care of them or offer them much assistance. They also do not have space for their boats; and the local administration is not giving them the online permission to engage in fishing from these new locations. This is leading to harassment of these internally displaced families, to unfortunate conflicts with locals, and total despondency due to a complete breakdown of their traditional livelihood.

These demolition operations betray deliberate discrimination against and humiliation of the Muslim fisherfolk; in almost all these locations Hindu properties have not been demolished. Muslim shrines and mosques have been

demolished with no sense of reverence. The manner in which the government has been justifying these demolitions also has been extremely humiliating. These traditional fishing communities have lived for generations in these villages over centuries, and they belong to both Hindu and Muslim communities. They live on the coast, launching their traditional fishing boats from natural harbours that have been used and preserved since hundreds of years. Along the coast the fishing communities have structures that are used for landing the fish, sorting them and temporarily storing them before selling them to wholesale fish merchants; but like all marginalized communities most of them may not have title deeds to the structures they have been using since a long time. It should also be noted that fisherfolk have customary rights on the sea-coast to effectively pursue their traditional occupation of fishing. This is clearly indicated in the Coastal Regulation Zone

The government's narrative that they are 'illegal encroachers' and that the structures they use for fishing activities could pose a threat to national security or could be used for drug smuggling, and hence the demolitions have to be done in national interest, has been insensitive and infringes on the

right to life with dignity of the traditional fisherfolk. A government unleashing such a demeaning, generalized narrative can only result in public mistrust and hatred against a hardworking, dignified community. The fact that only Muslim shrines and mosques were targeted while Hindu places of worship were untouched, betrays not just discrimination, but also a form of institutionalized hatred, leading to a situation where the state turns against its own citizens. The High Court had dismissed the plea of these citizens based on the government's assurance of rehabilitation. The government could have waited and ensured rehabilitation first, allowed the people all constitutional remedies before they resorted to the cruel and inhuman step of demolitions. The government that is bound by the constitution to protect the life, liberty, and dignity of its citizens itself violated that right by turning a significant number of households into internally displaced citizens without homes, bereft of their means of livelihood, nowhere to go. Even to this day the state has not made alternative arrangements for the citizens they thus displaced. PUCL Gujarat strongly condemns these inhuman demolitions targeted at Muslim traditional fishing communities along the Saurashtra coastline, without any plans for rehabilitation and

restoration of fishing, their traditional livelihood. We further condemn the insensitive, discriminatory, and humiliating manner in which the government destroyed the mosques and shrines that were integral to the culture and right to freedom of religion of these traditional fishing communities.

We demand that:

1. The government puts an end forthwith to all demolitions that it plans to undertake along the coastline.
2. National security cannot be ensured by alienating communities who have been living along the coast since centuries. The government should hold dialogues with the leaders of the fishing communities and work out ways and means of continuing fishing while ensuring security requirements of the state. Demolitions may be pursued only after their rehabilitation and the facilities to continue fishing operations are provided.
3. All the families whose houses, shops and other structures along the coast have been demolished be provided temporary shelters in the same villages and be explicitly and formally allowed to continue fishing operations as they used to do, till such time that the

government provides them with alternative housing and other requisite infrastructure.

4. The state should take serious note of the fact that mosques and shrines were demolished and immediate actions should be initiated to rebuilt in locations identified in consultation with the fishing communities who have been displaced.
5. An immediate survey needs to be done to ascertain the condition of women and children; and proactive steps are taken to ensure that their right to education and protection and health are protected.
6. Fishing communities have been residing along the coast for generations and have been dependent on the sea for their livelihood. Government earlier had launched the Sagar Khedu Yojana for holistic development of the coastal communities. Allocation of housing plots and permanent housing should be taken up as part of the development plan and should be taken up on priority basis by the government so that coastal communities get their housing rights.

Govind Parmar, President &
Pankti Jog (Ms.), General Secretary,
PUCL Gujarat ☐

PUCL Statement on 31.03.2023

“Stop the Witch-hunt of Journalists and Human Rights Activists in Kashmir: Release Irfan Mehraj, Khurram Parvez as well as Aasif Sultan, Sajad Gul, and Fahad Shah

The PUCL strongly condemns the arrest of Irfan Mehraj, a Srinagar based freelance journalist under the Unlawful Activities (Prevention) Act (UAPA) on 20th March, 2023 by the National Investigation Agency (NIA). The arrest of Irfan Mehraj was pursuant to an FIR registered in 2020, in which human rights activist, Khurram Pervez was arrested as well.

Irfan Mehraj, 32, Editor for TwoCircles.net, regularly contributed to national and international news organisations like Al Jazeera, DW, TRT, The

Caravan and Himal. He is also the founder editor of a popular online magazine called `Wande' magazine which addresses a variety of issues related to Kashmir society.

The timing and method of arrest of Mehraj makes it apparent that he was detained for continuing to research police and military excesses and for exercising his journalistic duty of speaking truth to power.

It is necessary to point out that Mehraj earlier worked as a researcher with one of India's most

respected human Rights organizations, namely the Jammu and Kashmir Coalition of Civil Society (JKCCS). The JKCCS has been manned by remarkably able and courageous human rights workers including Parvez Imroz and Khurram Parvez who was the organisation's convenor at the time of his arrest.

A clear pattern which emerges is that these arrests are a part of the pattern of the Indian state trying to repress the voice of professional and independent members of the journalist fraternity. It follows in the

light of scores of journalists and their families being hounded for their work, with their homes being raided, devices confiscated and with some of them being arrested as well. The arrests of other journalists from Kashmir include Fahad Shah, Editor of *Kashmir Wallah*, in several FIRs under UAPA; Sajad Gul, a trainee reporter with *Kashmir Wallah* and the 2018 arrest of Aasif Sultan of *Kashmir Reporter*. Apart from just reporters, researcher Abdul Aala Fazili was also arrested with Fahad in early 2022 on grounds of sedition, for an article published by the latter in 2011. The unprecedented attack on the media has led to many newspapers and online magazines, including *Kashmir Reader* and *Kashmir* times being pushed to the brink of closure.

Apart from the media, the state is also attacking human rights activism. According to the FIR, the NIA case consists of '*certain NGOs, Trusts and Societies, registered, as well as unregistered, alleged to be collecting funds domestically and abroad through donations, business contributions etc. in the name of charity and various welfare activities such as public health, education etc.*' Troublingly the FIR states that '*These NGOs, Trusts and Societies and their members, by words and written means, publish anti-national and incriminating material to bring into hatred, contempt and disaffection towards the Government of India.*'

In a statement released by the NIA it was noted that, "*Following comprehensive investigations into*

the NGO Terror funding case registered in October 2020, the National Investigation Agency arrested Irfan Mehraj from Srinagar (J&K) yesterday (20.03.2023). Irfan Mehraj was a close associate of Khurram Parvez and was working with his organization, Jammu and Kashmir Coalition of Civil Societies (JKCCS). Investigation revealed that the JKCCS was funding terror activities in the valley and had also been in propagation of secessionist agenda in the Valley under the garb of protection of human rights.'

Human rights workers of the JKCCS including Mehraj and Pervez have been reporting on issues of human rights concerns in the Valley, despite threats and intimidation from the police, security establishment and Kashmir administration. The arrest of Mehraj and Parvez therefore clearly indicates that the target is the work of the JKCCS.

This particular action of targeting human rights work of documenting, reporting and publicizing how the Indian state has violated its commitments to 'rule of law', constitutional principles and human rights, is of grave concern to all those concerned about the future of constitutional democracy itself. The work of documenting human rights violations by civil society groups such as the JKCCS is an essential part of the right to free speech. It's only when civil society is able to exercise this constitutional right that a society respecting the rule of law becomes even possible.

The essence of a rule of law society is when the state conforms to the law it has itself enacted. When the state instead criminalizes those

who expose its departures from the rule of law framework, it gravely imperils democracy. Weaponising the law to persecute human rights activists and groups threatens constitutional order and thereby democracy itself.

By criminalizing and prosecuting speech by dubbing it 'anti national', India betrays its constitutional promise of guaranteeing to all its citizens the right to speech, expression and association all of which involves the right to dissent, right to question those in power and seek accountability, the right to peacefully assemble, protest and form associations.

The PUCL therefore demands:

1. Immediate closure of the FIR and the investigations against Parvez and Mehraj and others associated with the JKCCS and dropping all criminal charges against them.
2. The immediate release of Parvez and Mehraj as well as Aasif Sultan, Sajad Gul, Aala Fazili and Fahad Shah from custody.
3. The immediate repeal of the Unlawful Activities (Prevention) Act as well as the Public Safety Act.
4. Restore constitutional democracy in the Union Territory of Jammu and Kashmir.
5. Ensure media, human rights groups, NGOs, civil society groups and ordinary citizens can lead a life where the constitutional promise of equality, liberty and fraternity is fulfilled.

Dr. V. Suresh, General Secretary, PUCL National ☐

PUCL Rajasthan: Press Note on 29th March, 2023:

PUCL demands action against the police team which fabricated cases against innocents and conducted slipshod investigation in the 2008 Jaipur bomb blasts, which killed 74 people.

Fresh investigation should be ordered to ensure justice to the kin of the 74 killed and 150 injured

Compensation must be given to the five acquitted for the loss of 15 years of their lives, which they spent in jail as their families suffered the ignominy of association with "terrorists"

The PUCL welcomes the judgment of Justice Pankaj Bhandari and Sameer Jain of the Rajasthan High Court, Jaipur bench, in the Jaipur bomb blast cases. On May 13, 2008, nine synchronous blasts

occurred in the state capital in a span of 15 minutes. The judgment delivered today, 29th March, 2023, dealt with 28 cases including four death sentences earlier ordered by a trial court that convicted these

men. The High Court acquitted all accused and rejected the death penalty and other punishments given by the special court (bomb blast) to the four: Saifur Rehman, Mohammed Saif, Mohammed

Salman and Mohammed Sarwar. The court also rejected the prosecution's appeal of enhancement of sentence against the four for some of the cases, along with dismissing the appeal of the prosecution against the acquittal of Shahbaz Ahmed by the special court (bomb blast), upholding the special court's judgment.

The court has rightly identified the numerous flaws in the investigation. The decision of the trial court, based on the chain of circumstances presented by the prosecution, nowhere showed the corresponding evidence, the court said. The judgment talks of gaping holes in the investigation, reiterating the point of slipshod work by the police. In 2008 itself, many civil society organisations raised the issue of false arrests and framing of young men of the Muslim community as terrorists. They also consisted a national tribunal on framing innocents in the Jaipur bomb blasts.

Expressing outrage and calling it shoddy and incomplete, the Rajasthan High Court Jaipur bench came down harshly on the Rajasthan police team responsible for the investigation and ordered the DGP to hold an enquiry and identify the police personnel responsible, adding that the guilty police personnel must face

punishment. Taking exception to the prosecution's case, it also added that the heinous crimes which killed over 74 people should have been properly investigated and impeccable evidence provided so that the guilty were punished. Instead, either the wrong culprits were arrested or if they were indeed culprits, arrests were done sans evidence. Excerpts of the judgement read by the court showed extensive lapses.

The PUCL is particularly grateful to the team of lawyers of the five (four convicted and one acquitted), who showed the court the lapses in investigation to substantiate how it was bad in law to accept the conclusions of the investigation. PUCL records its appreciation of the work of senior counsels, Nitya Ramakrishnan, Tridip Pais, and advocates, Mr. Ashok Agarwal Siri Singh, Harsh Bohra, Rajat, Vibhor Jain Mujahid Ahmad, Nishant Vyas, SS Ali and others.

The PUCL demands.

- Immediate action against the police who fabricated cases against the five, who spent 15 years in jail due to a delayed trial and a bad judgement of the trial court.
- Just compensation from the Government of Rajasthan for the false case, which caused these innocent young men to lose 15 years of life. Their

families suffered the stigma of having produced "terrorists". In 2008 when the four were arrested, except for Shahbaz, all were under twenty-five. Salman had not yet turned 18. The High Court today upheld Salman's juvenility and calling it erroneous, rejected the order of the additional district judge who set aside the JJ Board order confirming Salman's age as being under 18 years. For a maximum punishment of 3 years for being a juvenile on conviction, Salman spent 15 years behind bars. It is imperative that all be compensated.

- Fresh investigation in the 2008 bomb blast cases so that justice is delivered to the kin of the 74 deceased and the more than 150 injured that ill fateful day.
- The PUCL also appeals to the State of Rajasthan to not move for a stay against the acquittal, and instead facilitate the release of the four from jail. Shahbaz was released almost two years ago.

PUCL will offer a more detailed analysis of the judgement once it is uploaded on the Rajasthan High court website.

Kavita Srivastava, President;
Anant Bhatnagar, General Secretary, PUCL Rajasthan □

'Custodial Tortures: The Omerta Code between Policemen and Government'

V. Suresh

02nd April, 2023: A pair of white gloves, cutting pliers, gravel stones and a lathi – these were part of the standard torture gear of Balveer Singh, IPS, Assistant Superintendent of Police, Ambasamudram Sub-Division in Tirunelveli District. An alumnus of IIT, Bombay and 2020, the IPS Batch officer has been accused of routinely torturing suspects at police stations in his sub-division such as Kallidaikurichi, Ambasamudram, Vikramasinghapuram. The 'interrogation' involved pulling out their teeth using pliers; causing internal injuries by stuffing their mouths with gravel stones and hitting them hard on their cheeks and head. Worst of all is the allegation that he crushed the testicles of a few suspects,

including a youth who has been married only for a few months.

Of course, local police officials were accomplices, armed with the justification that third degree torture is the only way to ensure a crime-free society. Widespread media coverage forced the government to order an enquiry by Mohammed Shabbir Alam, IAS, Cheranmahadevi Sub Divisional Magistrate-cum-Sub Collector. It was apparent that the enquiry, by an IAS officer who is a 2020 batchmate of Balveer Singh, was just a whitewash. One example of the diversionary tactics used is the turning away of victims who appeared to testify and summoning them back at his convenience. This delay proved expedient

for the Ambasamudram police to threaten victims and offer bribes of Rs. 30,000/- for their silence.

Allegations of police torture are commonplace in the region. In June 2020, the brutal custodial murder of Jeyaraj and Bennicks, in Sathankulam Police Station in neighbouring Thoothukudi district shocked the nation. The father-son duo died of severe internal bleeding due to injuries sustained by sticks inserted into their rectum. The uproar caused the Madurai Bench of Madras High Court to order a CBI probe. Nearly 3 years after the incident, the trial is yet to conclude; and the delay is seen as inevitable as the accused are themselves senior police officials.

What is most abominable -- and dangerous from a public policy angle -- is that custodial torture has been normalised and legitimised as necessary evil; so much so that only when extreme consequences -- death in custody or severe maiming -- occurs does the state feel compelled to respond. Part of the State's toolkit is to order a judicial enquiry, under sec. 176 of the Criminal Procedure Code. The ensuing delay allows the police to hunt victims and witnesses, coerce them with threats or bribes to not depose against them and quietly bury the case once the public memory has dulled.

India's conviction rate in custodial torture and death cases is an abysmal 5%. The National Crimes Record Bureau's (NCRB) Statistics shows that of the 1727 custodial death cases between 2001 and 2018, merely 26 police officials have been convicted; NHRC reports also point out that out of 2000 human rights violation cases only 34 have led to convictions.

The SC Constitution Bench in the 'Lalitha Kumari' case (2014) categorically and unanimously held that if the complaint clearly discloses commission of a cognisable offence (serious offence warranting the arrest of accused), it is mandatory for the police to register an FIR and not dodge issues by ordering preliminary enquiry. In the present case, Balveer Singh has been accused of horrific, brutal torture with the help of other police officials and victims have testified. The TN Government is deliberately delaying registration of FIR as a diversionary tactic to help the police.

The SC has clearly spelt out in the 'encounters' case ruling in '**PUCL vs State of Maharashtra**' (2014) that separate and independent FIRs should be registered in complaints of custodial violence, including 'encounter' cases, and **should be investigated by an independent team of the police, which is from another division and district**. Only then will the investigation be seen to be done fairly, impartially, and independently.

What is shocking is that such a young IPS officer has committed such cruel and inhuman torture, indicating serious psychopathic tendencies and mental

health issues. It is unimaginable to think of the harm that can be caused by police officials with such brutal behaviour patterns who are allowed to continue in the police force and who, in the future will go on to occupy senior posts in the force. Apart from immediate imprisonment and prosecution, Mr. Balveer Singh should also be sent for psychiatric examination and treatment and not allowed to continue in police service.

Balveer Singh and all other police officials involved in the tortures should be immediately arrested and lodged in prisons away from the region so as to prevent them from intimidating victims, their families, and eye witnesses. The CCTV recordings of all the police stations in the region where the complaints of torture have emerged should be put in a sealed cover and deposited with the concerned Judicial Court. The victims should be provided with compensation, medical treatment, and emotional counselling.

The TN Government, like all other state governments and the Centre, have steadfastly refused to create a '**Torture Protocol**' or a '**Guideline of Procedures**' to be followed in custodial torture cases as it will bind their hands and force them to take action against the police. For politicians, the police is an indispensable ally, required not just to crush citizens' protests against their policies and actions, but also free speech, dissent and the right to assemble; the police are also required to spy on other political parties, and very importantly, on rival factions in their own parties.

The unspoken 'Omerta' between ruling parties and the police in cases of custodial crime is of mutual toleration and protection: 'I protect your back; you protect ours'. Only citizens and human rights groups can break this chilling alliance and demand enforcement of 'rule of law'.

Courtesy: Money control.

(This article was published in *Money Control* on 04.04.2023 as "Tamil Nadu Custodial Tortures: Why no FIR yet against IPS Officer Balveer Singh").

<https://www.moneycontrol.com/news/opinion/tamil-nadu-custodial-tortures-why-no-fir-yet-against-ips-officer-balveer-singh-10359061.html> □

Regd. Office :

332, Ground Floor, Patparganj
Opp. Anandlok Apartments
Mayur Vihar-I, Delhi-110091
E-mail : puclnat@gmail.com
pucl.natgensec@gmail.com
Website : www.pucl.org

PEOPLE'S UNION FOR CIVIL LIBERTIES

Founder : Jaya Prakash Narayan

President : Ravi Kiran Jain

General Secretary : V. Suresh

Treasurer : Surendra Kumar

Vice-Presidents : Binayak Sen,
G. Saraswathi (Ms.), Mihir Desai,
N.D. Pancholi, Sanjay Parikh.

Secretaries : Kavita Srivastava (Ms.),
Rohit Prajapati, R. Murali,
Sudha Bharadwaj (Ms.),
S. Balamurugan, YJ Rajendra

Organising Secretaries : Ajay T.G.,
Arjun Sheoran, Arvind Kumar Avinash,
Deepika (Ms.), Kailash Meena,
Nishat Hussein (Ms.)

PUCL BULLETIN

Editor : V. Suresh

Editorial Board : Sanjay Parikh,

Ms. Kavita Srivastava

Ms. Sudha Bhardwaj,

Assistance : Babita Garg

Printed and Published by:

V. Suresh, General Secretary, PUCL,
on behalf of **People's Union for Civil**

Liberties; Printed at: Royal Offset,

489, Patparganj Indl. Area, Delhi-92;

Published at: 332, Ground Floor,

Patpar Ganj, Opp. Anand Lok Apptt.,

Mayur Vihar-I, Delhi 110091;

Editor: V. Suresh.