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STATE COMPLICITY IN CURBING CIVIL LIBERTIES AND CRIMINALISING ACTIVISM

On 5th September of 2022, the house of the PUCL National Secretary and PUCL-UP State President Seema Azad (as well as editorial committee member of this Bulletin) was raided by the NIA. There were raids in 8 locations of 5 districts of UP in the name of targeting Naxalism and Maoism. The NIA in the course of the raid confiscated all devices of Seema Azad as well as some other books, poems, magazines, and other documents. In a statement the PUCL condemned this raid and noted that 'this operation of the NIA is a serious attempt to stifle the voices of an active human rights and democracy defender' and that the 'PUCL demands that the NIA withdraw its investigation against Seema Azad and not criminalise any action undertaken by her in the course of her human rights work.' This culture of raids by the NIA of human rights has a chilling effect on activists, thinkers and intellectuals and does serious disservice to the idea that freedom of speech and expression is the core of a constitutional democracy.

As the Manipur crisis reaches its fifth month, both the state government of Manipur headed by Biren Singh as well as the Central government still seem oblivious to their constitutional

responsibilities. It bears repeating that in Manipur which is a state of the Indian union, the constitutional machinery has totally broken down. There is total ethnic segregation with there being no Kukis in the Imphal valley and no Meiteis in the hill districts. One is not dealing with a post conflict situation, but a conflict which is still ongoing. The implications of the continuing conflict are grave for the human rights of both communities in Manipur ranging from concerns around justice and accountability to the lack of adequate facilities to take forward even basic survival of people who have lost their homes and loved one's and been forced into taking shelter in camps in Manipur. The burning question in this situation of total breakdown of law and order is the constitutional responsibility of the Union Government which has failed to ensure governance in accordance with the constitution as per Article 355 of the Constitution. The spotlight needs to be kept on Manipur, and the failure of constitutional governance as well as the state Government would have the world forget that they have failed to protect the life, liberty and property of the people of Manipur.

The Manipur Government is trying to brazenly cover up its sins of omission and commission by repeatedly filing FIR's against civil society groups and individuals who attempt to bring attention to the absence of constitutional governance in Manipur. In the latest instance of intolerance of viewpoints which differ from theirs, the Manipur government filed an FIR against the Editors Guild for the 'crime' of doing a fact finding on Manipur. The PUCL in a strongly worded statement noted that 'the Manipur State police, and indeed the Manipur government, is seeking to do is to intimidate the Editors Guild of India and other reporters from exposing the truth that they found during the Fact-Finding Exercise, about the true nature of ethnic violence that has ravaged Manipur...Both the FIR's are nothing other than an effort to silencing voices which challenge the narrative of the Manipur government led by Biren Singh, regarding the causes of the violence in Manipur' This strategic deployment of the 'criminal law' as well as the 'branding of a respected body such as the Editors Guild as anti-national' is nothing other than an attempt to 'cow down all dissent.'

In a new low in the normalisation of hate speech a BJP parliamentarian, Ramesh Bidhural called his fellow MP, Danish Ali, 'pimp', 'terrorist', 'militant' and also used the words mullah and katwa in the new parliament building. The abusive language used by the MP is unfortunately common on social media as well as election speeches by leaders associated

with the BJP. This is the first time however that hate speech of this nature meant to demean, ostracize and isolate the entire Muslim community has been hurled in parliament itself. The Speaker is yet to take action against Ramesh Bidhuri for openly challenging the core constitutional principles of fraternity, dignity and equality.

The reason why such hate speech should be taken seriously is made most eloquently by the Canadian Supreme Court in *Saskatchewan v Whatcott* where the Court held: [such]... dehumanising expression... calls into question whether group members qualify as human beings... Such delegitimisation reduces the target group's credibility, social standing and acceptance within society and is a key aspect of the social harm caused by hate speech... Hate speech, therefore, rises beyond causing distress to individual group members. It can have a societal impact. Hate speech lays the ground-work for later, broad attacks on vulnerable groups that can range from discrimination, to ostracism, segregation, deportation, violence and, in the most extreme cases, to genocide. Hate speech also impacts on a protected group's ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy.

This principle is reiterated by the Indian Supreme Court in *Pravasi Bhalai Sanghatan v Union of India*, emphasizing again the importance of tackling

hate speech. If this legal understanding is applied to Bidhuri's speech one sees that the speech attacks the fundamental basis of our constitutional order, namely our shared humanity. Bidhuri is stigmatizing Muslims as less than human and signalling from the highest forum of the country, that Muslims are not deserving of equal respect as fellow citizens of India. He is sending out a message that too from the floor of parliament that an entire community can be demeaned and the ideal of the Indian constitution of equal citizenship and equal respect can be besmirched. While such a speech by any person in any forum is deeply corrosive of the idea of democracy, the fact that is by a parliamentarian in parliament is even more damaging. It is also a violation of his oath to 'bear true faith and allegiance to the constitution of India'. Outside parliament, there have been strong condemnations of the speech both by opposition political parties, media as well as civil society organisations. Its important that the Speaker take clear and decisive action which sends out a clear message that the violation of the constitutional oath with such impunity and that too in parliament will be dealt with seriously.

Coming to the controversy over Sanatana Dharma, we need to understand its implications within the framework of the Constitution. The Constitution under Article 17 provides for the criminalisation of the 'practice of untouchability'. From the point of view of the framers, it was clear that 'untouchability'

should be eliminated. The demand for rooting out the system of beliefs from which the practice of untouchability and caste discrimination emerge is very much aligned to the thinking of the Constitution and has a long history of demanding social justice during the pre-independence period. For example, the Vaikom Satyagraha (1924-25) opposing the ban on entry of people considered "lower or outcastes" into temples, led to the historic 'Temple Entry Proclamation' of 12th November, 1936, issued by the Maharaja Chithirai Thirunal Balarama Varma of Travancore which abolished the ban on so called 'a-varnas' (castes outside the four varna system) or low castes from entering temples in Travancore. The Mahad Satyagraha (in Raigad district of Maharashtra) on 20th March, 1927 led by Dr. BR Ambedkar was to allow "untouchables to use water from the public tank". This day is observed as 'social Empowerment Day'. All along, the agitation by so-called 'lower caste groups' and Dalits to access public streets, to the right to enter and worship in

Hindu temples as well as the right to marry across lines of caste have been opposed tooth and nail by upper caste groups calling themselves 'Sanatanists'. However the Constitution sanctifies these just demands through Article 15(2) which recognizes the rights of Dalits to access public spaces without discrimination, Article 17 which prohibits the practice of untouchability and Article 15(1) which prohibits discrimination on grounds of caste.

Finally we note the recent protest letter by over 1800 organisations and individuals regarding the hosting by the NHRC of the Asia Pacific Form's 28th Biannual Conference. The NHRC hosting the conference was seen as an attempt to 'gain credibility after failing to be accredited with an A grade by the Global Alliance of National Human Rights Institutions (GANHRI) in March 2023.' The letter noted 'It's important that the world understand that to fulfil the G-20 rhetoric of being the 'mother of democracy' India has to ensure that the human rights

guaranteed by the Indian Constitution and the ICCPR and the ICESCR become the patrimony of every citizen. To do that it is of crucial importance that the NHRC take its mandate seriously as an institution which ensures accountability of the state to Part III of the Indian Constitution.' Every assault on constitutional rights is being met with push back. The violations in Manipur are being kept in the public eye by courageous organisations and individuals. Danish Ali has received a lot of support both online and offline. The NHRC's failures have been exposed on a global scale. Udayanidhi Stalin has also received support from constitutionally minded groups.

There is a need, in fact an urgent need for more people to speak out and act against the threats to the Constitution.

STATEMENT BY THE HUMAN RIGHTS COMMISSIONER IN THE UN HUMAN RIGHTS COUNCIL

DELIVERED IN THE 54TH SESSION OF THE UN HUMAN RIGHTS COUNCIL

In the 54th Session of the Human Rights Council, on September 11, 2023, Volker Türk delivered a statement addressing it to the President and other dignitaries of the Council. In this statement, he mentioned India, among other countries like Palestine, Iraq, Russia, Iran, Ethiopia and

various others. He highlighted humanitarian crises, human rights violations, civil and political issues as well as social and economic issues faced by people in various countries. While only an excerpt is published here, the full statement can be found on the official website of the OHCHR:

<https://www.ohchr.org/en/statements/2023/09/turk-human-rights-are-antidote-prevailing-politics-distraction-deception>.

Distinguished President,
Excellencies,
Distinguished delegates,

In my work with the United Nations over the years, it has become clear to me that development issues underlie almost every challenge we face.

People everywhere want – and have a right to – a decent standard of living. Food on the table, and access to affordable medical care when they need it. Education and equal opportunities for themselves and their children. Good economic prospects, with a fair share of resources. A clean, healthy and sustainable environment. The freedom to make their own choices. Objective information, not propaganda. Justice and police systems that uphold their rights.

And to ensure all of this, they want active and meaningful participation in decisions, and governments that serve their needs – not elites whose needs they have to serve.

But time and again, I see people deprived of these rights, and crushed by development that is neither respectful nor fair. Injustice, poverty, exploitation and repression are the cause of grievances that drive tensions, conflicts, displacement and further misery – on and on.

(...)This spiralling damage is a human rights emergency for Iraq – and many other countries. Climate change is pushing millions of people into famine. It is destroying hopes, opportunities, homes and lives.

In recent months, urgent warnings have become lethal realities again and again all around the world.

We do not need more warnings. The dystopian future is already here.

We need urgent action, now.

Instead of unity of purpose, and decisive, cooperative leadership, we're seeing the

politics of division and distraction – for instance, through the fabrication of artificial disputes over gender, migration or imagining a "clash" of civilisations. (...) We're also seeing the politics of indifference, the numbing of our mind and soul – an effort to deflect our innermost feature, compassion, by simply negating the humanity of victims and people vulnerable to harm.

(...) In India, my Office frequently receives information that marginalised minority communities are subjected to violence and discrimination. Muslims are often the target of such attacks, most recently in Haryana and Gurugram, in northern India. In Manipur, other communities have also been facing violence and insecurity since May. There is a clear need to redouble efforts to uphold the rights of all minorities, by dealing in a forthright manner with intolerance, hate speech, religious extremism and discrimination.

WHY NEW CRIMINAL BILLS ARE WORSE THAN COLONIAL ONES

MIHIR DESAI & VIJAY HIREMATH

Originally published in the Times of India.

The three new Bills meant to replace the Indian Penal Code (IPC), Criminal Procedure Code (CrPC) and the Indian Evidence Act have been widely commented upon from different angles. This article is confined to the impact the changes are likely to have on the civil liberties of the accused

persons.

As much as 85-90% of the substantial provisions of the old laws have not been changed. Additionally, some of the changes are nothing but long-standing judicial pronouncements and precedents being incorporated into the Bills. The existing laws have also been amended from time to time to incorporate

judicial pronouncements such as the Supreme Court judgments in the cases of DK Basu and Arnes Kumar which spoke about the rights of arrestees.

It needs no reminding that the CrPC as applicable today was enacted in 1973 and is in any case a post-colonial law. Of course, even the 1973 code borrowed hugely from the

colonial law but there were also significant changes. For instance, the provision for anticipatory bail was introduced for the first time under the 1973 code.

The IPC, 1860, has also been amended many times, widening and making stringent the provisions concerning violence against women. The Evidence Act has seen the introduction of the newer concepts of electronic evidence. Similarly, the past few decades have witnessed amendments to the CrPC increasing the rights of victims.

In short, the three laws have never been frozen in time and the changes that are sought to be done, including the tongue-twisting titles, could have easily been introduced via amendments.

In the above background, let us look at the impact of the major changes on civil liberties. In this article, we are not dealing with the Indian Evidence Act. Let us start with the IPC, which will now be called the Bharatiya Nyaya Sanhita.

The new additions

Three new major offences have been added to the IPC. These are terrorism, organised crime and petty organised crime, and mob lynching. The sections dealing with terrorist acts and organised crime are so widely defined that any dissenter can be brought within its sweep, and the definition of terrorist act is even wider than under the Unlawful Activities (Prevention) Act (UAPA) as it includes even disturbance to public.

Also unlike under UAPA, disruption of supplies or services is treated as a terrorist act even if it is not linked to the use of any hazardous substances such as arms or chemicals. Thus an ordinary strike can be treated as a terrorist act.

A terrorist organisation is not confined to those listed in the schedule to the UAPA and thus an ordinary trade union or civil society organisation can be branded as such.

For organised crime, the punishment can extend up to life even if there is no violence. This is so broadly defined that any collective activity that the state does not approve of can be included. Essentially, the powers given to the police are so vast that any person can, with some liberties with truth, be charged with this and end up spending months, if not years, in jail.

Mob lynching has been defined as an offence if five or more people commit a murder, but the punishment ranges from seven years to life imprisonment and death sentence. However, the punishment for ordinary murder is either life imprisonment or death sentence. Thus mob lynching is treated as a softer offence.

In 2018, the SC decriminalised consensual homosexuality by reading down Section 377 of the IPC. The new Bill completely does away with Section 377. Thus non-consensual sexual acts among homosexuals have been legalised.

The provision was also being used by married women to deal with forced anal sex. (The only way married women can bring in sexual charges against their husbands in India. The new Bill does not do away with marital rape). The provision was also being used to book people for bestiality. Scrapping of this section is also an attack on animal rights.

'Subversive activities'

Recently, the SC had asked the Union government to consider doing away with the provision on sedition in the IPC, and in the meantime stayed all cases of sedition across the country. The sedition law has been widely misused against dissenters. The new Bill, while doing away with some of the egregious parts of the earlier sedition offence, brings in 'subversive activities' as an offence without defining what are subversive activities, again giving the police unchecked powers of arrest.

Community service has been introduced as a punishment for some of the offences with no clarity on the issue as to what this would mean. While theoretically this is a good move, its vagueness gives wide discretion to judges who can define it the way they want contingent upon their own ideology and notions of 'goodness'.

Strangely, Section 102 of the Nyaya Sanhita mandatorily imposes death or life imprisonment for murder committed by a convict under life imprisonment; this seems to be reviving the long-dead

Section 303, which mandatorily imposed a death sentence for this offence and was struck down by the SC in 1983.

Let us look at the CrPC, now dubbed as the Bharatiya Nagrik Suraksha Sanstha Bill.

There is a history of judicial precedents frowning upon handcuffing of prisoners. Section 46 of the new Bill permits handcuffing in a broad range of situations.

Sections 107 allows the attachment of property by the police if according to the police, such property has been obtained as a result of criminal activity. Of course, they need a judicial magistrate's order to do so, but the magistrate has even been given the power to order such attachment ex parte — a provision most likely to be misused.

Hurdles for bail

Contrary to what some commentators have observed, the total period of police remand under this Bill cannot exceed 15 days. However, unlike the present situation where this period has to be exhausted at one go, the Bill allows this period to be spread over the initial detention period of 40-60 days.

This will result in courts showing reluctance in granting bail to anyone for the first 40-60 days as the police can always argue that they may want the custody of the person at a later stage and hence no bail should be granted till this period is over.

Section 187 prescribes that no person shall be detained

otherwise than in a police station under police custody or in prison under judicial custody or a place declared as a prison by the central government or state government. This provision implicitly prohibits house arrest.

There is also a provision that does away with the necessity of calling in the witness box an expert or an investigation officer who actually created the document or report if such a person has retired or been transferred or is difficult to bring before the court. This is contrary to all canons of justice as it will allow one person to prepare an expert opinion and altogether another to explain it.

Even the right to mercy petitions for those sentenced to death has been truncated as it has to be made within a period of 30 days and that too only jointly with others sentenced to death in that case.

Electronic mode

The courts are given discretion to conduct all proceedings, including the trial, in electronic mode. This will imply that an undertrial accused will not be brought to court while the lawyer may be in court or conducting the trial from a completely different place.

This can cause three problems. First, the accused may not be able to give adequate and prompt instructions to the lawyer. Second, client confidentiality gets compromised. Third, most of the time, the accused who are undertrials look forward to being brought to the court because

that is one way in which they can easily spend some time with their lawyers, relatives and friends. While video conferencing may be the future, especially in the case of undertrials it should be resorted to only if the accused agrees.

The existing laws do require substantial rehailing keeping in mind the rights of the accused as well as the rights of victims. More particularly command responsibility for offences by public servants and corporate homicide for acts of corporations which lead to deaths needed to be added.

Outlawing torture will never become real unless the accused is permitted to consult a lawyer throughout the investigation. Bail provisions should be liberalised considerably. The wide discretion given for sentencing needs to be reined in by prescribing sentencing guidelines. Even under the new law, only a child below the age of seven years can totally escape criminal liability.

If the march of law has to match the march of society, the age of consent for sexual activity has to be reduced to at least 16 years. If the accused has to have a real chance of not being framed, the entire material collected during the investigation should be handed over to him. Criminal defamation should be done away as an offence and if we are to follow what the European Union has done, capital punishment should be done away with. These are just some of the changes required under the criminal laws if we really want to overthrow the yoke of

colonialism. But instead of doing this, the new Bills give increasing draconian powers to the police, while making some

cosmetic changes to the existing laws.

Mihir Desai is a human rights lawyer, practising as senior

counsel in the Bombay High Court and Supreme Court. Vijay Hiremath is a human rights lawyer practising in the trial courts and Bombay High Court.

'RAIDED AND DAMNED': THE STATE'S TOOL TO CURB CIVIL LIBERTIES

AISHWARYA RAVIKUMAR

In a witch-hunt of human rights activists, academics and individuals who have spoken truth to power, the NIA has intimidated and targeted many people by conducting "raids" on their premises, detaining them for hours to interrogate them and even falsely charging them under draconian laws like 124A and the UAPA.

How are these raids, also called search and seizure operations, actually conducted? How do they undermine the rights of citizens?

"I received a strange phone call on October 28, 2020. It was at 7:15 AM, and the caller claimed that he was from the Income Tax Department. He said it was regarding an organization I had quit six months earlier. I simply said that I didn't work there anymore and hung up. Within half an hour, the doorbell rang, and there they were. 3-4 officials from the NIA, and 4-5 police officials from the nearest police station."

This was the beginning of a raid at the home of a Bangalore-based activist, Swathi Seshadri.

In light of the recent raids by NIA in Uttar Pradesh including one at the residence of PUCL National Secretary and State President of PUCL Uttar Pradesh Seema Azad, this

article aims to highlight a few legal aspects of a raid, which protect the fundamental rights of every citizen, whether accused or not.

Ms Seshadri shared her experience with us, which detailed both the way in which a raid took place as well as the necessary measures that she was legally advised to take. She also shared with us the aftermath of a raid on her personal and professional life.

Before the raid began at Ms. Seshadri's house, she had demanded a copy of the search warrant, or any document which authorized the officials to search her house. The officials refused, and did not even inform her any reference to a case, or the reason they are conducting the raid. "Upon realizing that I lived alone, they asked me to follow them to the police station. I refused to go anywhere until they told me why they were at my door. I also repeatedly asked them for a search warrant, which they refused to give. Then, the raid began."

Mihir Desai, PUCL Vice President and a senior counsel practicing in the Bombay High Court and the Supreme Court, shared with us in detail about the rights of a person, which are protected by law, during the

time of a raid.

Desai said that this is a common practice, although, it is not allowed. "Unfortunately, neither does a raid happen without a warning, nor do they follow such a protocol as to showing a search warrant or a document. In many cases, they also tend to bring many police personnel with multiple vans. Most times, this is to intimidate you. At that given moment, you are required to cooperate with them to avoid escalating the issue."

Privacy denied

Ms. Seshadri recalled that ,during their search, the raiding party opened every drawer and every cupboard present in the house. "The process is the punishment – because they tried to break my spirit throughout the raid. They tried to humiliate me while opening the drawer in which I had kept my undergarments. They kept reminding me I am alone", she said. "When my phone kept buzzing with calls from my ex-husband, they kept asking me personal questions about my relationship, and asked why he is so concerned when we are no longer married?"

As a part of the team of officials in a raid, the NIA is required to bring an 'Independent Witness'

for an unbiased report of the investigation. “But the Independent Witness who accompanied the NIA was obviously known to the police”, said Ms. Seshadri. “He selectively leaked news of the raid to the media. Very soon, TV journalists had gathered in front of my gate and TV channels were broadcasting visuals of my house on loop. Journalists had shoved their cameras into the grill of my front door and were broadcasting visuals of the inside of my home too.” This was a flagrant violation of her right to privacy, and an extremely cruel tactic of the NIA to intimidate her.

Both Ms. Seshadri and Mr. Desai indicated that having friends and especially lawyers around is very important during such times. “That support system was what helped me stay calm and well-informed about my rights at that time”, said Ms. Seshadri. She shared, “During the raid, one of the things they did was to remove specific books my shelf which were about Kashmir and Urdu. That is when I got the hint that it was probably regarding the research I had done in Kashmir.”

Beware of ‘planted’ evidence

“When the officials were searching, I made sure to follow them to every room and place they went. I kept a close watch

to ensure that they leave no objects behind,” she shared. Mr. Desai agreed that this is very important, to ensure that the officials do not tamper with any of your belongings, or take unconstitutional steps of planting materials.

The seizure of personal devices and belongings

With regards to materials that they seize, he said that while they are allowed to seize any object from your house, all the details of these seized objects must be declared in a document known as Panchnama, or the Seizure Mahzar. This document enlists every seized object, from books and papers to electronic devices. Ms. Seshadri said that her lawyers had emphasized that when they took her laptop, she should demand for the hash value. Hash value is a long numeric value which uniquely represents the data of a device. Mr Desai explained that this is very important to demand, because this number, when checked later, accurately represents whether the data in a given device has changed or not. “In fact, one should ask for the hash value to be written in the Panchnama. If not that, then the officials must write this in a separate letter and provide a copy to the individual”, he said.

This is a part of the process that is neither commonly known to people, nor complied with by

investigating officials. “One of the officials wanted to connect the laptop to an instrument and said that it is the quick way to scan my laptop. I had to refuse several times. They started threatening me, ‘If you don’t let us do this, then your case will be dragged for years! You will be called for interrogations repeatedly. If you are arrested, and even if you are innocent, you won’t get bail for 6 months. Do you want to waste 10 years of your life in jail?’ Since I was in touch with friends and lawyers who had informed me about my rights and precautionary measures, I calmly and firmly refused. I told them that they should first declare my laptop as a seized object on the panchnama, only after which they can take it. Until then, I did not allow them to do anything on my laptop”, Ms. Seshadri said.

In the last few years, such raids have been commonly used to target activists and stifle dissent. PUCL has repeatedly condemned such attempts of the NIA & the government to criminalise activism and target individuals such as journalists, academics and activists, especially from marginalised communities. Such abuse of power through raids does grave damage to the free exercise of the constitutionally guaranteed freedom of speech, expression and association which is the essence of a democracy.

CIVIL SOCIETY CONDEMN NATIONAL HUMAN RIGHTS COMMISSION FOR HOSTING THE 28TH BIENNIAL APF CONFERENCE ON 20-21 SEP.2023

We the undersigned members of Indian civil society strongly condemn the Asia Pacific

Forum (APF) for acceding to the National Human Rights Commission of India (NHRC)

request to host its next conference in New Delhi on 20th and 21st September 2023.

This is of particular interest to us because the Indian NHRC has just recently in March 2023 been deferred its Acceleration by the Sub Committee of Accreditation of Global Alliance of National Human Rights Institutions (GANHRI). The commission after March 2023, did not have the courage to call for a meeting with civil society members to drawn up strategies in partnership with us and has instead used the APF conference to politicise the issue.

This is deeply troubling as the hosting of this prestigious conference by the NHRC will not

aid the important cause of human rights protection in India but only provide the NHRC a fig leaf of international legitimacy to cover up its dismal performance. This is all the more disappointing as the NHRC is the premier human rights institution not only in India but should serve as a model to the global south.

The NHRC has been silent with respect to the situation of human rights defenders in India. Anti-terror laws such as the UAPA have been used to target and silence human rights defenders, lawyers, activists and journalists, most prominently in case known as the Bhima Koregoan-16. The NHRC which has paid lip service to the key role of human rights defenders with the Chairman calling them the 'eyes and ears' of the system, has done nothing to ensure that human rights defenders are not imprisoned for exercising their right to speech and expression.

Most recently in Manipur, the situation has involved targeting attacks against members of one ethnic community, sexual violence perpetrated against members of the same ethnic community as well as the destruction of churches by armed vigilante groups. The Manipur state government failed in performing its basic constitutional responsibility of ensuring security of life and liberty to all citizens without discrimination. In spite of this shocking state of affairs which threatened human rights it was bound to protect, the NHRC was silent. The NHRC was roused from its slumber to issue notice to the state of Manipur only after the Supreme Court initiated suo motu action on the complaint of sexual violence against members of the Kuki Zo community. In one of the most serious human rights challenges in recent years which has dimensions of ethnic cleansing, sexual crimes and even possibly crimes against humanity, the response of the NHRC (belated and weak) has been nothing short of an abdication of its constitutional and legal responsibility.

The NHRC has entirely abdicated its responsibility as an independent institution which will call out human rights violations by the state. It has been silent when the state has deployed bulldozers to destroy the homes of Muslim minorities as well as dissenters in total violation of the rule of law. These demolitions of homes which have been carried out by state authorities (belonging to the ruling party) in Uttar Pradesh, Madhya Pradesh, Delhi and

Haryana have degraded India's reputation as a rule of law society. Demolitions as arbitrary actions, meant to inflict collective punishment on a community violate the mandate by which the NHRC is bound namely the 'protection of the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India'

The NHRC has also been silent with respect to the rise in vigilante crimes against the Muslim minority happening with a sickening regularity throughout India. It has stood silent in the face of hate speech which vilifies, intimidates, ostracizes and demeans the minority community, calls for economic boycott of the community and even calls for genocide of the community. There has not been a single statement of the NHRC regarding the sexual harassment complaints by female wrestlers against a member of parliament belonging to the ruling party. Silence when Human Rights Defender like Teesta Setalvad was incarnated when Kurram Parvesh Jammu and Kashmir has been incarnated for almost two years, when NHRC's own former special monitor Mr. Harsh Mandar was targeted by the government the Indian NHRC has decided to remain a silent spectator not in a single case related to Journalist and Defenders which were before the High courts or supreme court did the NHRC ever in the recent past deemed pertinent to follow APF's own action plan for protection of Human rights

defenders. The instances can be multiplied, but the simple point is that the NHRC is a silent spectator to the wilful destruction of both human rights and the rule of law in India today.

The self-chosen role of silent spectator to human rights violations by the state has meant that the functions of the NHRC under the Protection of Human Rights Act, 1993 are sadly under utilized. The NHRC in the past has been an intervenor before the Supreme Court in key cases of human rights violations in the Gujarat riots of 2002. However today, in any issue of human rights violations which have come before the Supreme Court with important ramifications, be it the abrogation of Article 370, marriage equality, hate speech or Manipur the NHRC has chosen to maintain an amoral and indeed unconstitutional silence.

We are concerned that the hosting of the APF conference will be an opportunity to further white wash the sins of omission of the NHRC on a global stage. It's important that the world understand that to fulfil the G-20 rhetoric of being the 'mother of democracy' India has to ensure that the human rights guaranteed by the Indian Constitution and the ICCPR and the ICESCR become the patrimony of every citizen. To do that it is of crucial importance that the NHRC take its mandate seriously as an institution which ensures accountability of the state to Part III of the Indian Constitution. India is the only country globally which has over 170 National and State Thematic Human rights institutions and we in civil society are deeply concerned that the hosting of this conference will provide legitimacy to an institution which sees itself as wanting to

be a show piece to the external world rather than being the sole of protecting human rights in India.

Since this basic condition of fulfilling the mandate conferred by the Protection of Human Rights Act as well as the Paris principles have not been met by the NHRC, civil society organisations condemn the very holding of the APF Conference in India. We also call upon APF and all chairperson members of NHRIs to see through the politization of a APF conference by one of your own members whose track record has been extremely poor functioning even without three of its members for past almost 9 months now to prevail upon the NHRC to begin to address some of the key human rights concerns highlighted in this letter.

Initiated by All India Network of NGOs and Individuals working with National and State Human Rights Institutions

PUCL DEMANDS THE CLOSURE AND HALTING OF INVESTIGATION OF THE NIA BASED ON WHICH RAIDS IN 8 LOCATIONS OF 5 DISTRICTS OF UP WERE UNDERTAKEN TODAY

PUCL PRESS STATEMENT

All the devices and books of Seema Azad, National secretary of the PUCL and similarly of others seized by the NIA be returned immediately!

PUCL demands from the MHA to stop criminalising activism aimed at realising the directive principles of state policy as anti-national.

The PUCL is outraged that the house of its National Secretary and UP State President, Seema Azad, advocate, author and editor of Dastak, a monthly non-commercial magazine, was raided today (05th September 2023). The PUCL also condemns both the raid, the detention and the twelve-hour intensive interrogation by the NIA of both Seema Azad and

her husband Vishwa Vijay, also an advocate. We would like to put on record that Seema Azad is a human rights activist of deep integrity, who has led many PUCL Fact Finding teams against violations of human rights in several parts of UP State. She also initiated the process, under the aegis of the UP PUCL, of making a Human rights Manifesto for the UP-

state elections, eighteen months ago. She is also in the editorial committee of the PUCL National Bulletin magazine.

The PUCL believes that this operation of the NIA is a serious attempt to stifle the voices of an active human rights and democracy defender, which is unacceptable and the PUCL strongly objects to this tyrannical act of the NIA agency. It demands that the NIA withdraw its investigation against Seema Azad and not criminalise any action undertaken by her in the course of her human rights work. According to news sources, all devices of Seema Azad, her books, poems, magazines, and other documents have been seized by the NIA officers.

From news reports we have learnt that today's raids by the NIA were carried out under the FIR: RC-01/2023/NIA/LKW, which is not on the website of the NIA. It has also been learnt that this FIR was lodged in June 2023. The raids were undertaken in eight locations in the districts of Allahabad, Varanasi, Azamgarh, Deoria and Chandauli of UP. Some media personnel have tried to insinuate that these raids were happening as the CPI Maoist party is "recruiting innocent urban youth as urban naxals" and other news portals also said that this is a part of the larger crackdown being

undertaken on the alleged left extremists by the NIA in the country.

The way in which the NIA and the MHA are selectively leaking unsubstantiated information about those apprehended today appears that they have deliberately launched a smear campaign against those detained by dubbing them to be 'extremists, anti-national, anti-state' thereby 'manufacturing' public support for their illegal actions. We strongly condemn such unconstitutional and anti-human rights actions of the NIA and demand that the witch-hunt of human rights activists be stopped immediately. Others raided and interrogated by the NIA include Advocate Soni Azad also an active member of the PUCL UP, her husband Ritesh Rai, their shared house was raided in Allahabad, Akanksha, President of the Bhagatsingh Student Morcha (BSM), whose office was raided in Varanasi. The NIA raided the Deoria house of Activist Rajesh Azad of the Khiriyabagh-Azamgarh farmers movement and the Sanyukta Kisan Morcha, Manish Azad a resident of Allahabad was also interrogated for several hours along with his house being raided. The PUCL unequivocally condemns these raids as well. The seizure memo of the BSM President Akanksha, a copy which is with the PUCL, states that apart

from the electronic devices of 2 laptops and the phone of Akanksha they also seized, books and magazines like "Dastak", BSM magazine "Mashaal", student magazine "Alternate" published from Delhi, pamphlets of Mazdoor Kisan Morcha, among others as incriminating evidence, including receipt books. To the NIA and their superintending authority, ministry of home affairs, it seems that books and opinions which are dissenting from a mainstream corporate consensus are indications of a criminal offence. This attitude and mindset does grave damage to the free exercise of the constitutionally guaranteed freedom of speech, expression and association which is the essence of a democracy.

PUCL is concerned that under the cover of 'Naxalism and Maoism', those working to ensure that the Directive Principles of State Policy become a living reality for the marginalized are being criminalized. This is a clear attempt to intimidate Indian citizens who want to raise democratic demands and seeking accountability from public officials and the political executive. The PUCL reiterates its demand of stopping this witch hunt, immediate withdrawal of the FIR and a halt to the investigation.

Kavita Srivastava (President)
V. Suresh (General Secretary)
PUCL

Regarding Enrollment of Members to PUCL

PUCL National office gets a large number of requests for membership. It should please be noted that the PUCL National office does not enroll any member directly except at the instance of the National President/General Secretary as an exception. Prospective members are advised to contact their respective state or district unit for being enrolled as members of the organisation.

MANIPUR POLICE: STOP CRIMINALISING BASIC TOOLS OF ENQUIRY LIKE FACT FINDING AND ANALYSIS

PUCL PRESS STATEMENT

IMMEDIATELY WITHDRAW THE FIR FILED AGAINST THE EDITOR'S GUILD OF INDIA MEMBERS

The PUCL strongly condemns the two motivated and malicious FIRs filed by the Manipur police against 3 members of a Fact-Finding Team constituted by the Editors Guild of India, Seema Guha, Bharat Bhushan and Sanjay Kapoor and the president of EGI, Seema Mustafa, for a Report released by them on 02nd September, 2023 about the ongoing, unabated ethnic violence in Manipur. Both the FIRs, one filed in Imphal West and another in Imphal East Police Stations, have been registered under identical offences under the IPC.

The offences charged against the highly respected and senior journalists of the EGI Team aim to punish promoting enmity between different groups (sec. 153-A), injuring or defiling a place of worship with intention to insult the religion of any class (sec. 295), uttering words etc with deliberate intent to wound religious feelings of any person (sec. 298), using as true a certificate known to be false (sec. 198) and using as true any declaration knowing it to be false (sec. 200). Apart from these provisions, the journalists have also been charged for defamation (sec. 499 & 500) and making statements conducing to public mischief (sec. 505(1)(b)) and creating or promoting enmity, hatred or ill

will between classes (sec. 505(2)). To round it up, the highly respected and senior journalists have been charged with the offence of conspiracy under section 120B, IPC!

PUCL would like to point out that what the Manipur State police, and indeed the Manipur government, is seeking to do is to intimidate the Editors Guild of India and other reporters from exposing the truth that they found during the Fact-Finding Exercise, about the true nature of ethnic violence that has ravaged Manipur. The police action leaves no doubt that they intend not just to silence the findings of the Fact-finding Team of the Editors Guild on the violence in Manipur but also inhibit anyone else from daring to expose the complicity of the Biren Singh government and the role of some groups from amongst the majority community in Manipur from being exposed, to the rest of India. Both the FIR's are nothing other than an effort to silencing voices which challenge the narrative of the Manipur government led by Biren Singh, regarding the causes of the violence in Manipur.

We should point out that the Editors Guild of India is a highly respected professional body of journalists made up of some of the most experienced and respected journalists of India. What earned the ire of the Manipur government was the fact that the EGI sent a Fact-

finding mission to Manipur to study the role of the media reporting of the unabated ethnic violence in Manipur. Its terms of reference were to examine the reportage of the violence by the media, to examine whether media was indeed 'biased and divisive' as alleged by several stakeholders, to understand and document the way media's coverage deepened the fissures and the impact of internet shutdown on the ability of the media to function. This very important mission, gave a new dimension to the objective understanding regarding what is happening in the state, for the rest of India's comprehension. It is a well-established fact that in a conflict situation, whether national, local or international, the media can play a role of escalating violence or can contribute towards healing and building peace and trust between hostile communities. The conclusions of the EGI's Fact Finding Report need to be considered by all stake holders objectively and dispassionately:

- The state government seems to have facilitated the majority community's anger against the Kukis through several seemingly partisan statements.
- While the early days of killings and the role of social media has been well documented, it is now visible that the ethnic divide deepened progressively through fake news, which finds space largely in Imphal media.

- Communication blockade by the government had a deleterious impact on journalism as it directly impacted the ability of journalists to communicate with each other, their editors and their sources. The media had a vital role to play by informing the wider populace inside Manipur and externally, across India, about the spread of the ethnic violence and to raise questions of accountability of state agencies and other institutions in effectively reducing the ethnic violence.
- The media agencies seen to be tacitly or openly espousing the Meitei discourse, were found to be a party to the vilification of the security forces, especially the Assam Rifles, as being partial to the minority Kuki community, leading to the demand that the Assam Rifles should be changed.
- The state government also tacitly supported this vilification by allowing Manipur Police to file an FIR against the Assam Rifles, suggesting that the political executive was clearly taking sides;

The State made a mistake in banning the internet. An internet ban only feeds rumours and blocks the views of the disadvantaged community as has clearly happened in Manipur.

It is shocking that a Government whose own constitutional and criminal complicity is being pointed out should instead of accepting

responsibility for its various acts of omission and commission which has resulted in a tragic loss of life, should turn around and shoot the messenger instead. It was reported that the Chief Minister in a press conference criticized the Editors Guild team saying that "They are anti-state, anti-national and anti-establishment (people) who came to pour venom. Had I known it before, I would not have allowed them to enter," This language of 'anti-national' and 'anti-establishment' is nothing other than an effort to intimidate any discourse which deviates from the state government's narrative, into silence. The government is using both the criminal law as well as branding of a respected body such as the Editors Guild as anti-national, to cow down all dissent.

It should be pointed out that if the Government had so desired they were entitled to challenge the Editors Guild report on facts as well as interpretation, through a press statement or press conference stating the alternative facts and meanings. However instead of taking this constitutionally sanctioned path to challenge the findings of the Editor's guild, the Manipur police seeks to shut the entire narrative down through criminal law. By doing so the Manipur administration has again shown its utter contempt for the Constitution. The Chief Minister must take responsibility for this serious constitutional dereliction.

We strongly condemn this action of the Manipur state in seeking to restrict the core freedoms which make India a

constitutional democracy. What is going on in Manipur is a national shame, which according to most independent sources has been aided and abetted by the active complicity of state government while the central government has chosen to look on. When the institutions of the state fail to ensure the rule of law and protect the life of ordinary citizens, exposing the same is a constitutional duty and not a criminal offence.

This is not the first FIR against those who have articulated a different narrative from that of the State. Since the conflict started on 3rd May, 2023, several such FIRs have been filed against anyone highlighting a different narration of events exposing the role of the CM, the State Government or majoritarian organizations. This includes the FIR against an all women NFIW Fact-finding Team, with an independent advocate, which visited Manipur and released a Fact-Finding Report. It also includes an FIR filed against academics like Prof Kham Khan Suan Hausing of Hyderabad Central University, who has been similarly charged for giving a television interview on the issue. What is symptomatic of the hate politics of majoritarian Meitei groups in Manipur is that Prof. Kham is even being denied legal representation by attacking lawyers in Imphal forcing them to withdraw their appearance on his behalf in court.

The PUCL stands in solidarity with the Editors Guild and its members and demands that The two known FIRs against the members of the Fact Finding team, Seema Guha, Sanjay

Kapoor and Bharat Bhushan, as well as the President of the Editors Guild, Seema Mustafa, must be withdrawn immediately.

In the event that it comes to public attention later that other FIRs have been registered against the FFT or the EGI, on the same Report or cause of action, these FIRs should also be dropped and withdrawn. No new FIRs should be permitted to be registered against them regarding the release of the FFT Report.

The concerns raised by the Fact Finding team vis a vis an administration that favours one ethnic community over the other, justice for sexual violence, biased nature of the media reporting be addressed immediately by the authorities. Internet access be restored with immediate effect as the ban is a disproportionate and arbitrary action which negatively affects the constitutional right to speech and expression under Article 19(1)(a).

The current administration headed by Biren Singh must resign forthwith. No end of the conflict seems to be in sight under his leadership.

The Union Government must intervene and address the issues of conflict urgently and ensure an end to the ongoing violence and the cycle of hate, suffering and death.

Kavita Srivastava (President)
V. Suresh (General Secretary)
PUCL

LETTER TO THE COLLECTOR WITH THE FACT FINDING REPORT 'INCITING DISHARMONY IN EDUCATIONAL INSTITUTIONS IN WESTERN MAHARASHTRA'

WOMEN PROTEST FOR PEACE (WPPF) OR SHANTI SATHI STREE SANGHARSH

To Rahul Rekhawar,
Hon. Collector,
Kolhapur District
Maharashtra State,
India. 7/9/2023.

Topic: Incidents occurring in the educational sector since June 2023. Appeal for Intervention and action.

Hon. Sir,

In the past few months, alarming incidents have occurred in the educational sector in the districts of Kolhapur-Sangli-Satara, which are under the jurisdiction of Shivaji University. A planned program is being implemented in various educational institutions, targeting teachers by deliberately inciting students on religious grounds, putting pressure on the management of educational institutions and disrupting the harmonious

educational environment. These are important institutions in this area, particularly because boys and girls of the Bahujan community are able to avail of higher education. Unfortunately, they are being targeted and are being pressured to take stands against the Constitution of India. In the wake of the sectarian violence that took place in Kolhapur in June, 2023, women of all castes and faiths have come together in an innovative platform in Kolhapur called Women Protest For Peace (WPPF) or Shanti Sathi Stree Sangharsh to support each other in times of crisis and also to raise societal awareness about women's issues, particularly that of women's safety. Through this forum, women are trying express anger and distress by holding silent protests to demand peace and justice against hatred and injustice. Since June 2023,

many women working in the education sector have had to submit to pressure politics of religious organizations in Kolhapur district. Against this backdrop, a Fact Finding Committee (FFC) was formed on behalf of WPPF in order to gather information about cases that occurred recently and draw conclusions from the evidence.

The FFC gathered information from the following institutions:

1. Kolhapur Institute of Technology (KIT), Gokul Shirgaon, Kolhapur
 2. Vivekananda Institutes of Education (Vivekananda College, Kolhapur, Dattajirao Kadam Arts, Science and Commerce College, Ichalkaranji)
 3. Seventh-day Adventist School, Kolhapur
 4. Rayat Shikshan Sanstha: Chhatrapati Shahu College, Kolhapur, Pandit Nehru
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Vidyalaya and Junior College, Kaulapur, Sangli, Yashwantrao Chavan College, Pachwad, Satara, Rajarshi Chhatrapati Shahu College, Kolhapur, Chandrabai-Shantappa Shendure College, Hupari, Kolhapur

Observations:

1. The incidents that took place in the months of June -August 2023 in various educational institutions in Kolhapur and Sangli districts are not isolated occurrences. They are predetermined and have a pattern of direct intervention by external elements in educational institutions.

2. Educational institutions have become targets of Hindutva groups and organizations.

3. There is a deliberate attempt to create tension and rifts on religious lines among students, their parents, and general citizens by targeting educational institutions.

4. In these educational institutions, the main intention is to create pressure on the management. It must be noted that it is mainly women teachers who are being targeted. Many teachers are sent on forced leave or transferred under pressure without due process or even a simple inquiry.

5. Many concerned teachers/administrations have expressed the opinion that tension is being created in this manner in view of Lok Sabha and Vidhan Sabha elections coming up in 2024.

6. The role of the police is not

balanced. Their bias towards the majority Hindutva organizations was apparent. Apart from this, such incidents are occurring in many other institutions, according to information received by the FFC. However, due to pressure, they have not come out publicly. As secular, conscientious citizens and women who are aware of the future of teachers and students, we express our concern and condemn the incidents.

We demand:

1. An independent committee be appointed to conduct an impartial inquiry into these incidents.

2. Strict action be taken against those found guilty.

3. Launching of a helpline to respond to complaints and also reach out immediately to affected parties in case of such incidents. Alongside, in order to prevent such incidents from occurring in the future and keeping in mind the larger goal of maintaining social harmony, representatives of the management of educational institutions, teachers, students and parents should be invited for a thorough discussion on this issue and guidelines to deal with such incidents should be evolved.

Our forum is ready to take the initiative and implement any collaborative action program on this issue.

The full report which was enclosed with the letter is available on the website. Here is an excerpt from the report:

Inciting Disharmony in Educational institutions in Western Maharashtra

A Fact Finding report Sept 2023 Fact-Finding Committee (FFC) Report from Kolhapur, Sangli, Satara Districts of Maharashtra

Teacher's Day, 05.09.2023

Since June 2023, many women working in the education sector have fallen prey to the politics of pressure incited by external forces in schools and colleges in Kolhapur-Sangli-Satara districts, which are in the jurisdiction of Shivaji University. Against this backdrop, a Fact-Finding Committee was formed on behalf of the forum Women Protest For Peace (WPPF) or Shanti Sathi Stree Sangharsh.

The FFC met with the concerned teachers and the management of the institutions and other stakeholders. Information published in local newspapers where such incidents occurred was also analysed. The FFC also received preliminary information about the incidents from the social workers Mrs. Pranita Mali and Mrs. Seema Patil, Kolhapur.

Details of the incidents are as follows:

1. Seventh-day Adventist School, Kolhapur

On August 4, 2023, during a school examination, a student wrote 'Jai Shri Ram' on the answer sheet. As per the examination rules, no writing/picture can be drawn on the answer sheet which will show identification. The teacher told

the boy not to do so, but the boy became very aggressive. He then urged other students to write 'Jai Shri Ram' on their answer sheets. The teacher, herself a Hindu, got angry and punished the boy. This news reached a mob of 40-50 men outside who, as soon as the school was over, barged into the school and demanded that the school management apologize for punishing the student. There was loud sloganeering and banging of doors. Inspector Ajay Sindkar of Shahupuri Police Station intervened and held a meeting between the school administration, Hindutva activists and parents. In this meeting, the school administration promised to act against the concerned teacher.

Amidst a tense situation in the school, the next day the school management, teachers and some other people met former Shiv Sena MLA Mr. Rajesh Kshirsagar and discussed the incident with him. No concrete conclusion was reached during this discussion. Mr. Rajesh Kshirsagar explained to the teachers to calm down and asked the school management not to escalate the matter. He said that since he was very 'positive' about the school, and he would not escalate the issue if the concerned teacher was asked to resign. When the parents of the concerned child were called by the school, they said that they had no complaint, and they only wanted their child to study further. When the said incident took place, police security was also provided in the school for two days. The management did not come forward to take concrete action

by filing a police complaint against the mob entering their school.

When the fact-finding committee met the school administration, the administration behaved very politely. But they were not eager to talk. The following points emerged from the discussion:

i. Seventh-day Adventists have many branches in Maharashtra and in India. Incidents of this nature are occurring in many of them.

ii. This is an attempt to disturb and destabilise the students.

iii. Many parents have met the teachers and administration of the school and expressed their sympathy. They also hoped that this should not affect the students.

iv. The mob demanded that the school put up pictures of national and political leaders in the school. After that, such photos have been put up everywhere in the school.

v. Seventh-day Adventists school management has advised a wait-and-watch policy for some time to calm the situation. Therefore, the teacher concerned has been advised to remain on leave until further orders.

vi. According to the information received by the committee, on another occasion, when a cleaning staff was called to mop water spilled in the corridor, the children asked her what religion she belonged to. When told that she is a Christian, the students insisted she chant 'Jai Shri Ram'. Also, 'Jai Shri Ram' was written on all the school boards. When asked if this information was true, the administration

categorically denied that it had happened.

2. Rayat Shikshan Sanstha

Attempts have been made to vitiate the atmosphere and disturb the peace in many colleges of Rayat Shikshan Sanstha. To discuss the matter, the fact-finding Committee met Ms. Saroj Patil, General Body Member of Rayat Shikshan Sanstha. The facts that emerged about various colleges under the Rayat Shikshan Sanstha umbrella are as follows.

a. Rajarshi Chhatrapati Shahu College, Kolhapur

On August 12, 2023, Ms. Saroj Patil was chairing a meeting of the College Development Committee (CDC) when a group of 20-25 boys entered the room by kicking the door open. Among them, nine students belonged to the college hostel. All of them wore saffron scarves around their necks and saffron marks on their foreheads. When asked how they came in without permission, they became aggressive and started an argument about hostel facilities. The administration had explained to the students that the hostels were being repaired and thus no hostel admissions would be given this year. On being persuaded, some hostel facilities were provided to the needy students in a long corridor. The Hindutva organization decided to use this issue to enter the CDC meeting and create a ruckus. The college administration was clear that they were unable to offer facilities this year and had informed the students. Ms. Patil told the FFC that she intervened on behalf of the students who

apologized and are now continuing to stay and study in the college.

b. Rajarshi Chhatrapati Shahu College, Kolhapur

Speaking of the incident at the Chhatrapati Shahu College, the concerned professor said that she had not gone back to college since the incident more than three weeks back and has reported sick. The FFC met Dr. Laxman Kadam the principal of the college. Information obtained from discussions with them is as follows:

The college administration had decided to make special efforts to ensure that students maintain discipline in the college premises. On 17.08.2023 at 12.30 p.m the senior college professor was checking the dress code and identity card of all students when she noticed a student outside the classroom. She asked him in which class he studied and to show his identity card as it was not visible as he was wearing a saffron scarf. After telling the student that he should not come wearing such a scarf because the identity card is not visible and that the discipline of the college should be followed, he yelled at her and left the premises.

After that, in the staff meeting held around 1.30 pm, Principal Dr. Laxman Kadam said that when some Hindutva organisations came to meet him with complaints, he came to know about the incident. The professor clearly said that it was only a disciplinary matter. Dr. Kadam told the FFC that a large group of Hindutva organisations came to meet him

and barged into his office. They started shouting slogans. The principal called the police and pacified the crowd.

The group demanded to know the dress code regulations of the college. They repeatedly argued, asking if there were different rules for Hindus and Muslims. Hijab and skull caps are allowed, but why not saffron scarf, they asked. The principal told them that it is mandatory for students to adhere to the dress code (no jeans, shorts etc) with the prominent display of the identity card. There was no problem if students wore saffron scarves or any other clothing like saffron scarfs, Hijab or skull caps, the issue was that the identity card was not prominently displayed by the student.

The mob demanded that the principal produce professor Mulani asking for her to apologize to them. The principal flatly refused. Dr. Kadam said that three groups of different Hindutva organisations came to meet him and demanded an apology from the professor. Dr. Kadam decided to apologise on her behalf but they were not satisfied. After that, Shri. Ravikiran Ingwale of the Shiv Sena came there and took a stand in favour of the institution.

Mr. Ingawale was allowed to meet the professor. He told her that if she wanted to work in the college, she would have to stop telling Hindus to adhere to a dress code. He told her she may go work elsewhere and insisted that the principal send her on forced leave. The college has decided that it is better to calm the situation and

have issued a memo to the professor. She is presently on compulsory leave. The principal has advised the Rayat Shikshan Sanstha to transfer her with immediate effect.

3. Kolhapur Institute of Technology, Gokul Shirgaon, Kolhapur

On 08/06/2023 a woman professor in the college was asked to take a 'value education' class. After the class started, some students started a discussion on the topic of 'gender discrimination'. They made derogatory statements about the minority community:

"Muslims are rapists. Hindus are never involved in any kind of riots. Babri Masjid was demolished by order of Supreme Court, etc." The professor took a clear stand regarding these statements, based on facts: "Rape is not limited to any religion or caste. Rapists have no religion or caste. Rape is the most heinous form of crimes against women."

Some of the students secretly filmed the video of her talk, edited it and posted it on social media. The video went viral. Based on this doctored clip, some Hindu organizations put pressure on the college management and the professor, demanding acMon against her. They threatened to stop the examinations if no action was taken. They demanded that she render a public apology and insisted that she should publicly apologize at Shivaji Chowk, Kolhapur.

According to the letter issued on June 16, 2023 regarding this

incident, disciplinary action was taken against the professor. Without investigating who did the filming in the class without permission, who contributed to distorting it and spreading it, the institute sent the professor on compulsory leave. However, the professor flatly refused to apologise.

Progressive women in Kolhapur, as well as other progressive youth organizations, met the management of the institute. They argued that the professor had not violated the discipline of the college in any way. They demanded that the action against the professor be withdrawn, that she should be reinstated in service immediately; the matter be investigated impartially, and that action be taken against the students who doctored and disseminated the video.

This issue was also discussed at the national level, with the 'India Academic Freedom Network' and other organizations releasing leaflets supporting her.

Even after that, the management advised her to apologise, but she refused. The institution then asked her to 'work from home' for a few days. At the end of the forced leave period at the end of the semester she was allowed to join service on 21.08.2023.

(The full Fact-Finding Report available on the PUCL website details many more incidents that have taken place in Maharashtra.)

Apart from these, such incidents are occurring in many other institutions. However, due to pressure, they have not come out publicly.

As secular, conscientious citizens and women who are aware of the future of teachers and students, we express our concern and condemn the incidents. Alongside, in order to prevent such incidents from occurring in the future and keeping in mind the larger goal of maintaining social harmony, representatives of the management of educational institutions, teachers, students and parents should be invited for a thorough discussion on this issue and guidelines to deal with such incidents should be evolved. The Women Protest for Peace forum is ready to take the initiative and implement any collaborative action program on this issue.

Women Protest For Peace, Fact-Finding Committee: Megha Pansare, Rehana Mursal, Meena Saraswathi Seshu

INDEPENDENT NEWS OUTLET THE KASHMIR WALLA'S WEBSITE, SOCIAL MEDIA BLOCKED BY GOVERNMENT

STATEMENT BY THE KASHMIR WALLA STAFF ISSUED ON AUGUST 20, 2023

The Kashmir Walla is an independent news site based in Srinagar that has been covering developments in Jammu and Kashmir without fear or favour for more than 12 years.

For the past 18 months, however, we've lived a horrifying nightmare – with the arrest and imprisonment of our founder-editor, Fahad Shah, and the harassment of our reporters and staff, amid an already inhospitable climate for journalism in the region.

On Saturday, August 19, 2023,

we woke up to another deadly blow of finding access to our website and social media accounts blocked.

When we contacted our server provider on Saturday morning to ask why thekashmirwalla.com was inaccessible, they informed us that our website has been blocked in India by the Ministry of Electronics and Information Technology under the IT Act, 2000.

Next, we discovered that our Facebook page – with nearly

half a million followers – had been removed. As had our Twitter account, "in response to a legal demand." In tandem with this move, we have also now been served an eviction notice by the landlord of our office in Srinagar and we are in process of evicting the office.

Fahad Shah, our founder-editor, was arrested in February 2022 over the coverage of a gunfight. It was the beginning of the saga of his revolving door arrests. He went on to be arrested five times within four months. Three FIRs under the stringent

Unlawful Activities (Prevention) Act and one Public Safety Act have been registered against him.

In April 2022, the State Investigation Agency (SIA) raided our office and Shah's home in Srinagar for an investigation into an opinion piece published 11 years ago, in 2011. During the raid, most of our gadgets were seized, reporters were interrogated, and all documents were scrutinized. Since then, our interim editor has been summoned and questioned by the SIA multiple times. Shah remains imprisoned in this case in Jammu's Kot Bhalwal jail - 300 kms away from home.

Sajad Gul, who worked briefly with us as a trainee reporter, remains in a prison in Uttar Pradesh under the Public Safety Act. He was initially arrested in January 2022.

We are not aware of the specifics of why our website has been blocked in India; why our Facebook page has been removed; and why our Twitter account has been withheld. We have not been served any notice nor is there any official order regarding these actions that is in the public domain so far.

This opaque censorship is gut-wrenching. There isn't a lot left for us to say anymore. Since

2011, The Kashmir Walla has strived to remain an independent, credible, and courageous voice of the region in the face of unimaginable pressure from the authorities while we watched our being ripped apart, bit by bit.

The Kashmir Walla's story is the tale of the rise and fall of press freedom in the region. Over the past 18 months, we have lost everything but you - our readers. The Kashmir Walla is beyond thankful that we were read avidly for 12 years by millions.

As to what the future holds, we are still processing the ongoing events.

ALARM BELLS MUST SET OFF IN THE COUNTRY ON THE HATE KILLINGS BY RPF CONSTABLE CHETAN SINGH!

PRESS STATEMENT BY PUCL MAHARASHTRA (EXCERPT)

PUCL Maharashtra is shocked by the ghastly hate killings by RPF constable Chetan Singh of his superior officer RPF Assistant Sub-Inspector Tika Ram Meena and three Muslim passengers Abdul Qadir bhai Mohammed Hussain Bhanpurwala, Asgar Abbas Ali and Sayed Saifullah, onboard the Jaipur-Mumbai Central Express on July 31, 2023.

Increasing hate propaganda is hurtling the Indian society down such a dangerous path, where even a police officer from Railway Protection Force (RPF) is influenced enough by communal hate to carry out killings of Muslim men, identifying them by clothes and beards, inside a train.

In a chilling case that has shaken the public consciousness, RPF constable Chetan Singh, 33 years old, shot dead his superior RPF Assistant Sub-Inspector Tika Ram Meena (58), from Sawai Madhavpur, Rajasthan and three passengers – Abdul Qadir bhai Mohammed Hussain Bhanpurwala (64) from Nalasopara in Palghar, Asgar Abbas Ali (48) from Madhubani Bihar, and Sayed Saifullah (43) from Hyderabad, using his automatic weapon, while on duty, on the Jaipur-Mumbai Central Express on July 31, 2023 around 5 a.m. All the three Muslim passengers had typical beards clearly identifying their religion. RPF constable Chetan Singh went to different coaches, B5, B2, PC, S-6

looking for Muslim victims and killing them. He walked from B5 (where he killed Mr. Meena and Mr. Bhanpurwala) to B2 compartment and asked Mr. Saifulla his name. As soon as he gave his name, he was taken at gunpoint by RPF consable Singh to the pantry car and shot. Thereafter he travelled to compartment S8 and S7 without hurting anyone. In S6 compartment, he shot dead Mr. Asghar Abbas Ali. RPF constable Singh, who was on escort duty, fired 12 rounds from his automatic service rifle and was finally nabbed when he was trying to flee along with his automatic service rifle.

(...)

This extremely terrifying incident of multiple hate killings by a public official entrusted with the security of citizens, while on duty, raises critical questions. The most important one being the extent of the influence that the unchecked communal hate propaganda has had on the minds of the public, including police officers who are entrusted with the serious responsibility of maintaining law and order in the country. So much so that even accused RPF constable Chetan Singh got influenced by the hate propaganda against Muslims to such an extent that he handpicked and killed completely innocent persons from the Muslim community, only because of their religion. The current situation in Manipur where multiple reports are emerging of the complicity of the police, including where police officers allegedly led the women victims of sexual assault to the mobs, is another indication of the danger faced by the Nation in terms of communal influence operating amongst the police and security forces. Incidents such as this have also been reported in cases in other parts of the country, with allegations of the police standing spectator to mob lynchings, protecting perpetrators indulging in communal violence and also harassing families of victims in cases of hate crimes. While it is not surprising that the police and security forces get influenced by the overall communal atmosphere in the country it becomes alarming because they are the ones who

are bearers of arms and in charge of maintaining public order.

It is no coincidence that the increasing incidents of mob lynchings and hate crimes against Muslims, communal violence during festivals and on other communally charged subjects, is preceded and incited by an atmosphere of hate created by the uncurbed hate speech and communal propaganda.

PUCL Maharashtra is greatly aggrieved and concerned at the communal hate being spread against minorities at breakneck speed in the state of Maharashtra and in particular, this instant case of multiple hate killing.

Mihir Desai, President, PUCL Maharashtra
Lara Jesani, General Secretary, PUCL Maharashtra

(Read the full statement on the PUCL Website.)

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