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Editorial:

Karnataka Stalls Hate Wave; Will SC Case for Love Triumph?

One of the most significant aspects of the recently concluded Karnataka State Assembly elections was the resounding rejection by the people of Karnataka to the politics of hate, divisiveness and violence despite the best efforts of the ruling BJP party to polarise the electorate on communal lines. Through their votes, the people of Karnataka asserted the necessity of addressing the more urgent problems of continuing unemployment, high inflation, uncontrolled rise in prices of essential commodities, hunger and malnutrition, corruption and governance failure.

Ever since they BJP came to power in Karnataka in 2019 by engineering defections of Congress MLAs thereby toppling the then ruling Congress government, the BJP was busy stoking hate violence against both the Muslim and Christian communities. They used their power and authority as the ruling state Government to pass new laws, change policies and introduce measures with the explicit purpose of keeping minorities in tenterhooks.

Moral policing and vigilante violence by majoritarian Hindutva mobs was unleashed in Dakshin Kannada (Mangalore region) to harass and intimidate inter-community fraternizing. This atmosphere of lawlessness, which was encouraged from the very top, found another flash point in attacks on Christian places of worship which were intensified from September, 2021. PUCL-K in its report titled '*Criminalising practice of Faith*' has documented the pattern and causal factors responsible for the increasing number of incidents against the Christian community.

The Karnataka Government went on to pass a cattle slaughter law which expansively criminalised cattle slaughter. The government in the name of forced conversion criminalised inter religious love marriage as well as voluntary conversion which is a constitutional right. The government gave implicit encouragement to the unconstitutional banning of Muslim traders from vending outside temples and in temple fairs in which they had traditionally participated. The final cruel assault by the Karnataka Government was the so called hijab ban which shut Muslim girls out of the right to education.

It is these unconstitutional politics of hate, exclusion, division and violence which was rejected by the people of Karnataka. One hopes that the incoming administration works in accordance with the Constitution and reverses several of the measures highlighted above.

The other important landmark of the last month was the completion of hearings in the marriage equality case (widely referred to as 'same-sex marriage case') before the Supreme Court. The nineteen petitioners representing diverse sections of the LGBTQI community from across India are a testament to the diversity of India. The petitioners are asking for a reading of the Special Marriage which includes same sex and transgender persons as persons entitled to the benefits conferred by the institution of marriage under the Special Marriage Act.

What underlies all the challenges is the reference point to the principle of

equality. The petitioners argue that there is no constitutionally acceptable basis for excluding LGBTQI persons from the benefits conferred by marriage. The petitioners are also asserting that the question of marriage is integrally tied up to their right to self-expression. Marriage is one way by which society recognizes the right to love' described very evocatively by Justice Leela Seth as, '*what makes life meaningful is love*'.

On the other hand, the Union of India, as also a number of other individuals and religious groups, opposed the petitioners' demands, strenuously arguing that marriage should be confined to biological males and females only.

This case is a bellwether for how we, as a society, are willing to recognise and treat members of the LGBTQI community as full and equal members of society, which will include the right to marry with all the attendant rights that heterosexual people enjoy.

It gives me immense pleasure to announce the reconstitution of the PUCL Bulletin Editorial Board. The

new members are: Anant Bhatnagar (Rajasthan), Arvind Narrain (Karnataka), Aishwarya Ravikumar (Karnataka) Bhanwar Meghwanshi (Rajasthan), Geeta Seshu (Maharashtra), Kavita Srivastava (Rajasthan), Lara Jesani (Maharashtra) and Seema Azad (UP). Anant, Bhanwar and Seema will be responsible for bringing out the Hindi version of PUCL Bulletin, initially as an e-magazine and later in print version also. The Editorial Group will also plan, implement, oversee and manage media outreach across all platforms – print media (English Bulletin), website and Social Media platforms (Twitter, Facebook etc). The Committee has already started discussions about making the Bulletin more interesting, attractive, interactive and responsive to modern day readership. We will be sharing the fuller details by the next '*Bulletin*'.

Perhaps the most important event, from an organisational perspective, is the successful conclusion of the 16th PUCL National Convention in Bengaluru in which more than 180 delegates from 11 states participated. The detailed concept

Note for the Convention has already been published in the Bulletin. Five (5) thematic areas were identified on which the PUCL as an organisation shall focus its combined energies upon. These are, (i) right to Free speech, assembly, dissent and protest; (b) Hate crimes and violence, caste and communal violence and role of the Indian state; (c) Threat to rule of law, independence of judiciary and independence of constitutional and democratic institutions meant to oversee the constitutional order; (d) violations of socio-economic rights of marginalised sections – workers, Dalits, Adivasis, women, sexual minorities, workers and other voiceless sections and (e) threat to legitimacy of human rights organizations and human rights work. Discussions were rich and deep; very practical plans of actions to launch activities throughout India by all the state units were discussed. We shall share the Concept Notes prepared by each group and the plan of action in the next Bulletin.

On behalf of the '*PUCL Bulletin* Editorial Committee,'

V. Suresh, Editor, '*PUCL Bulletin*',
(General Secretary, PUCL National)
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General Secretary Report (2019 – 2023) presented in 16th PUCL National Convention on 28-30th April, 2023 at Indian Social Institute, Bengaluru:

'Reclaiming Constitutional Democracy: Defending Human Rights'

Dear Friends and Colleagues,
It gives me immense pleasure to greet you all to the 16th National Convention being held in ISI, Bengaluru. We are meeting after a break of 4 years after the 15th National Convention at this same venue; a long break was caused by the Covid pandemic induced lockdown which restricted travel and movement across the country. Circumstances forced a further delay after we held the National Council meeting in GPF Delhi, between 4th to 6th November, 2022. During that NC Meeting we elected a new set of Office Bearers for the upcoming terms, 2023 – 2025. On your behalf, I welcome the new team of Office Bearers of most of the state units too. A significant change we see is the election, for the first time, of a woman National President, Kavita Srivastava, and a number of other new Office Bearers. Some, like

me, continue for another term. I wish to place on record my sincere appreciation and thanks to Mr. Ravi Kiran Jain, the former President, who despite debilitating illness personally participated and contributed to all the activities undertaken by PUCL during this 4 year period. I also place on record my thanks for the constant support and guidance of Prof. Prabhakar Sinha, former President, PUCL. Many others, of course, contributed to our functioning. A big thanks to all of them, who I shall not name as the list is too long. Friends, the bi-annual National Convention is the most important event of PUCL, when the entire membership of PUCL gathers to take stock of our progress, to discuss issues of contemporary importance, analyses our strengths and limitations, and plans for the next 2 year period. It's a time for celebrating our togetherness,

extending solidarity to one another and strengthening organisational ties. It is also the occasion for a clear headed analysis of our functioning so as to make course corrections to strengthen us as a human rights movement.

During the last National Council meeting in Delhi in November, 2022, I had presented a detailed Report of activities of the National Unit comprising 2 parts: (1) Organisational Report and (2) Activity Report.

The Organisation Report covered the following:

1. Regularising and updating membership in all state units;
2. Functioning in compliance with the PUCL Constitution, especially formation of State and National Councils and election of office bearers at state and national level.

3. Some measure of uniformity in the human rights activities and campaign launched by different state units with a common agreed national programme.
4. Regularising and ensuring continuous communication between state units and national office.

I had also pointed out that as regards points number 1, 2 and 4, we have made progress in a substantial way in terms of regularising and updating membership, compliance with the PUCL Constitution and regularising communication within and between national unit and state units.

In my assessment, as regards point no. 3 above, we have a long journey ahead still, with regard to launch national programme of action in which all state units participate.

At the activity level, I had elaborated on the following:

1. Work on Thematic Committees: During the Patna Convention (2014), after prolonged discussions, we had decided to launch national level programme on the following 5 thematic activities:

- a. 'Human rights violations under ordinary laws: Crisis of the criminal justice system, the travails of the ordinary citizen and a human rights response.'
- b. 'Draconian laws, state terrorism and impunity'.
- c. 'Challenges posed by majoritarianism: Communalism, communal violence, casteist attacks on Dalits and Adivasis and State response'.
- d. 'Development process, ecology and human rights issues'.
- e. 'Human rights violations of marginalised communities: Dalits, tribals, women, sexual minorities and others'.

However, despite many years of discussions and plans for launching a national level campaign/ programme of action on 5 thematic committees, we have miserably failed to launch such activities. It is not as though as there are no explanations for our utter failure, in rolling out a cohesive programme; but at the end of the day the fact remains we were not able to launch a comprehensive programme. Factually speaking, I consider it a

personal failure in my role as GS. As they say, the buck stops with me.

This is one gap that we have planned to address in this Convention and I hope we will make up for lost time by ensuring that we launch a well thought out programme of action.

2. PUCL Bulletin: We have been bringing out the Bulletin in an unbroken manner for the last 40 years, barring a few months during the Covid period. The Bulletin archives constitutes one of the richest repository of human rights documentation in the country. Very shortly our entire archives will be available for public access through our redesigned website.

3. Specific Campaigns & Activities

(1) #REPEAL UAPA Campaign and #Standwith Stan Campaign.

Special mention should be made of creating a virtual space for families and friends of UAPA arrestees to share publicly their experiences, difficulties and travails.

(2) UAPA Study: First Report on NIA/NCRV Statistics on abuse of UAPA.

(3) Campaign to oppose amendments to criminal laws.

(4) Release of book: "Why is the state afraid of Sudha Bharadwaj?".

(5) Campaign against Electronic Surveillance & Planting of Evidence

(6) Advocacy and legal support to students and youth falsely implicated in Delhi mass violence of February, 2020.

(7) PUCL intervention in false UAPA cases field in Tripura against Delhi lawyers, journalists and social media influencers.

4. Press Statements: During the period 2019 – 2023, PUCL National has issued a total of 63 statements. The breakup of statements is as follows:

Year	2019	2020	2021	2022	2023
No. of Statements	15	14	21	9	4

It should be pointed out that the 63 statements were issued by PUCL National. If the statements issued by

each of the State units is taken into consideration several hundred statements would have been issued in the name of PUCL, nationally.

It will be interesting for members to know that on an average it takes 2 to 3 full person days of at least 2 persons, to come out with a single statement. An enormous amount of research and fact checks goes into producing each statement. Sometimes subject matter experts are also consulted to finalise our stand. This results in our statements getting delayed. But it is a matter of satisfaction that our statements are widely welcomed, read with interest, sometimes translated and also carried in full by several web – portals.

5. PUCL Litigation: During the 2019-223 a total of 7 PILs were filed by PUCL in the Supreme Court on the following issues:

1. Challenge to abrogation of Art. 370 in r/o Kashmir. (2019)
2. Challenge to sedition law (2020)
3. Challenge to CAA (2020).
4. PIL to consider NOTA votes if more than the most successful candidate. (2020).
5. Challenge to UP Love Jihad law (2020 – the SC directed that this PIL be filed before Allahabad HC).
6. Challenge to sec. 5(2) of the Telegraph Act on issue of surveillance.
7. PUCL intervention in the Hate Crimes PIL currently being heard by the SC, including yesterday, the first day of the Convention, 28.04.2023, in which Sanjay Parikh, our former Vice-President, Mihir Desai, Vice-president and Lara Jesani, National Organising Secretary participated physically and on Zoom.

It needs to be pointed out that some state units have filed PILs in their respective state High Courts on a number of issues of public and human rights interest, notably the Maharashtra and Karnataka state units.

6. JP Memorial Lectures: The 2020 *JP Memorial Lecture* had to be cancelled because of Covid lockdown.

The 40th *JP Memorial Lecture* was delivered on 23rd March, 2021 by

Anuradha Bhasin, Editor, Kashmir Times, on the topic, "**Media Democracy and Democratic Institutions: Challenges of our Times**".

The 41st *JP Memorial Lecture* was delivered by a Senior Human Rights Lawyer from Israel, Michael Sfar, on "**Human Rights Lawyering in an Illiberal Environment: Can the law of the abuser protect**" on 23rd March, 2022. Bhanwar Meghwanshi, noted writer, thinker and rights activist, also the President of PUCL Rajasthan delivered the 42nd *J Memorial Lecture* in Allahabad titled, "**Politics of Hindutva and Dalits**".

Critical Analysis of PUCL's Track Record: Taken together, the record of PUCL's work, at the states' level, as also the national level, is truly impressive. As a totally voluntary body, which is independent, non-funded and depends on the commitment of its members, the sheer investment of time, effort and personal resources into our work is huge. By whatever matrix we use – the volume of statements issued and range of issues covered, number of Fact Finding Teams constituted and type of litigation initiated, PUCL's contribution cannot be underestimated.

However, we have reached a point in time in our history where we will have to ask ourselves some tough questions:

1. How effective are we as a human rights body in the issues we have taken up?
2. To what extent have we followed up to the logical conclusion, the various activities that we have undertaken?
3. What impact have we made on prevailing human rights consciousness in the context of a highly polarised society which has become increasingly incorporated into majoritarian, fascist thinking?
4. How successful are we in reaching out to young people both in urban as also rural areas to become part of the human rights movement?

A much more crucial question that we need to address is this: Do we have a clear vision of what we want PUCL to

be, say by 2030? How should we reorganise our functioning so as to achieve this vision?

A corollary question we have to ask ourselves is a very realistic assessment of our strengths and limitations. Are we fully utilising the skills, insights, and knowledge of our members which constitutes a huge repository of goodwill and human capital that we have ready access to? These questions can no longer be postponed or pushed aside. We have to acknowledge that the current right wing, Hindutva majoritarian groups have nearly a 100-year-history of working on shaping mindsets of our people, influencing the way people think and respond, moulding the discourse and narrative and setting the agenda for political change. This is being implemented in numerous ways including by changing curriculum and education policy thereby impacting our future generation's understanding of history and politics. Supporting this process, is the work of numerous groups of experts who are producing fake narratives, fake histories, and fake news, constantly bombarding people in numerous ways subliminally affecting the way people think, understand, and imagine themselves.

It is against this background that we have to critically analyse the location of PUCL in the historical continuum of asserting constitutional values, defending human rights, and deepening democracy.

In the recent PUCL Rajasthan state convention in Bhilwara, Kavita Srivastava had pointed to the findings of a report titled 'Status of Policing in India: Surveillance and the Question of Privacy', which showed that a large number of people surveyed in the course of the report actually accepted the need for surveillance as necessary for various reasons and did not find it an objectionable intrusion into their right to privacy. Kavita had also drawn attention to the fact that despite the overwhelming reality of socio-economic distress and problems like rising inequality, and unemployment, large sections of Indian population have accepted the majoritarian discourse, becoming part of the right

wing propaganda machine. This is manifested by large sections of the Indian Hindu population uncritically accepting the supremacy and the greatness of the Hindu religion and the key agenda of transforming India into a *Hindu Rashtra*.

Kavita raised a very critical issue about what should be the strategy that PUCL should adopt to tackle this overwhelming reality of 'consent' to majoritarian politics.

This once again raises the broader issue of what is the vision of PUCL? What type of mindset change should we be working towards? How do we democratise institutional functioning in a way as to deepen democracy? What type of a discourse, narrative, and agenda should we be setting and not just reacting or responding to the rights crises created by the right-wing majoritarian government.

This takes us to a very fundamental question that Prabhakar Sinha, our former president, has been continuously pointing out to us. In his speech sent to this convention, he points out how politicians manipulate issues in such a way that it gets them votes, and do not work to create awareness on the larger socio-economic problems faced by the people as it may "cause resentment against the rampant violations of rights and liberties perpetrated by all parties in power". Prabhakar ji poignantly draws attention to how organizations like PUCL have their hands full with cases of brutal violations of right to life and personal liberty of targeted organizations and individuals to such an extent that we do not have the time to address "the violations routinely affecting the masses. This has resulted in the masses not perceiving us as an organisation championing their cause and being their friend."

All this requires that we in PUCL reimagine the focus, manner of functioning, and outreach through our activities.

Rethinking PUCL's Strategy

Practically speaking, we have to objectively analyse our functioning from the threefold prism of:

- a. consistency
- b. continuity
- c. completeness

It should be recorded that over the years our statements and fact-finding reports have had a powerful impact in both educating people as also in helping shape the narrative on different issues. The impact of PUCL can be seen in varied fields like right to privacy (telephone tapping case), election rights (NOTA, mandatory filing of affidavits by candidates), right to food security, encounter deaths and so on.

However, the crucial question is: Have we in PUCL worked on these issues in a consistent and continuous manner, in such a way that we work on the issue until its logical end? Barring a few examples, sadly, our track record does not match up to the key indicator of consistency and continuity. The most glaring example is that the right to food security case filed by Kavita Srivastava in the name of PUCL, has not been owned by PUCL state units across India to become part of our campaigns. Similarly, despite our important contributions, in the field of electoral democracy, we have not been consistently work in pushing human rights concerns as part of electoral agendas to which political parties respond to.

Recently, Mihir Desai, in a EC meeting, had pointed out that over the last 20 years, PUCL as an organisation has brought out scores of statements and fact-finding reports. However, he raised the issue of how effective our activities have been in impacting larger politics and raised the question, "should we not rethink what we do and how we do?" Mihir also pointed out to the fact that we need to build on our strengths and creatively innovate new strategies. He also pointed out: "We are doing what we have done for the last 20 years. Should we not adopt other options?"

These are the crucial issues we need to address.

Creating an Action Plan

With the 2024 Lok Sabha elections not even a year away, we have no time to lose to plan how PUCL should respond to the challenges facing the human rights movement. While PUCL, as a policy, remains independent of any political party, the election situation presents an

opportunity to take the messages and concerns of the human rights movement to the common person and to educate them about the dangers posed by a highly centralised, brutal and vengeful Indian state which has weaponised the criminal laws, criminalised long-recognised democratic activity, and armed itself with unlimited powers to quell and silence dissent.

We, in the PUCL need to discuss two broad sets of issues:

1. Critically analyse our internal working culture, method of decision making, systems of accountability and eventually evolve concrete working plans which will be implemented diligently, monitored continuously and concluded successfully.
2. Critically examine and understand the larger challenge to human rights, democracy and the Indian Constitution, identify the key objectives we need to work towards and evolve clear cut strategies to achieve them.

To start such a process, I would like to propose the following issues on which we need to discuss and decide a proper action plan.

Organisational Issues

1. **Critical analysis / assessment of the strengths, weaknesses and potential of PUCL**, both nationally and of the various states on the following vectors:
 - (I) Human rights / civil liberties - **ideological / conceptual frameworks**
 - (ii) **Organisational – structure, nature & style of functioning**, clarity of vision/mission
 - (iii) **Leadership** – how to characterise present leadership; preparation for second/ third line leadership; age – gender – sexuality - caste – community profile.
 - (iv) Issue of '**Inclusivity and Representation**' in PUCL – what measures have we taken to ensure greater involvement and participation in PUCL of

different members from socially marginalised groups & communities – Dalits, Adivasis, sexual minorities, women and other excluded groups..

- (v) Challenge of **increasing involvement of youth and students**, from across all social, cultural and regional diversities, with PUCL's work and activities.
- (vi) **Communication** – internally as also with other institutions / organisations.
- (vii) **Working Culture** – extent of accountability, cohesion and cooperation within PUCL. Institutional mechanisms to deal with internal conflicts.
- (viii) **Finances**.
2. There is a need to consider **restructuring nature of office bearers' responsibilities** – to make it functional. For example Vice – Presidents / Secretaries in charge of different functional areas – Communication; Membership; Website; Litigation etc ...

Programme Issues

3. **Assessment of the varied dimensions of the human rights challenges** facing the larger human rights movement in India in general, and PUCL in particular.
4. **Litigation** – evolving clear cut, transparent and accountable institutional mechanisms for deciding on PUCL initiated litigation in the SC as also in various High Courts.
5. **Revisioning / reviving / revitalising / re-energising PUCL** – vision, strategies, steps – both nationally and in each state. Creating short term, medium term and long term plans in this regard.
6. Reviving the **thematic committees** and functioning.
7. **Training** – creating a cadre of human rights conscious members especially amongst the youth and students.
8. **Coordination with other rights organisations** –

organising a conference of all the main rights movements in the country to brainstorm on the upcoming challenges and how to respond to the same.

9. Launching a coordinated '**Internship programme**' to guide internship activities amongst different states.

Communications Issues

10. **Strengthening 'Social Media'** presence across different media – website, Facebook, Twitter and other commonly used apps; evolving an architecture to coordinate social media

content between state units and national unit in such a way as to permit autonomy at the level of state unit in terms of messaging while ensuring that the messages conform to PUCL's larger positions, policies and stances on different issues.

11. Creating a distinct and separate '**Media Coordination' group** inside the organisation tasked with moderating the content of all PUCL communication between the PUCL Bulletin and other social media

communication.

12. Setting up of '**Internal Complaints Committee (ICC)**' in each state unit as an institutional mechanism to deal with complaints of sexual harassment within PUCL.
13. **Documentation**, writing the history of PUCL and creating a virtual library of human rights documents (both PUCL's and other organisation's).
14. **Producing a film** on PUCL over the decades.

Dr. V. Suresh, General Secretary, PUCL (29th April, 2023) □

Note: The report on the Proceedings of the Convention have all been fully documented and will be carried in the next '*Bulletin*'. We carry in this issue, the Resolutions passed in the Convention.

Resolutions passed in the 16th PUCL National Convention

At the 16th National Convention of the PUCL it is hereby resolved to:

Our Praxis

1. Firmly, courageously and spiritedly continue to face the challenges posed to constitutional rights by the coming together of an aggressive Hindutva philosophy combined with rapacious neo-liberalism and an attack on the institutions which are the cornerstone of Indian democracy, including the media, civil society and the judiciary.
2. At this critical time when the values of the Indian Constitution are under attack, to defend the values of the Constitution which provides the basis for social and political life based on fraternity, equality, liberty, inclusion, dignity, and rule of law.
3. Continue responding to human rights challenges using methods such as Fact finding, campaigns, training, litigation, documentation, press statements, publishing the PUCL Bulletin, long term analysis and follow up action on how to protect and preserve constitutional democracy as well as continue to evolve new methods of response.
4. Enlarge the community of those who are concerned about the erosion of constitutional morality by doing all that is required for a wider outreach among a diversity of people and ages.
5. Work to break the sense of isolation, fear and despair engendered by this regime through its practice of intimidation, use of agencies like ED, CBI, NIA, IT and the abuse of UAPA, PMLA, Sedition, NSA and other laws like externment, through joint and collective resistance using constitutional and peaceful means in order to address human rights challenges.
6. Through our collective work create a sense of confidence and build a new hope that the defence of constitutional values and the principles of liberty, equality and fraternity are possible.
7. Oppose the impunity granted to alleged and convicted criminals and the use of unconstitutional and illegal means such as demolitions and extra judicial killings (the bulldozer and the bullet Raj) by the state to deal with dissenters, minorities and the accused.
8. Reiterate that the defence of the rule of law and the right to be treated in accordance with law is a key guarantee of a constitutional democracy.
9. Affirm that all unregistered organisations have the right to association under Article 19(c) and should be allowed to operate a bank account and the right to use other such instruments for its existence.
10. Reaffirm that the solution to the conflict between Maoists/ Naxalites and the Indian state does not lie in more violence, but in ending all hostilities and initiating dialogue.
11. Demand that all false cases filed against Adivasis under the Jharkhand Criminal Law Amendment Act, as well as other criminal laws such as the UAPA, be withdrawn under Section 321 of the Cr.P.C by the State Government of Jharkhand. Similar action should be taken by other state governments too where large number of Adivasis have been arrested on flimsy grounds.
12. Document, monitor, analyse and report the unconstitutional calls for economic and social boycott of both Muslims and Dalits called by vigilante forces

in civil society in many parts of the country and to prosecute all those making and enforcing such boycott calls.

13. Continue to address on all platforms, the unbridled destruction of the environment by the government which is subverting and changing laws related to environmental protection; this is apart from their non implementation for serving corporate interests.
14. Condemn the aerial bombardment of its own people in Bastar by the government.
15. Address the attack on fact finding when violations happen by coming out with a manual explaining the rationale, relevance and on the method of fact finding and its impact. Reassert the right to fact-finding as an integral part of the methodology of human rights and civil liberties groups which is coming within the freedom of expression.
16. To bring together like minded organisations on each of the thematic areas outlined in the concept note with a view to evolve common strategies and actions
17. Develop position papers outlining the importance of the independence of the judiciary for all social groups, movements as well as all those concerned about constitutional freedoms.
18. Recognize that hate speech and hate crimes are intertwined and are today threatening rule of law in many states around the country.
19. Demand that FIR's be registered in all cases of such hate speech and that all those indulging in hate speech and hate crimes are legally prosecuted under the laws of the land.
20. Come out with a fact sheet on what citizens can do to counter hate speech and hate crimes; also to document the

nature of hate speech and initiate a national level campaign.

21. Recognize that the freedom of assembly is vital to the defence of our constitutional freedoms and is today facing an unprecedented attack in all parts of the country.
22. To defend the Freedom of speech and expression, a fundamental right which empowers Indian citizens to criticize and protest policies and functioning of the state.
23. Reiterate that the shrinking of space for public protest is dangerous for democracy in all its manifestations - social, economic and political. The PUCL needs to work collectively with others towards reclaiming public spaces which are now out of bounds for any collective action.
24. Recognize the vital significance of the freedom of speech and expression, and thereby ensure that the right to protest without unreasonable and arbitrary restrictions imposed by the state which render the constitutional right infructuous is protected.
25. Work towards building a common strategy across states to respond to this systematic attack on key fundamental rights like the right to dissent, free speech, assembly, association and other key rights.
26. Continue to engage with all constitutional and legal bodies such as the SHRC, NHRC, Minority Commission, Women's Commission, SC/ST Commission and Child Rights Commission to ensure that they work in accordance with their mandate under the Constitution and the legal framework.

Organisational

27. That all state and district units work under the mandate of the PUCL constitution in a transparent, open and

democratic manner. All State and district units shall organise regular weekly, fortnightly or monthly meetings, conduct fact findings, issue press statements and undertake all such activities to strengthen the platform of civil liberties locally or in the state, thus revitalizing the organization and its members who are all volunteers of the organization.

28. Recognises that the new set of National Office Bearers have taken charge from the 28th of April for the 2023–2025 term.
29. Approves the appointment of Ms. Tarakeshwari Negi from Delhi as the new National Office Secretary and Treasurer.
30. Approves the proposal to raise the salaries of Babita Garg and Ashok Kumar of the National Office, with the specific terms to be decided by the President and General Secretary, National PUCL.
31. That the names of signatories of PUCL Bank Account with Canara Bank in Delhi be changed to authorise the signatories to be V. Suresh, General Secretary, Tarakeshwari Negi, Treasurer and Kavita Srivastava, President, PUCL.
32. To reconstitute the *PUCL Bulletin* editorial committee by including Anant Bhatnagar, Arvind Narrain, Aishwarya R, Bhanwar Meghwanshi, Geeta Seshu, Lara Jesani, Kavita Srivastava and Seema Azad. Suresh, as GS, will continue as Editor
33. That the same editorial committee members will also oversee website, social media and publications.
34. To set up a legal cell of the PUCL comprised of lawyers and other working closely with the law with a view to strategize on legal responses to the current challenges.
35. That the Annual membership be enhanced to Rs. 100 per

- annum and Rs. 200 for 2 years (The membership fee of Rs. 20 for workers and students should continue).
36. The proposal to increase Lifetime membership for new life members to be increased from the current Rs. 1000 to Rs 2,000 will be discussed at the next National Council.
37. The proposal to increase the annual *PUCL Bulletin* subscription fee to be doubled from Rs. 200 to Rs. 400 will be placed before the National Council to decide.

38. Recognise the mandate and obligation that the constitution of PUCL bestows on its membership, to institute concrete organizational mechanisms to ensure inclusion and representation of the marginalized and excluded communities and social groups in its membership and all governance bodies of PUCL.
39. Actively ensure diversity and inclusivity in its membership, leadership, decision making and activities. National and State units will report back on

the membership profile on the basis of social category, religion, gender, sexuality and other identities and communities, as applicable to each state unit. Active steps will be taken to ensure diversity and inclusivity in all manner over the next two years. A cell will be constituted to look into this issue. In the future, methodologies should be discussed.

Aishwarya R, Arvind Narrain, Kavita Srivastava, V. Suresh □

Edited transcript of speech delivered in PUCL Rajasthan State Convention, 1st April, 2023

Indian State under siege by mobs: Role of Human Rights organisations

Nasiruddin Haider Khan

Friends, I will start my discussion on how the Indian state is under siege by mobs from the state I am from, the state of Uttar Pradesh.

Uttar Pradesh has the highest number of seats in the Lok Sabha in the country. This state plays a significant role in the formation of the central government. Uttar Pradesh has 80 Lok Sabha seats. In 2009, BJP had a total of 116 Lok Sabha seats from across the country. Just five years later, in 2014, BJP's Lok Sabha seats in Uttar Pradesh increased to 71. In 2009, where BJP's vote share was 17.5%, it increased to 42.32% in 2014, a growth of 25%. Similarly in the Uttar Pradesh's Legislative Assembly in the 2012 assembly elections, BJP had 47 seats, and in 2017, it reached 312 seats.

What accounts for the change in the seats the BJP won ?

The significant political shifts that have occurred in Uttar Pradesh is due to the emergence of the system of mob rule. The Muzaffarnagar riots in 2013 just before the 2014 Lok Sabha elections embodied this shift.

Muzaffarnagar is a part of western Uttar Pradesh. Prior to 2013, the politics of this region revolved around the alliance between Jats and Muslims, as well as Dalits and Muslims. Therefore, Chaudhary Charan Singh's legacy party, Rashtriya Lok Dal, and Mayawati-

led Bahujan Samaj Party had a dominant influence here for years.

The Muzaffarnagar violence put an end to this alliance in an instant. The violence in Muzaffarnagar was fuelled by creating an atmosphere of "saving daughters" from members of the minority community and then mobilizing an enraged violent Hindu mob. A minority community who had been living together peacefully for years with the majority community was turned into an "enemy". The vow was taken to eliminate this enemy. Chanting "Victory to Mother India," the mob subjected women of the "enemy community" to sexual assault.

After this, there was a significant shift not only in social dynamics but also in political dynamics. It shattered the political alliance between Jats, Dalits, and Muslims. The message of this destruction not only reached every village in Uttar Pradesh but also resonated in other parts of the country. The benefit of this frenzy was reaped by a single party in 2014 and again in 2017.

It is essential to remember the Gujarat communal violence of 2002 and the subsequent electoral success of the BJP. It was a triumph achieved through hatred and violence in one state. It was based on the foundation of that success that the frenzy-filled mob system reached the center of

power after the Muzaffarnagar violence. A system that was once confined to a single state transformed into a nationwide mob system. The mob became more widespread and formidable.

During the 2011-12 anti-corruption movement led by Anna Hazare in Delhi, we can also recall the participation of a particular crowd. This crowd may not have appeared explicitly frenzied or violent, but it complemented the mob that took to the streets and alleys for violence. This crowd, too chanted Bharat Mata (Mother India), just like the other mob. This current ruling power also has its foundation in the urban "mob" of the Anna Hazare movement.

After 2014, the social and cultural landscape of the country started changing rapidly.

I am essentially a Bihari. Bihar's seekh kebab is something that can't be found or tasted anywhere else. I really love it. Whenever I go to Bihar, I search for that kebab. If possible, I even get it cooked and bring it along. But suddenly, after 2015, I couldn't find the kebabs anymore. So what happened in 2015?

On September 28, 2015, in Bisahra village of Dadri, Uttar Pradesh, an organized mob attacked the house of Mohammad Akhlaq. In that attack, Akhlaq was killed. He was accused of cow slaughter. His

murder was attempted to be justified on the basis that there was beef in his house. A few months later in Jharkhand, on the accusation of cow slaughter and keeping beef, Alimuddin of Ramgarh was publicly beaten to death. When those who were accused of his murder were released on bail, they were welcomed by a central minister who garlanded them.

In the name of the cow, people were being beaten on the streets based on their attire and beard. Those who were being beaten belonged to only one religion or caste. Those who were killing and beating were also united in the name of religion.

The 'mob' that some people refer to as spontaneous assemblies or a group of misled individuals, has grown so bold since 2014 that it does not hesitate to openly call for killings. It communicates directly with us through WhatsApp as it roams the streets looking for prey.

The mob is now an ideology. It governs. It holds power. Power emanates from this mob.

The impact of this 'mob' is not the same on everyone. There is one group that is not afraid of this mob. They are not afraid of eating kebabs. There is another group that hesitates multiple times before even publicly pronouncing their own name—na si rood din...

After the arrest of Kanhaiya Kumar, Umar Khalid, and Anirban in Jawaharlal Nehru University (JNU) in 2016, a significant change occurred. A large group started limiting my identity, thoughts, opinions, and everything I wrote solely based on my name. Even those who have worked with me in journalism began to do this. Even those who were well aware of my social, cultural, and political perspectives. It's not that this didn't exist before, but it was limited to a very small group and largely within personal conversations. But now, this was being orchestrated by the 'mob.' It was happening openly on social media and even in private WhatsApp conversations. There was an aggressive and oppressive tone to it.

The mob system has reduced every individual's personality to a religious identity as the primary marker of one's existence. In the midst of this, the terrorist incident of Pulwama occurred. Processions started taking place in every street of our city. Meetings were held in apartment after apartment, accompanied by slogans. Every individual was being labelled as either a nationalist or a traitor.

For the first time, I wondered... What should I do if some people knock on my door and force me to say "Victory to Mother India or Jai Shri Ram"? What should I do? If I get interrogated or some people come to my house smelling the aroma of cooking meat, what should I do?

This mob now also exists as a shadow of fear in our minds. It exists and it doesn't exist at the same time. Its presence has stuck to my existence.

In 2021, in Kanpur, a Muslim youth was beaten by a mob in the middle of the road. They were forcing him to chant "Jai Shri Ram." His little daughter was clinging to his legs, crying. She was pleading for her father's safety. When I watched that video, I couldn't sleep all night. I wondered if I would also be beaten in the same way someday and my daughter would cling to me, crying or screaming... and the mob wouldn't care.

Many such thoughts come to mind. They come when I try to sleep, and my sleep vanishes. I start devising imaginary ways to escape. Although I have a sense that when it happens, no solution will work. Whatever needs to be done, the mob will dictate. My daughter won't even be able to capture evidence in the form of a video of that violent incident. The video will also be created by the mob as evidence, evidence of their audacity, their madness, their masculinity and yes, their victory.

A particular group within the crowd has taken control of the mindset.

There is a continuous spread of violence through lectures, speeches, WhatsApp and Facebook messages, videos, and

religious songs tinged with poison. No one can escape it even if they want to. If you try to escape, where will you go?

Currently, it is the month of Ramadan. During Ramadan, there is a special collective recitation of the Quran known as Taraweeh. In Moradabad, a businessman arranged Taraweeh prayers for some people in his warehouse. The crowd objected to it. The police arrived and stopped the Taraweeh prayers. The owner of the warehouse received a notice. Similarly, objections were raised when Taraweeh prayers were held in vacant rooms for 25-30 people in apartments in Noida and Greater Noida. The police had to intervene. In none of these incidents did the police stand with those who were reciting Taraweeh prayers.

Today's state is not only surrounded by the crowd, it is also inspired by the crowd. There are some concrete examples of this. This crowd has introduced certain vocabulary and idioms into our minds, such as 'we five, our twenty-five,' jihad, Ghazwa-e-Hind, love jihad, cow protection and cow protector, land jihad, bulldozer, overturning vehicles, conversion, madrasas portrayed as centers of terrorists, appeasement... and so on. 'Love jihad' and 'conversion' are particularly emphasized. The use of these words is done in a way as if a well-orchestrated conspiracy is taking place. This conspiracy is against a particular religion. It is being undermined. Who is being called 'love jihadi'? It refers to marriages between two people who have made their own choice. Their religions may not be the same. But for this crowd, it is 'love jihad.' The result of this rumor-like campaign is that instead of protecting the right of young people to choose their own companions, several state governments have enacted dreadful laws to prevent interfaith marriages and punish those who engage in such marriages.

In this entire process, an important role is being played by my profession, the media. Particularly, the role of 24-hour television news channels is crucial in shaping the

public's mindset. The media plays a vital role in provoking the crowd, validating their opinions and amplifying their voices. The media is actively engaged in spreading rumors, and falsehoods and presenting them as the truth. The media is at the forefront of preparing and fuelling this crowd. They have become an integral part of the mob system.

I want to emphasize that this mob is not limited to the streets. The mob has taken control of the state system of mob governance?

This mob is not anonymous or unidentifiable. It has a face. It comprises organizations with various names. It has its own ideologies and enemies. This mob has started to manipulate the interpersonal interactions, conversations, and dialogues of most people among us.

How does this mob relate to human rights?

What should be the role of human rights organizations or activists?

If we look at the history of the human rights movement in India, we can glean a few things. The period of Emergency from 1975 to 1977 is an important phase in Indian history. During this period, there was a curtailment of civil rights and human rights by the state. A large part of the country rose in protest against the Emergency. Many prominent political leaders, activists, and ordinary citizens were imprisoned. The public stood against the Emergency and supported these political prisoners. In such a scenario, the issues of civil liberties and human rights came to the forefront. Those who raised these issues had strong political, social, and cultural support.

The PUCL (People's Union for Civil Liberties) was born out of the necessity of this era. It also raised the issue of human rights. Its main work was to hold the state accountable for civil rights, safeguard constitutional values, and take forward legal battles in courts. Even during the freedom movement the issue of civil rights was raised. During that era as well,

civil rights and human rights were firmly grounded on popular support.

When we talk about human rights, human rights activists, and organizations after almost half a century of the Emergency, there are changes in the way human rights are perceived. Due to the continuous campaign of mobocracy, certain words such as secularism, liberalism, feminism, leftism, human rights and civil rights have lost their significance.

Today human rights or civil rights does not receive the same public support as it did during the Emergency as well as the freedom movement. During the Emergency and the freedom movement, the public openly opposed the human rights violations committed by the authoritarian regime and the state.

Today, human rights violations are not considered violations. Under the guise of justice for the mobocracy, those actions that violate human rights are considered just. Those who advocate for human rights are mocked as "urban Naxals", "leftists," "secularists," "libtards," "anti-national," "Khalistanis," "Pakistanis," "spawn of Muslims," "Maoists," "hidden Hindus," "pseudo-secularists," and so on.

Therefore, when social activists, lawyers, teachers, journalists, human rights workers are arrested in the name of the Bhima Koregaon violence, or when Father Stan Swamy is denied a straw or pipe to drink water in jail and dies as a result of his imprisonment, there is no public outrage except for a small group.

Another example of this can be seen with respect to the killing of Atik Ahmed. The notorious Atik Ahmed was being brought from Sabarmati jail to Prayagraj, and there was talk of a "car overturning" encounter, as if it were an interesting movie, by both Journalists and politicians. The public too has started using "Car overturning" as an idiom for extra judicial murder.

The question is, what should be done in such a situation?

First and foremost, we need to

acknowledge to ourselves that everything is not yet over. Despite the efforts of the crowd, a large portion of the general public still refrains from aligning with them. If everything had been finished, we wouldn't be here.

We should consider how to restore the dignity of the true concepts of human rights and civic freedom among the general public.

Organizations like PUCL have remained strong in fighting legal battles. It has been involved in several significant cases. However, the matter is no longer solely in the hands of the judiciary. Therefore, we need to consider approaches to advocate for human rights through other means as well.

We need to change the idioms and phrases of our language. The result of years of hard work is that legal language has become the language of human rights. We have to think about what kind of language will convey the understanding of human rights among the general public.

A new approach is required. New political initiatives need to be taken. New alliances or coalitions need to be formed. We need to think with a fresh perspective about who our allies will be, those who can spread our message in their respective domains.

"One more important thing is that the mobocracy system is quite proficient in initiating legal proceedings. The mobocracy system can bring a lawsuit against an individual from here to Kanyakumari. Many people are facing such lawsuits. We need to seriously consider the incitement of hatred, lies, and violence by the mobocracy system. If the law is a strong tool, then it should be used in favor of human rights. FIRs should be filed. For this, a separate team of passionate individuals should be formed. PUCL should have a separate team in every district. As the action of the other side is local. We need to be prepared at Panchayat and block level, if not so, then at least at the district level.

The work of human rights cannot be

done without passion, empathy, sensitivity, intensity, and restlessness. It is not merely another task. Therefore, it is necessary to have a strong team of passionate and restless individuals. It is not about meticulous workers, but about individuals with passion.

Before I end, I want to raise an important thought. This is the most important question I have.

We need to think whether we will simply let this mobocracy, which has control over our society, culture, and politics, continue as it is, or is there any possibility of engaging with it?

I understand that not all participants in this mobocracy are politically rigid and unchanging. There are many people who are part of this mobocracy because the

surrounding intellectual and political environment is dominated by aggressive masculinity and violence. They want to associate themselves with it so that they don't appear different. It becomes their special identity. The mobocracy not only gives them an identity but also gives them a sense of being someone or doing something. When everything is happening in the name of religion, this turns into pride. It can be easily understood by observing the young people participating in the processions during Ram Navami. They are displaying the aggressive and poisonous masculinity in the name of religion."

It is evident that they weren't born this way. So, if thoughts of the crowd can be influenced, can't we instil thoughts of safeguarding

human rights in them?

The biggest challenge today is how to transform those individuals included in the crowd into vigilant, rational, enlightened, empathetic, nonviolent, and human rights-oriented citizens.

Translated English Version of the presentation made by Nasiruddin Haider Khan, senior journalist, worked with the Dainik Hindustan, Lucknow and Delhi. He is an Adjunct Professor at the Haridev Joshi University of Journalism and Mass Communication, Jaipur. He integrates gender perspectives in his teaching and has also translated several important feminist texts from English to Hindi. Presently he has shifted his base back to Lucknow. □

Ram Chandra Lal Das Is No More

(01.07.1947-05.05.2023)

Ram Chandra Lal Das was an eminent lawyer of Patna High Court. He practiced law for more than 40 years in Patna High Court.

He was associated with Bihar PUCL from the very beginning. He became one of the secretaries of PUCL, Bihar in the state convention held in 1988. In the 1991 state convention of Bihar PUCL, he was elected President of the organisation. He held the post of the President of Bihar PUCL for almost 14 years from 1991 to 2005.

During his tenure, PUCL spread in many districts. Many exemplary fact-finding investigations were conducted during his term as president. He participated in more than two dozen fact-finding investigations. During that period, many massacres occurred in Naxal-affected areas of undivided Bihar. Private armies of landlords like Ranveer Sena and others, with indirect connivance with politicians of ruling class, had massacred innocent people belonging to downtrodden masses of Dalits & backward castes. Sometimes the downtrodden communities retaliated against landlords & upper-caste people. In these class & caste battles hundreds of innocent people lost their valuable lives. PUCL had conducted impartial and fair enquiries and investigations into almost all the massacres of that period. As the President of the organisation Ram Chandra Lal Das played an important role in all of these fact-finding exercises.

He conducted the meetings of PUCL in a very democratic way. He was a good listener. He listened to the views of every person participating in the meeting patiently and intervened in the discussion at the right moment.

Ram Chandra Lal Das has had a deep commitment to human rights, civil liberties and democratic rights of the citizens and people of the country. He was a simple, humble, straightforward and hard-working person doing his work silently. He was an important and well-known person in the social and political life of Patna. He also participated in other democratic activities in Patna conducted by different democratic and progressive organizations with enthusiasm.

His health had not been so good for some time. He suffered from a brain stroke in April 2023. Although he recovered from that but again he was admitted to a private nursing home on 4th May 2023 and breathed his last at 1 a.m. on 5th May 2023.

A condolence meeting in memory of the late Ramchandra Lal Das was organised on 14th May 2023 by Bihar PUCL at *Gandhi Sangrahalay*, Patna. Citizens from all walks of life participated in the meeting. About 75 persons participated in the condolence meeting. A deep tribute was paid to the former president of PUCL Bihar, Das Ji (he was fondly called by this name).

Send by **Sarfraz**, General Secretary, PUCL Bihar □

Fighting Mob Rule and Tyranny

The Mooknayak: The voice of India's Voiceless

Meera Kotwal

The media is referred to as the fourth pillar of democracy; but the state of the media as you all know is very pathetic and problematic. In terms of global ranking, the country's position has dropped to 161 in a list of 180 countries. This was bound to be for any country where the reporter now speaks the language of the government. The reporter and the Government have merged to become one. So where is the media, the fourth pillar, making the Government accountable to the people?

Due to the pathetic condition of the mainstream media, we decided to start our own media called '**The Mooknayak**'. A voice of the Dalit, Minority and other marginalised people of India. It is a web portal and a news channel with a tagline - '*Voice of India's Voiceless*'. Let me give you a short history of this title Mooknayak. It was in 1920 that Babasaheb Dr. Bhim Rao Ambedkar started a newspaper called Mooknayak, the Voice of the voiceless. Over a period of time it ceased to exist. In the hundredth year, in January 2021, we created **The Mooknayak** in a new form.

In 2006, a research by senior journalist Anil Chamadia showed that there were no Dalits or Adivasis in the decision-making or editor's posts in the media. A research study done by Oxfam recently also shows that Dalits and Adivasis are not represented in the media. Apart from representation, even the news stories about Dalits is scanty, just like the representation.

To end this privileged monopoly, it's very important that people like us come into the media. The Oxfam report from last year, 2022 says that the Mooknayak, is a platform, a media organization, where diversity is maintained, something that has never happened before in history. And remember that we are only two years old since we revived

Mooknayak.

So many media houses have come into existence since independence, and so many initiatives in print, electronic and web based have started, but diversity has never been a priority in any media organization. Even today in the 'Amrit kal' Mahotsav year (75th year of independence), we see not much has changed in the media. But Mooknayak has attempted to change that history.

We are professional reporters. But when we report about Dalits and Adivasis we insist on communicating the issues from a Dalit perspective. For example, the challenges that the family of a Dalit who has faced an atrocity, the pain the survivor is subjected to, for instance, when his/her hand is cut off. Mooknayak is the listening ear and provides the space for the woes of those being subjected to injustice. We don't edit away, the human feelings associated with atrocities. I think I can also write and talk about these stories as a Dalit. Why should another person tell that Meena Kotwal is experiencing this pain or that Dalit Adivasi is experiencing this pain? Why can't those people tell their own stories?

So, for the media, that we have started, we ensure that our microphone reaches all those place where the media has not reached before.

Before I started, my gaze went around the walls of this meeting hall. I found the subject I was looking at. The poster was behind me, but now that I am in front addressing all of you, I can see it clearly- Justice for the Unnao victim, for the Kathua victim, for the Hathras Victim and ensuring that the SC/ST Act is not diluted. What was going on in my mind is that when we talk about these incidents we cannot ignore the reality of crowds. There are two types of

crowds here. One crowd, let us call it the mob, is the one you may have seen in Kathua, Jammu. The child was raped and murdered. The other crowd are the rallies held in support of the accused. Who formed the largest chunk of protestors? They were lawyers, they came out in support of the persons accused of raping the young girl. So what hope can we have left when those who understand the law are in support of the accused?

You may have read about the Unnao (UP) rape case victim. She was raped by an MLA. The rape survivor was pitted against a wall. She raised her voice and tragedy befell her. But she refused to give up the struggle. She lost her father, her aunt, her uncle. All these deaths were suspicious. But they were all shown as accidental deaths or due to illness. The rapist, I can call him that, as he was convicted in 2017; he even tried to burn her alive.

So what was their fault? Why were they being treated so shabbily? We need to understand this. And when we talk about women's empowerment, then it is very important for us to understand what the issues are. What is the issue of equality? What is the issue of discrimination? When we talk about these issues. When we talk about the larger issue of equality, then we actually talk about justice. Must not that be the subtext of a news report?

I wish to emphasize that when we talk about women's empowerment, we are not talking about one woman or a few women, but about the entire society, the entire community. And if we want to bring about change in society, then we not only need to understand the issues that women face but we need to simultaneously be aware of our responsibilities towards society.

Imagine in most crimes against women and Dalits and adivasis, the person who is suffering is still in captivity at the moment. But the accused has all the freedom and living openly.

On the other hand, there is another group that is completely against the Prevention of Atrocities of SC/ST Act, 1989. Today is April 1st, It is the Dalit History Month. We celebrate it from April 1st. There are many reasons why from the 1st of April the Dalit history month is observed. Let me explain.

Today is also the day when the Reserve Bank of India was established. Baba Saheb wrote his thesis on "The Problem of Rupee," and the Reserve Bank was established based on that thesis. So, the Dalit History Month is celebrated today. Commemorating this day, we dedicate it to Baba Saheb's role in India's economic freedom.

On April 2nd, 2018, when SC/ST people, people from all over the country came together to contest the Supreme Court's attempt at diluting the Prevention of SC & ST Act, 1989, yes we came out in huge crowds. We were forced to become that crowd, we had to come out and become that strength, which would make the Government realise that we would not take any dilution to

our rights.

We should not be with or become that crowd that becomes a mob behind one person and lynches him. On the 15th of February, the so called cow bhakts in cold blood, beat Junaid and Nasir of Ghatmika Village, Kaman, Bharatpur, to death on the border of Rajasthan and Haryana in Ferozepur Jhirka, in Nuh, Haryana. The Haryana police could have saved them, whom the so called gau rakshaks tried to hand them over to. But they decided not to rescue them from the mobs and then they were burnt alive, strapped to the vans, by the mob. I am told that only one arrest has happened till now. Where is justice I ask. Will there be justice from these lynch mobs ?

There are many such cases. I remember when I was at the BBC, and it was about Rajasthan, the word "mob lynching" was being used almost every day. As lynching in the name of the cow had become one of the most topical issues. Many people did not even know what lynching meant. I didn't know either, I was at the BBC, and we were searching for the meaning of lynching. Well in due course we have Indianised it to "mob lynching". Somehow that communicates the killing by a mob in a brutal manner. I shudder to

think what would be the state of the person who has been surrounded by a violent and aggressive mob.

What I was emphasising was that we did not have a word for mob lynching as it was not in our language and it was not in our language, as it was not there. But now it is all around.

I cannot remember the name of the case or the city. But one mother learnt about her son being lynched by a mob, from a neighbour. The mother was illiterate, and her son was a migrant worker in some other part of India. She didn't understand what it meant that she said, "Okay, so he did something good then." She didn't even know what mob lynching was. How would she. None of us were familiar with it.

Not much time has passed since lynch mobs have become a reality. If we look at the present time, the one term that has become a part of our reality is "mob lynching". Not just a new word but a new phenomena is now taking deep roots. This is the mob that is defining and will define India. As these mobs have complete state sanction, no one can stop them. The police is also a bystander.

Talk by journalist Meena Kotwal in the 11th PUCL Rajasthan State convention on the 1st of April, 2023.

□

MEMORANDUM

Women Across India Stand in Solidarity with the Struggling Wrestlers

End impunity of Brij Bhushan Sharan Singh, MP & Ex-President, Wrestling Federation of India accused under multiple charges of sexual abuse, including POCSO.

We Demand

- The immediate arrest of Brij Bhushan Sharan Singh.
- Scrapping of the Oversight and IOA committees which fail to comply with the law.
- Fair investigation and early charge sheet in all the cases.
- Action against Delhi police personnel for irregularities and assault on the protestors.

New Delhi

19 May, 2023

Mr. Amit Shah,

Home Minister

Government of India, North Block,

New Delhi 110001

Mr. Anurag Thakur,

Union Minister of IB, Youth Affairs and Sports

Government of India,

22, Akbar Road, New Delhi 110001

Subject: Justice for the 7 wrestlers, including 1 minor, who have faced sexual abuse by the erstwhile President of WFI, Brij Bhushan Sharan Singh, MP.

Sir,

Women's organisations in India, have come together to protest the sexual violence that seven

wrestlers were subjected to by the former President of the Wrestling Federation of India (WFI), and against systemic support granted to the main accused, Brij Bhushan Sharan Singh. We have been shocked to learn that since February 2011 when he took over as President, he has, with utter impunity, indulged in multiple serious acts of sexual violence on women of all ages, not even sparing under 18-year-old girls. Whether trainees or contestants or champions, he grabbed them whenever he got a chance and lost

no opportunity to get intimate with them. Despite such conduct, Singh consistently held the post of President, WFI, till May 2023.

The entire community of the federation was witness to what was happening. But Singh has been so powerful that when women players pleaded with their coaches that they did not wish to meet him even for official purposes, the coaches would state their helplessness. There was no escape for them to not meet their aggressor. The culture of fear and intimidation that pervaded the federation, fear of losing out on selections and victimisation if they did not comply, forced them to keep their silence.

It is important to know that the sports bodies failed to have any internal complaints committees as mandated by the law, or redressal mechanisms where they could raise their voice against such continued threats to their safety and violations of their bodily integrity.

When it became impossible to bear anymore, a group of wrestlers decided to break their silence and register their protest at Jantar Mantar in Delhi. On 18 January, 2023 several women wrestlers, supported by their male counterparts made public their allegations of sexual violence against Singh.

In response, the Sports Ministry, and Indian Olympic Association (IOA) each formed a committee. But both failed to comply with the law.

The IOA committee was formed on 21 January 2023 with Olympic boxing medallist MC Mary Kom as its chairperson. Other members included Joint Secretary IOA, Alaknanda Ashok, and sportspersons Sahdev Yadav, Dola Banerjee, Yogeshwar Dutt, and lawyers, Shlok Chandra and Talish Ray. **Notably, the committee had no external, independent member as required by the Protection of Women from Sexual Harassment Act, 2013. (POSH Act)**

Curiously, on 23 January 2023, the Sports Ministry appointed an Oversight Committee, also

headed by MC Mary Kom, again with Yogeshwar Dutt as one the members. The others included former CEO of Target Olympic Podium Scheme (TOPS) Capt. Rajagopalan, former SAI Executive Director (Teams) Radhika Sreeman, and sportsperson Trupti Murgunde. Later, wrestling champion Babita Phogat was included as a sixth member. The oversight committee was supposed to look into the charges of sexual harassment, corruption and also take care of the functioning of the WFI during the period of its enquiry. It was asked to give its report in a months' time.

In our experience as women's groups who have worked on these issues for decades, the simultaneous establishment of two such committees over the same issue are bound to be detrimental to the cause of justice, more so with both being headed by the same Chairperson and having one common member as well. Clearly, the Sports Ministry as well as the IOA was interested in creating optics of having 'taking action,' rather than complying with the law to provide justice.

The complainants rightly opposed the formation of these two committees stating that it would lead to a precarious situation of two parallel committees with same members and overlapping jurisdictions. The wrestlers had further added that a member of the IOA committee had made public his bias, when he told reporters that the allegations might be fake and that there needed to be a probe into the motive behind these allegations.

The complainants thus sought the constitution of an impartial, fair, and independent enquiry. In fact, they requested the IOA committee to be kept in abeyance until the Sports ministry decided on their objection. "Furthermore," they wrote, "it would be appreciated if all communications are kept confidential as the matter under enquiry is sensitive and unwarranted disclosure may be prejudicial to the victims."

The ordeal of facing the

Oversight Committee. All the complainants deposed in front of the Oversight committee, including the minor complainant. But they were intimidated by supporters of the accused who were standing outside the venue in large numbers. Instead of being objective and impartial, some committee members accused them of lying and 'misinterpreting' Singh's actions. The complainants have raised concerns about how faithfully their testimonies were recorded. In addition, they were also asked to give video and audio 'proof' of what happened to them. The committee also recorded the statement of the accused.

The report of the oversight committee was handed to the Sports Ministry on 8 April, 2023. But nothing has been disclosed so far, except its finding that the no Internal Complaints Committee in compliance with the POSH Act had been put in place in WFI.

The fate of the IOA Committee remains unclear although all the complainants deposed in front of the Committee.

On 23 April 2023, the wrestlers returned to protest in Delhi with the singular demand of criminal action against the accused, Brij Bhushan Saran Sharma.

With no outcome emerging and having lost faith in the process of the committees, the wrestlers were left with no option but to return to Delhi. They filed their complaints at the Connaught Place Police Station, under which the office of the WFI comes, but the police refused to register the FIRs. Finally, the complainants were compelled to move the Supreme Court for the same. The bench of the CJI directed the Delhi Police to lodge the FIRs on 28 April 2023. Two FIRs lodged are number 0077/2023 Police Station Connaught Place, u/s 354, 354 (A), 354 (D)/34 and u/s 10, Protection of Children Against Sexual Offences Bill (POCSO), 2011. And FIR number 0078/2023, u/s 354, 354 (A), 354 (D)/34 with 6 complainants.

To date, all the seven complainants have given their Sec 161 statements, and the Sec 164 CrPC

statements of four, including the minor, have been taken.

Despite 164 CrPC statements and POCSO charges, the accused remains a free man. When faced with POCSO charges, this is absolutely unheard of. **Hence, the struggle for the arrest of Brij Bhushan Sharan Singh continues.**

Midnight assault on the protestors by Delhi Police on 4 May 2023. Within days of the FIRs being lodged, and the protest galvanising itself with the demand of the arrest of the accused, they were attacked on the night of 4 May, 2023 by the Delhi police. Amongst those injured were two players, a journalist and even the Chairperson of the Delhi Commission for Women, Swati Maliwal, was not spared. No FIRs have been lodged regarding this attack, and no action taken against erring officials.

The concern of women's movement is that the entire struggle of the young wrestlers to visibilise the violence they have been subjected to, and their struggle for justice, has been received with deafening silence and denial across the board – from the Hon'ble Prime Minister to the Home Ministry, the Sports Ministry, other sports bodies, the Ministry of Women and Child Welfare, the Law Ministry as well as autonomous bodies such as the National Commission for Women, the National Commission for the Protection of Child Rights, and so on.

Sirs, the brazen manner in which there is the non-implementation of the Internal Complaints Committees (ICC) mandated under the POSH Act, 2013, in majority of the sports bodies at the national level, shows a derailment of the last

25 years of work since the SC guidelines were formulated in the Vishakha and Ors matter, and the passage of the POSH Act in 2013.

What deepens our concern at this particular moment is that Brij Bhushan Sharan Singh is not the first BJP MP, who seems to be protected by systemic support in the face of his alleged crimes. In the recent times, too many accused with strong political connections have been able to get away with crimes of sexual violence including members of Parliament and Legislature, godmen and so on. As if the impunity of such abusers was not bad enough, last year the nation witnessed with shock how rapists convicted for life for having committed gangrape in Gujarat, 2002, were granted remission, just 11 years after their sentencing.

The systemic culture of getting away after committing serious sexual violence has only strengthened in the last ten years, upturning the culture of justice in sexual crimes.

This is despite the widespread rhetoric of "Beti Bachao..." which has lost all meaning in the face of increasing injustices on women and girls, and brazen impunity and state support for the accused. But the people of India will not be silent witnesses to such criminality. **The struggle for justice for the wrestlers has now turned into a people's movement for justice.**

As women's groups and concerned individuals from across the country, we demand that:

- Former President WFI, Brij Bhushan Sharan Singh must be arrested immediately, in the POCSO and other cases.
- The two committees of the IOA and the Sports ministry which examined the incidents

of sexual violence of the wrestlers be scrapped completely, as they were not compliant with the law.

- Delhi Police must conduct free and fair investigation of the seven cases of sexual violence filed by wrestlers including that by a minor, and strong chargesheets be filed at the earliest

- Action be taken u/s 166 A (b) IPC against the Connaught Place station house office and other police officials who refused to lodge the FIR, delayed taking statements under Sec. 161 and 164, CrPC.

- Action be taken against the functionaries of Parliament Street police station, who meted violence on the protestors on the night of 4 May 2023

- Senior officials are made accountable for the crimes of omission and commission of the officials and the police.

It is imperative that all sports bodies at the national and state level have Internal Complaints Committees with external, independent members, as prescribed under the POSH Act, 2013.

The SC order of 12 May 2023, regarding setting up ICC as mandated by the POSH Act, within 8 weeks, should be implemented to the hilt.

Sexual harassment free workplaces must be ensured for all our sports players.

We are: PUCL, AIDWA, AIMSS, ANHAD, CSW, NFIW, Pragatisheel Mahila Sangathan, Purogami Mahila Sangathan, Saheli Women's Resource Centre, Indian Christian Women's Movement, AIPWA. □

Note: PUCL Delhi unit had released two statements dated 26.04.2023 and 05.05.2023 on the issue of the women wrestlers. In the statement dated 05th May, 2023, the PUCL Delhi unit expressed deep anguish over the physical and verbal abuse committed by Delhi police personnel against wrestlers protesting at Jantar Mantar and demanded immediate action against the Delhi police personnel involved in the incident and the formation of an independent committee headed by a judicial officer of the rank of District Judge to investigate the matter. In the statement dated 26. The 2 statements were issued by N.D Pancholi, President; T.S Ahuja, General Secretary and Vertika Mani Tripathi, Secretary of the Delhi unit. In April, 2023, PUCL Delhi expressed its solidarity with the protesting wrestlers and called for the removal of Brijbhushan Sharan Singh and prosecution of action. □

PUCL Report on Bihar Sharif Riot

The PUCL team in Patna found out about the riot in Bihar Sharif through various newspaper reports. These reports spoke about violence that occurred on the 30th and 31st of March 2023 during the processions of Ram Navami. Things were brought under control by 9 pm on 1st April. There was severe loss of property and one life due to the violence. PUCL constituted a four-member Fact-Finding Committee to investigate the matter and write a report. The team members were: (1) Mr. C.A. Priyadarshi – Member, State Council, PUCL Bihar; (2) Father Jose K – Vice President, PUCL Bihar; (3) Mr. Ghalib Khan – Member, PUCL Bihar; Mr. Vrati Kumar – Member, PUCL Bihar.

The fact-finding team reached Bihar Sharif on the morning of 8th April. There, the team first met members of the newly constituted PUCL Bihar Sharif team. The Patna team accompanied by two members of the Bihar Sharif team visited various shops and places of business that were burnt and looted by rioters. The team spoke to shopkeepers and businessmen who lost property in the riots. Around 130 people have been arrested so far, including 28 Muslims and 40 minors (12-14-year-olds).

On the morning of the 8th of April, one of the main accused, a member of Bajrang Dal, Kundan, surrendered to the police. Dheeraj and Gaurav, the other main accused and members of Bajrang Dal were absconding as of 8th April.

Background: Communal tensions are not new to Bihar or Bihar Sharif. In April-May 1981, a communal riot of large proportions took place killing more than 40 people and injuring about 70. The riots back then are said to have occurred because of mistrust between the Yadav and Muslim community which reached a culmination point over disagreements over the resting

ground for the dead resulting in massive violence. But until this year, Bihar Sharif rarely saw communal violence—the last time was in 1998.

The town has a population of four lakh people, of which 33 per cent are Muslims. It was once the seat of the Magadha Empire that ruled much of the subcontinent for over three hundred years.

In the past, there used to be annual festivals called Langota at Maniram's shrine and *Roshni ka Mela*, or fair of light, at Makhdhoom's shrine. Hindus and Muslims alike attended these festivals, without any objection. The processions themselves were mostly displays of stick martial arts—this was a hallmark of Langota, performed in the streets.

Until a few years back, it was not a tradition in Bihar Sharif to celebrate Ram Navami at this scale and it certainly did not involve any swords, spears or any kind of weapons. In the last decade, Ram Navami became such a huge festival – a pompous show of power and pride. In Bihar Sharif, the massive Shobha Yatra (Religious Rally) is organised by Bajrang Dal and Vishwa Hindu Parishad every year.

This year, big hoardings of Ram Navami with the name of the BJP MLA were displayed all over the city, especially on Ranchi Road. Two rallies were taken out on successive days – the 30th and 31st of March 2023. The 31st March was Friday. Muslims were in prayers when Shobha Yatra started.

The Incident: Around 30,000-40,000 men joined the procession of Ram Navami, whereas permission was granted for only 5000 people. The police were overwhelmed by the crowd. Whether it was an intelligence failure, or the failure of the police to act on the intelligence is yet to be established.

Gagandivan, a communally

sensitive area was the centre of violence. The generator at Hotel Asia was set on fire. One of the owners of the hotel, a member of RJD, was present inside the building at the time the procession arrived at Hotel Asia. He hid on thereof when stones were pelted at the hotel, with no way out of there. Near it, another hotel, City Palace was more severely damaged as the gate to the hotel was left open.

The shops on Ranchi Road, Bharavpur, Machali Mandi, Nala Road and Murarpur Masjid were the most severely affected. The PUCL team visited the fruit and dry fruit shops, shoe store, electronics shops, and furniture stores in these areas. All the shops were looted and then burnt. The shops were closed during times of violence, and the rioters cut the lock or broke the gates of these shops to loot and burn them. The digital world, a multistorey electronics and furniture store was most severely affected in monetary terms. The ground floor which kept electronics like mobile phones, TV, washing machines etc. was brutally looted and destroyed. The rioters took everything they could from the store and destroyed the rest. A total number of 27 shops were burnt of which two belonged to Hindus.

Testimonies/Statements: The team held discussions with many people. Some of them were victims and some were witnesses to the crime and violence. Some of the statements are given below.

1. Saurav, local journalist – The PUCL team spoke to Saurav, a journalist who believes the violence was pre-planned. He said that about 4000 swords were distributed for the procession, and no firearms were brandished. The unemployed and poor were given money, new clothes, and petrol for their bikes to attend the procession. Shops were identified on a communal basis and burnt. A few days before

the procession and violence, hoardings were put up with, *Dharm ka jhanda pehrayenge, ghar ghar Ayodhya banayenge*. An announcement on the day of the procession was also allegedly made asking Hindu shop owners to close their shops that evening.

2. **Sultan Ansari, Owner, City Palace** – The owner of City Palace, a hall for marriage ceremonies, Sultan Ansari, a JDU member spoke to the PUCL team. His hall, located in the Kantapar area, was brutally destroyed. A tyre shop across the road, Nehru Tyre Wall, was set ablaze. Besides, a laundry in the Mannat building was also damaged along with the building. The preparation for violence was allegedly ongoing for months before the incident.
3. **Md. Altaf, shop owner, Bharawpar** – The team spoke to one Md. Altaf, owner of Sami fruits and dry fruits; The rioters had cut the lock to the shop's shutter, looted all the dry fruits and then set fire to the shop.
4. **Md. Murtuza, the owner of Rhine Transport** – He is in the transport business he also owns a godown. He called this an unfortunate incident. Three of his buses were burnt by the rioters along with the godown with all the material stored in it.
5. **Mr Tariq, Co-owner of Asia Hotel, Murarpur Thana** – While speaking to the team he appealed to people to come back to their senses so that they could make progress and conduct their business with ease. He spoke about the earlier communal harmony, especially in the locality where Hindus are in a minority and he guaranteed to them that he would protect them with his last breath.
6. **Mesh Prasad Goswami, the owner of the godown beside Soghra College** – He briefly spoke to the team. He said that

he always came to Bihar Sharif as a guest, and he never imagined that an incident like this could occur. His godown and stationery shop were burnt.

Damage to property: Shops were targeted on a communal basis. An announcement before the commencement of violence allegedly asked Hindu shop owners to keep their shops closed. The shops were first looted and then burnt. Similarly, a shoe shop in a main market area was looted and burnt to the ground. The team finally visited a multi-storey electronics and furniture store Digital World. It's owned by a relative of Shahnawaz Hussain. The furniture store on the upper floors of the building remained unaffected, but the rioters broke the shutter, demolished the glass door and looted all the mobile phones, televisions and other electronics that they could carry with them, and destroyed whatever they could not carry with them. Amid looting, the rioters forgot about the CCTV cameras in the shop. The team watched the CCTV footage and spoke to Sonal Kumar, the manager who looked positively distraught.

Hotel Asia and City Palace became a target for the rioters as well. The team visited both hotels and spoke to the owners. Humaiya Akhtar Tariq, one of the owners of Hotel Asia was trapped inside the hotel during the period of violence. The generator of Hotel Asia was set ablaze, at this point Mr. Tariq hid on the roof of the building with no way out, making calls to people to help him out. Stones were pelted at the building, breaking the windows of the Hotel rooms. The lobby was damaged too.

City Palace, another hotel close to Hotel Asia was attacked. The gate of the hotel was left open, and the rioters could get in the Hotel. Signs of pelted stones could be seen on most windows of the hotel. The team couldn't assess the damage to the hotel which could be significant as repairs were already

underway. There were signs of fire being set on the ground floor of City Palace. Across the road, a laundry and tyre shop were attacked as well. The tyre shop, Behru tyre wall was burnt to the ground, whereas the laundry, spotless dry cleaners, suffered stone pelting damages. In both the hotels, the rioters had cut the electricity and water supply to the buildings.

Vandalism and destruction in and around Soghra College: On 30th March, Soghra College was attacked by the rioters. Stones were pelted at the college and the adjoining Mosque. Md. Sameer Ashrafi, the Imam since 2019 was present in the mosque. He had locked himself inside a room. All the chairs were broken, the inverter was damaged, and the windows shattered. After this attack, there was retaliation from a group of Muslim youth who set fire to Ganesh enterprise, a stationary shop and the godown of Unnati Hardware and Machinery store in the lane beside the mosque and college. Anup Kumar was too distraught and busy to speak to the team, but he estimated that the loss suffered by him was Rs. 1 crore. Mesh Prasad Goswami, the owner of the godown briefly spoke to the team.

He said that he always came to Bihar Sharif as a guest, and he never imagined that an incident like this could occur. Both the godown and stationery shop were burnt. CCTV footage survived, and the team viewed the footage.

Aziziya Madrasa: The most heart-wrenching incident of the violence in Bihar Sharif was the burning of Madrasa Aziziya. The madrasa 100-year-old library which contained about 4500 books was completely burnt. There were also signs of petrol bombs being used to break into the various rooms of the library. Due to this fire, Madrasa lost all the records of students and teachers and other official documents too. The computer and electronic equipment were burnt too.

It was Ramzan Holiday on 31st

March. No students or teachers were present at Madrasa Campus. There was only a guard in his room who saved his life by running towards the south end of the Madrasa. It was clearly unprovoked vandalism – meticulously planned and quickly executed in a time-bound manner.

No incident of communal violence in the recent history of India reports that a religious institution was burnt to the ground. Perhaps in the case of Madrasa Aziziya, it was done to show the might of the hooligans.

Response of the Police and Administration: On the evening of 31st March, a PUCL member received a call from his old friend Zahid Ansari. Zahid Ansari had already made several desperate calls to Shivanand Tiwari, Anil Hedge, Vijay Pratap, Kunal, Tanvir Hasan and Ram Chandra Purve seeking their help. His neighbourhood had been surrounded by rioters and there was no guarantee that he would survive the night. Despite this, he made appeals to the Muslim youth not to be agitated and not to get provoked. Thereby, he averted an escalation of violence. By 9 pm that night CRPF, ITPB, and RAF were sent to support the efforts of the police to bring the situation under control.

Before that, no police cordon was present in the route of the Shobha Yatra. No flag March was conducted. At the time when Madrasa Aziziya was burning no police force was seen to stop the vandals. It is to be noted that the Madrasa and its nearby Mosque are just in front of the Laheri Thana. The team spoke to the SDO. The SDO admitted to the failure of the police saying that they were unprepared and outnumbered. He said that when the police moved to control violence in one location violence would erupt simultaneously in other locations. The police could not control the violence without the help of reinforcements that were sent from Patna.

The police version: The team

spoke to Subodh Kumar, in-charge of the Laheri Thana. He said that the number of people who participated in the procession was far more than the number for which permission was given. The police were simply overwhelmed by the number of procession participants. So far, the reported number of injured persons is 27 and the number of deaths is one. The police were underprepared to handle the situation that emerged. He said that the police were making arrests and investigating the matter. One of the main accused, Kundan, had surrendered to them on the 8th of April. He informed the team that 130 arrests had been made so far.

Was 2022 a trial run? In 2022, Ram Navami had seen violence on a much smaller scale erupting around the country. The PUCL team investigated one such incidence of violence in Muzaffarpur. A procession had strayed from its prescribed route and attacked a mosque while chanting provocative slogans. Hence, creating an atmosphere of fear amongst the Muslim population.

In 2023 the country witnessed similar incidents of violence at a much larger scale with better preparations. Organisations like Bajrang Dal, VHP, Hindu putra, and Hindu sena were responsible for it last year and this year too. The police showed similar negligence in the situation.

Ram Navami is being used by these organisations to polarise society and provoke further violence. Like last year, this year the minority community has shown sensible restraint and prevented the escalation of violence.

Conclusions

The fact-finding team concludes that –

1. The police showed incredible negligence in managing and preventing the violence. It was either a failure of intelligence or of the police to act on intelligence. The team feels that it is more likely the latter as people were aware that this

preparation had been ongoing for months.

2. It was a failure on the part of the state to let the violence go on for the period it did. The police should have been better prepared with reinforcements, as the crowd in the procession got larger. It must be investigated properly.
3. The number of participants in the procession was around 30 to 40 thousand. It is evident that some big organisations like Bajrang Dal and VHP are involved in the incident. Their motive and actions must be investigated properly.
4. This year no paramilitary force was present in the city which is shocking negligence.

Recommendations

1. State must adequately compensate all those people who lost their property in the violence—irrespective of religion or caste.
2. State must compensate the nearest kin of those who have lost their lives in the violence. Moreover, the state must take care of injured persons also.
3. Government must initiate a serious investigation into all such incidents in which religious processions are used to spread hatred and violence against another community.
4. There must be some stringent rules to regulate such religious processions. There should be strict checks on propaganda materials like the use of high-decibel sound boxes, slogans, songs and their contents. Permission to use sharp edged weapons in the procession must be withdrawn at once.
5. State must frame rules regarding the number of participants and the route, time, and duration of the procession.
6. In the present case, the role of VHP and Bajrang Dal must be investigated properly.

Sarfaraz, General Secretary, PUCL Bihar. □

“Apnon ka Bahut Lagta Hai” (Our Own Hurt Us the Most): Centering Familial Violence in the lives of Queer and Trans Persons in the Marriage Equality Debates

Excerpt from a report on findings of a closed-door Jan Sunwai or Public Hearing on Familial Violence on Queer Trans People organised by the People's Union for Civil Liberties (PUCL), along with the National Network of LBI (Lesbian, Bisexual, Intersex) Women and Trans Persons (The Network)

Kidnapping, Abduction, House Arrest and Other Wrongful Confinement

One testimony presented the experience of a woman who left a violent marital house after 23 years of marriage, because it took her that long to find someone she could trust enough to help after she walked away. That even when she was older than 40 (Rani), her natal and marital families together were still able to find her, physically drag her out of where she lived, bundle her into a car and take her to a different state is a horrifying reminder of how adulthood and agency over one's own life cannot be taken for granted.

The intention behind these kidnappings – as we will see later – which are rarely acknowledged as such by the police, is to isolate the person from the support systems they have built, whether these are an organisation they reached out to, friends, a partner, and to bring them back under the complete control of the family. So widely assumed to have their own children's best interests at heart, families do not hesitate to deceive their queer/trans members, promise understanding and acceptance, the freedom to live one's life without fear, to persuade or cajole them into returning to what is fundamentally the site of (continuing) violence.

At that time my parents weren't thinking of anything other than taking me from [large metropolis] and back home. They said they understand [me] and would consult a psychiatrist to figure out what is going on. In a way I was happy I

got a chance to come out to my family. I thought they would understand. When I got home it was like I was under house arrest, it was worse than being in jail. Every time I went somewhere, someone would be following me. They took away my phone and everything. [Rishi, Trans man, 27]

Many testimonies bore witness to how the family took away the person's phone and any other means of communicating with anyone outside of the natal/ marital family (Sharat); even within the marital family, they turned children or others for whom the person cared against them, making the isolation even deeper. Tapan, a trans man, spoke of the kind of violence to which his cis woman partner Laxmi was subjected.

As soon as our relationship was disclosed she was put under house arrest in her marital family, not given food and beaten up. We were not allowed to get in touch with each other [...] The person Laxmi was married to committed a lot of violence on her. He didn't treat her like a human, locked her up in a room, took away her phone. Her in-laws have brainwashed her child, saying how wicked Laxmi is because she has left him. [Tapan, Trans man, 22].

Once again, the testimony itself captures the implications of such extreme violence: the marital family does not see the queer/trans person as human and is willing to lock them up, deprive them of food, beat them, rape them, even kill them, to re-

establish their control. In similar vein, Sharat describes being put under house arrest and beaten up in front of his children. And his case is just one of many.

...At that point, the family members came and picked my partner up and took her away without consent. [...] I had no contact with her after this for four months. I came to know she was in a rehabilitation centre. She was put on drugs because she was in love with a trans man. After the rehabilitation I got in touch with her and told her that I will get her out, to give me some time. They “treated” her because she is a lesbian. [Oishik, Trans man, 21]

Once a queer/ trans person is held by their family like this, isolated from everyone else, they have no say in what they are subjected to, whether it is being an in-patient at a mental health institution, being placed in a “rehabilitation centre”, taken to religious places or self-styled spiritual practitioners for “cures”, being “counselled” inside police stations by prejudiced police personnel, etc. As is amply clear, the queer/ trans person's own wishes in all of this, their choices, even in terms of accessing medical care, are blatantly denied.

Finally, one must think here of the vulnerability to this kind of coercive deprivation of all means of communication, being locked up and divested of agency that queer and trans people face when they are still very young, not yet financially independent, living in precarious situations. These vulnerabilities add to the power their families hold over them.

Whether it is the sense of knowing and having no one else in the world; of dependence on one's assigned family; of fear of their power and reach; or a sense of responsibility and care for them irrespective of the nature of violence that they have perpetrated against oneself, the assigned families don't seem to recede into the background in the way queer/ trans people, single or with partners, live their lives, even when they have managed to escape violence and house arrest.

Note: Thirty-one (31) queer and trans persons testified in front of an eminent panel, comprising Retd. Hon Justice Prabha Sridevan, Chennai; Asif Iqbal, Co-Founder, Dhanak, Delhi; Divya Taneja, Special Cell for Women and Children, Mumbai; Kavita Krishnan, Feminist Activist, Delhi; Manjula Pradeep, Anti-Caste Feminist Activist,

Ahmedabad; Mihir Desai, Senior Counsel, Mumbai; Paromita Chakravarti, Feminist Academic, Kolkata; and Veena Gowda, Feminist Lawyer, Mumbai.

The focus of the testimonies was on the relationship with the assigned (natal) families and the various struggles that the testifiers had undergone to be able to live their lives.

The community and civil society organisations included in the Network are: Nazariya: Queer Feminist Resource Group (Delhi), Sappho For Equality (Kolkata), Sahayatrika (Thrissur), Orinam (Chennai), Raahi (Bengaluru), QT Centre (Hyderabad), Hasrat-e-Zindagi Mamuli (Mumbai), Vikalp Women's Group (Vadodara), SAATHII (pan-India), and unaffiliated individuals.

The entire report will be carried on the PUCL website. □

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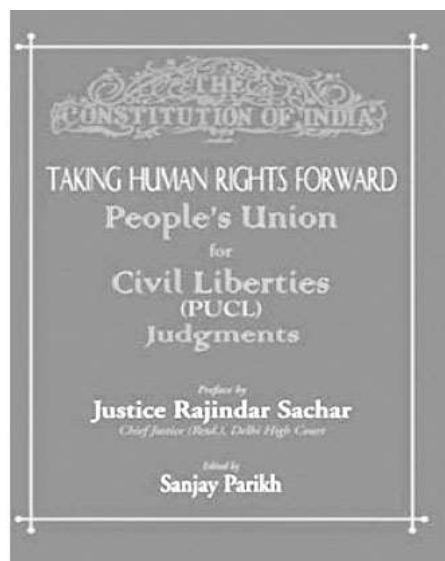
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