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HATE POLITICS AND LOK SABHA ELECTIONS, 2024: CHALLENGES BEFORE THE PUCL

The conclusion of the recent round of state elections, with the BJP winning in three northern states and the victory of the Congress in Telangana and the newly formed Zoram Peoples Movement in Mizoram has set the stage for the upcoming national elections in early 2024.

The PUCL does not support any political party. However the PUCL is clear that the electoral process is an integral dimension of democracy. Free and fair elections in which the integrity of the electoral process is unquestioned is what marks a vibrant democracy. The founding document of the international human rights movement, namely Article 21(3) of the UDHR makes clear that, 'The `will' of the people shall be the basis of the authority of government; this `will' shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.'

The PUCL has worked towards enhancing the quality of our electoral democracy. It was in PUCL's PIL that the Supreme Court recognised NOTA as a val-id option in every ballot. In an-other PUCL PIL the Supreme Court recognised that

the voter has a right to know the antecedents of their candidates, including the assets he or she possesses as well as criminal antecedents. Building on this history, PUCL will continue to work to enhance the quality of India's electoral democracy.

The integrity of elections has come under severe threat from hate speeches delivered from electoral platforms. Hate speeches are routinely made against entire communities and even calling for violence against them. The impact of such speeches is to demean, ostracize, frighten and terrorise the targetted comm-unities. Those at the receiving end of hate speech increasingly face hostility, intimidation and silencing; inversely, hate politics helps mobilise increasing numbers of the majority community to openly express their animosity against the minority community be it a minority based on religion, caste, gender or sexuality. Hate often reaps rich electoral dividends, especially when all the constitutional institutions meant to enforce the law against such violent politics fall silent. This allows for political parties to further their divisive and partisan agendas with impunity.

In such a scenario, the PUCL will have a crucial role in the

upcoming elections to work in solidarity with other civil society organisations to ensure the integrity of the electoral process as well as to ensure that complaints are lodged with the appropriate authorities in the case of hate speeches.

PUCL's Role in Electoral Process

Apart from working to ensure that elections are free and fair, what is the role that PUCL can play? PUCL as a human rights organisation has the mandate of promoting and protecting constitutional and human rights. Elections are one moment during which human rights concerns can become a part of the larger political conversation and human rights issues can be mainstreamed. This is not merely an utopian suggestion but arises from PUCL's own history of engagement with political parties and the electoral process.

Few know that the repeal of the much-dreaded Prevention of Terrorism Act, 2002 (POTA) owes much to human rights advocacy. The campaign by human rights groups demanding the repeal of POTA reached a crescendo during the Lok Sabha, 2004 elections receiving widespread public support. The demand to repeal POTA became an electoral issue and was picked up by the parties which went on to form the government. Thereafter, when the UPA came to power, in September, 2004 POTA was repealed. (It is another matter that the UPA government played a most invidious trick by incorporating most of the provisions of POTA into the

UAPA thereby making the temporary nature of POTA into a permanent part of the legal framework).

Another success, though of a limited nature, of the anti-POTA campaign was the provision relating to admissibility of confessions made to police officer. The earlier POTA law made admissible legally, confessions purportedly made by arrested person to police officers. The campaign of human rights group documented the wide spread nature of abuse of such powers given to police officers who coercively obtained confessions. In the amended UAPA, this draconian provision was dropped.

Similarly, in the late 1980s, the concerted campaign launched by various human rights groups, including PUCL, against the Terrorist & Disruptive Activities (Prevention) Act, 1985 (known as TADA) led to the then Chairperson of NHRC, Mr. Ranganath Mishra writing to all MPs asking them not to support any further extension of TADA law when it came up for review before Parliament. Here too, the campaigning with political parties was a key reason for this major human rights victory.

Electoral contests gives us the opportunity to ensure that human rights demands become a part of the political conversation during election time, through intensive campaigns and programmes.

Need for a Human Rights Manifesto

A human rights manifesto

drafted by civil society groups might be a good place from where one can begin a conversation around human rights issues with political parties. Especially since the coming into force of the UDHR, human rights is not a narrow civil and political rights agenda but rather a wide encompassing agenda including both socio-economic as well as civil and political rights. Since the Karnataka elections (May 2023), the salience of socio-economic rights in the form of economic guarantees have become an important part of the electoral conversation. This should be seen as opening out of the human rights agenda, as without the guarantee of socio-economic rights, democracy will be in peril. As Babasaheb Ambedkar succinctly put it in his closing speech in the Constituent Assembly, in November, 1949, *'In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man, one value. How long shall we continue to live this life of contradictions?'*

The human rights movement should also be cognizant of the challenges posed to human rights protection by the rise of fundamentalisms globally. Around the world, fundamentalisms are on the rise putting human rights under threat. Hannah Arendt put it perceptively: what is threatened by a totalitarian regime is the 'right to have rights'. Under totalitarianism, the rights framework is not guaranteed to all

citizens but rather your rights depends upon your nationality. Minority nationalities face the challenge of being stripped of legal identity and consigned to a situation of rightlessness as happened to the Rohingyas in Myanmar. The range of unceasing assaults on the Muslim community in India, including on the right to worship, the right to food, the right to security of life as well as the right to dignity raise concerns about whether the minorities in India also face a similar process of becoming 'rightless'. Defending the 'right to have rights' is imperative as far as the human rights movement is concerned. The movement against the Citizenship Amendment Act, 2019 (CAA) was nothing other than a determined defence of the right to have rights for all persons, regardless of religion.

Finally, it's important to note that the agenda of the human rights movement is not limited to the electoral process. Regardless of who wins the elections, and however difficult it may be, human rights groups will have to continue their work in defending all human and

fundamental rights. For example, while it may be challenging to make the demand for the repeal of UAPA to become a part of the political conversation, the election context provides the social and human rights space to educate people about the widespread abuse of UAPA against human rights defenders, journalists, academics, students, Dalit and Minorities, the unfairness of long years in jail without bail, poor conviction rate, as well as invite youth, members of underprivileged & marginalised communities and other concerned citizens to jointly demand the repeal of such draconian and anti-constitutional laws.

We need to have the ideological clarity that by defending rights we are actually defending the constitution and democracy which are the legacies of our freedom struggle. That is the heart of what the human rights movement stands for.

Former Supreme Court judge, Justice Nariman eloquently distinguished the interplay of human rights in the context of

majoritarian politics by pointing out in 'Navtej Johar v Union of India': "These fundamental rights do not depend upon the outcome of elections. And, it is not left to majoritarian governments to prescribe what shall be orthodox in matters concerning social morality. The fundamental rights chapter is like the north star in the universe of constitutionalism in India. Constitutional morality always trumps any imposition of a particular view of social morality by shifting and different majoritarian regimes".

Human rights need to be defended even when it has few political takers. One has to consistently work at widening the support (including political support) for human rights even in majoritarian times. They like the 'north star' are a point around which a larger constitutional politics can coalesce.

We wish all our readers and well-wishers a more peaceful, harmonious and hopeful New Year, 2024.

..... P U C L S T A T E M E N T S

EXPULSION OF MAHUA MOITRA: SILENCING DISSENT, AGAINST PRINCIPLES OF NATURAL JUSTICE, REINSTATE HER NOW!

P U C L N A T I O N A L

The PUCL condemns the decision of the Lok Sabha to expel TMC Member of Parliament, Mahua Moitra for allegedly accepting cash for asking questions in parliament as being rife with procedural

irregularities and substantively unjust.

The decision of the house to expel Moitra by a legally untenable voice vote was based on the report of the Ethics

Committee which recommended expulsion.

The ethics committee had no conclusive evidence of a cash trail leading to Moitra, and asked the investigating

agencies such as the Central Bureau of Investigation and Enforcement Directorate to unearth this trail. The sharing of password and login details to the parliamentary website did not violate any existing rule or law. The Committee vaguely surmised that this sharing of credentials compromised national security without providing any evidence. Mahua Moitra was not given a chance to cross-examine the complainant or the other witnesses. Without following due process, the committee went on to recommend expulsion in a decision in which six members voted for while four members submitted dissent notes.

It was this partisan report which formed the basis of the Lok Sabha deciding the expel Mahua Moitra. To perhaps hide the blatantly partisan nature of the decision of the Ethics Committee the proceedings of the Lok Sabha in which the consequential decision to deprive the over 14 lakh voting population of Krishnagar of their representative was done without adhering to any of the principles of natural justice.

It reeks of a kangaroo court when the report of the Committee of Ethics was tabled in the Lok Sabha at noon, and a motion for the expulsion of the said member was moved at 2 PM on the same day, giving Members no time to read or study or apply themselves to the contents of the Report. Most damningly, Mahua Moitra was given the serious punishment of expulsion without giving her a chance to respond or answer in her defence, in the Lok

Sabha.

Right from the decision of the Committee on Ethics to the final expulsion, parliamentary procedure seems to have been instrumentalised to serve a political aim. Clearly the political aim is to silence a fearless voice of dissent in Indian parliament. Why is the Modi government so troubled by Mahua Moitra?

Mahua Moitra has been particularly tenacious in targeting someone she calls as Mr A and his group the 'A company', who travels with the 'Prime Minister on delegations' and 'meets heads of state on visits to India' and makes it appear that 'India is the Prime Minister and the Prime Minister is him' and 'makes it appear to the world' that he is the 'remote control behind the Prime Minister' and that 'by obliging him, you oblige the Prime Minister'.

Apart from bringing the attention of Indians to crony capitalism she has been fearless in pointing to the direction India is heading towards. In her first speech in parliament, she presciently pointed out to seven early signs of fascism, in which she signposted the importance of dissent.

One of the signs of fascism she highlighted was a 'resounding disdain for human rights at every level of the government'. Today she is a victim of that very contempt for human rights.

One cannot ignore the fact that the targeting of Mahua Moitra reeks of a patriarchal mindset.

In particular the questioning before the Ethics Committee violated her right to privacy and dignity. The crass, crude and irrelevant nature of the questioning forced Moitra to walk out of the proceedings along with all other opposition MPs. By expelling Moitra, the BJP is exposing the patriarchal mindset which is unable to tolerate women who fearlessly expose the BJP's constitutional wrongs.

The expulsion of Mahua Moitra is not only procedurally wrong and substantively unjust, but hits at the roots of parliamentary democracy. A decision to deprive over 14 lakh voting members of the parliamentary constituency of Krishnagar of their representative in parliament, is an action which disenfranchises 1.4 million people at a stroke and was done without the decision being in accordance with the due process of law. One of the conditions for the successful working of democracy is a strong opposition and if particularly vocal members of the opposition can be targeted for expulsion without meeting the standard of a just reasonable and fair procedure, then parliamentary democracy itself is under threat.

For all these reasons, it's vitally important that Mahua Moitra be reinstated as a member of parliament. To not do so will further endanger the failing health of constitutional democracy in India.

Kavita Srivastava, President
V. Suresh, General Secretary
People's Union for Civil Liberties
(December 13, 2023)

DROP THE UAPA CHARGES AGAINST YOUTH ARRESTED IN PARLIAMENT JUMPING CASE!

PUCL NATIONAL

The PUCL condemns the UAPA charges which have been filed against the young persons who have been arrested on 13th December, 2023, for jumping over the visitor's gallery in the new Parliament, releasing coloured but harmless smoke from canisters and shouting slogans, 'Inquilab Zindabad' and 'Bhagat Singh Amar Rahe'. Sagar Sharma, a 26 year-old youth from Lucknow and 35-year-old Manoranjan D, an engineering graduate from Bengaluru, who jumped from the visitors' gallery were overpowered by the MPs, thrashed and handed over to the police.

At about the same time, 2 other youth standing outside the Parliament premises, Amol Shinde (25) and Neelam Devi (42), were arrested for spraying coloured gas, shouting slogans "tanashahi nahi chalegi" as well as raising slogans on unemployment, atrocities against women in Manipur, and shouting "Jai Bhim". The others arrested were Vishal Sharma (40) and Lalit Jha (38). The arrested were a part of a group of six people who planned the incident and were associated with a social media page 'Bhagat Singh Fan Club'. What seemed to be common to all the accused is their admiration towards freedom fighters, Bhagat Singh, Sukhdev Thapar, and Shivaram Rajguru.

All the 6 persons were booked for offences under Sections 120B (Criminal Conspiracy),

452 (Trespass), 153 (wantonly giving provocation, with intent to cause riot), 186 (obstructing public servant in discharge of public functions), and 353 (assault or criminal force to deter public servant from discharge of his duty).

What is very disturbing however, is that the youth have also been implicated for having committed 'terrorist offences' under sections 16 and 18 (Committing a terrorist act and Conspiracy to commit a terrorist act) of the Unlawful Activities (Prevention) Act.

Undoubtedly what the 2 youths, Sagar Sharma and Manoranjan did with assistance from the others does amount to an unprecedented security breach in the newly inaugurated parliament building and has to be taken seriously from the point of view of the safety and security of parliamentarians.

However, it is an egregious and condemnable misuse of the law to implicate them for committing terrorist activities, especially when it was widely reported that the main motivation behind the audacious, albeit dangerous act, of the 6-member team was to highlight in a sensational manner, the nation-wide problems of unemployment, inequality, atrocities against women, the Manipur violence, authoritarianism & other issues of common social and political concern.

Behind the actions of the 6

young people is the harsh reality that the issue of unemployment has been simmering over the last nine years with no meaningful response from the Central Government. In 2023, the unemployment rate is 7.6 %, which is higher than pre-pandemic rates. As a response to this seeming indifference by the government, much like their hero Bhagat Singh, these young people too, sought to 'make the deaf hear and to give the heedless a timeless warning'. As their hero Bhagat Singh explained in a statement when he was being prosecuted for his actions, 'we dropped the bomb on the floor of the Assembly Chamber to register our protest on behalf of those who had no other means left to give expression to their heart rending agony'.

The use of a draconian law such as the UAPA against the arrested youth is nothing but an abuse of the legal process.

Under the UAPA, for an act to be deemed a terrorist act under Section 15 there must be an intention to 'threaten' the 'unity and integrity' of India or an intention to 'strike terror' in a section of the people. The intention must be accompanied by an action in which 'bombs, dynamite or other explosive substances or inflammable substances' or 'noxious gases' of a 'hazardous nature' are employed which are likely to cause 'death, 'loss of life' or even 'economic disruption'.

Even under an expansive understanding of a terrorist act in Section 15 of the UAPA, there is no prima facie material to indicate an intention to 'strike terror', 'threaten' the 'unity and integrity of India or the use of any 'noxious gases' of an 'hazardous nature'. There is no loss of life or threat of the loss of life or even 'economic disruption' in the intrusion into and disruption of parliament.

The fact that what was released in parliament was harmless yellow smoke seems to indicate that the aim of the fans of Bhagat Singh was to 'make the deaf hear'. The objective seems to have been to draw attention to youth unemployment, authoritarian government and atrocities against women in Manipur.

While the aim of abuse of laws like UAPA is to turn the populace into meek subjects, because of the 'chilling effect' it produces on others who may want to express their views to the government. Incidents like the protest of these 6 youth highlights that democratically minded citizens will find peaceful, non-violent and Gandhian means to protest and express their opposition to authoritarian and fascist politics becoming risky and dangerous.

We would like to stress that it is vital that the issues raised by the young people be addressed by the government as socio-political concerns and these substantive concerns not be twisted into a 'terrorist act'. The government will do well to keep in mind Bhagat Singh's statement in his

trial when he said that, 'we then deliberately offered ourselves to bear the penalty for what we had done and to let the imperialist exploiters know that by crushing individuals, they cannot kill ideas; can ordinances and Safety Bills snuff out the flames of freedom in India?'

In another egregious example of the abuse of UAPA, the Jammu and Kashmir police invoked the law against seven students of Sher-e-Kashmir University of Agricultural Sciences and Technology (SKUAST) – Kashmir for allegedly raising anti-India slogans and celebrating the Indian cricket team's loss in the World Cup 2023 final. While the ensuing widespread condemnation of the police action led to the police reportedly dropping the UAPA charges, this incident once again highlights the abandon with which the state uses laws like UAPA. What permits this continued abuse of laws like UAPA by the executive is the unwillingness of the judiciary to check the abuse at the inception stage of prosecution itself.

It is unfortunate that cases like the parliament case as well as the Kashmir case are not isolated instances of the abuse of the law. There is an increasingly trend of the invocation of UAPA to deal with dissenting opinions. While 814 cases were filed in 2021, 1005 cases under the UAPA were filed in 2022. The injustice of the UAPA is that of the 24,134 who were arrested between 2016-2020, only 212 were convicted, leaving the rest to

languish in prison under the harsh 'no bail' doctrine of the UAPA. A study by the PUCL of UAPA cases from 2015-2020 concluded that the conviction rate of UAPA cases is an abysmal 2.8%.

The continued unconstitutional invocation of UAPA is an egregious violation of the right to freedom of speech, assembly and association. The arrest of the six young people is nothing but a weaponization of the UAPA to extinguish these constitutional freedoms.

Over the last 4 decades PUCL has opposed draconian, anti-democratic so-called anti-terrorism laws like TADA & POTA and successfully campaigned for their repeal. Our report on the abuse of UAPA has highlighted the widespread nature of abuse of UAPA across India to silence human rights defenders, rights activists, academics, journalists and other concerned citizens who have questioned the state. The PUCL once again calls upon all democratic minded citizens and groups to unitedly demand repeal of UAPA.

The PUCL reiterates its demand that the cases under the UAPA against the six young people be withdrawn by the state, the accused be released and the state desist from filing such frivolous UAPA cases against all those who dissent.

Kavita Srivastava, President
V. Suresh, General Secretary
People's Union for Civil Liberties

(December 20, 2023)

REVOKE SUSPENSION OF 146 MEMBERS OF PARLIAMENT!

PUCL NATIONAL

**Immediately upload on the Parliament's website, answers to all 290 Questions raised by MPs!
Don't reduce India's Parliament to an appendage of the executive!**

The PUCL condemns the undemocratic suspension of the 146 opposition party Members of Parliament in a matter of 8 days. This is a blot in the history of constitutional democracy in India. In one fell stroke, the current administration has shown not just its indifference but its intolerance to any demand of accountability by the opposition. By suspending 146 MPs, the ruling BJP government has clearly indicated that its actions in earlier sessions of passing laws without any meaningful parliamentary discussion and bypassing parliament by passing Money Bills, were not accidental but intended to devalue the parliamentary process. By these repeated acts of contempt for constitutional conventions, this government has rendered India's parliament as just an appendage to the executive, like in any autocracy.

The en masse suspension of opposition members, has resulted in a parliament where a dissenting viewpoint is increasingly unlikely. Previously the highest number of MP's suspended from the Lok Sabha was 63. Now, the toll is an unprecedented 100 Members of the Lok Sabha, drawn from across opposition parties, including Indian National

Congress, National Conference, Samajwadi Party, Nationalist Congress Party, Indian Union Muslim League, Janata Dal United, DMK, Aam Aadmi Party, Viduthalai Chiruthaigal Katchi, Bahujan Samaj Party, All India Trinamool Congress, Revolutionary Socialist Party, Communist Party of India, Communist Party of India (Marxist).

In the Rajya Sabha, 46 MPs have been suspended, again all from the opposition ranging from an independent member from Assam, members from Janta Dal United, Jharkhand Mukti Morcha among others.

All these suspensions were on the pretext of 'unruly behaviour' and 'grave disorder'. The actual demand from the MPs was to discuss the Parliamentary security breach and for a statement by the Home Minister on the security breach which the government is stubbornly refusing to accede to. It needs to be noted that it is unprecedented for a Home Minister to refuse to give a statement especially on a serious issue such as the breach of parliamentary security.

The consequence of the suspension of Lok Sabha MPs is that the voices of over 19 crore people will not be represented in the Lok Sabha. The barring of these 100 MPs puts in jeopardy the very foundation of parliamentary democracy. What should be kept in mind is that the Lok Sabha is designed to

reflect the will of the people and in this lies its strength. The democratic promise lies shattered with these suspensions.

The Rajya Sabha is designed to serve as a chamber where the states of the Union of India are represented as States in keeping with federal principle. The fact that 46 MPs from the Rajya Sabha have been suspended, has reduced the representation of many opposition ruled states in the house, resulting in the diminution of the principles of federalism.

Parliament is envisaged to be an independent institution in our democracy that is a deliberative and legislative body which has the mandate to control public finance, deliberate and discuss legislations and most importantly hold the executive accountable. They cannot be reduced to becoming an echo chamber of the voice of the government.

When the Government continues to use the parliamentary shell to push forward its agendas, it dishonours the very meaning of parliamentary democracy making a mockery of constitutional rule which is premised on dispute, discussion and debate leading to decision making.

Paying no heed to the void created by the suspension of almost the entire opposition in Parliament, the ruling government passed three

crucial laws seeking to change the character of criminal justice system in India. The Bharatiya Sakshya (Second) Bill, 2023, The Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 and The Bharatiya Nyaya (Second) Sanhita, 2023 were passed by both houses of Parliament with only a voice vote of the ruling party members. The three criminal law bills have far reaching consequences for the entire people of this country seriously jeopardising decades of jurisprudence of criminal justice which had evolved many checks and balances to make the police and state accountable for violation of law.

Similarly, the controversial Telecommunications Bill, 2023 was passed by both the Lok Sabha and Rajya Sabha, which has serious privacy concerns since it allows for the interception of private messages as well. Both bills were passed with parliament being reduced to nothing more than a reflection of the voice of the executive.

An alarming total of 14 Bills have been passed in this session after the suspensions of MPs began. Apart from the above 4 Bills, these include the following, amongst others: [The Post Office Bill, 2023](#), [The Jammu and Kashmir Reorganisation \(Amendment\) Bill, 2023](#), [The Government of Union Territories \(Amendment\) Bill, 2023](#), [The Chief Election Commissioner and Other Election Commissioners \(Appointment, Conditions of Service and Terms of Office\) Bill, 2023](#) and [The National Capital Territory of Delhi Laws \(Special](#)

[Provisions\)](#) [Second \(Amendment\) Bill, 2023](#).

What is not known widely is that with the suspension of the 146 MPs, the questions they asked the Government to answer in Parliament, were also arbitrarily suspended. It is outrageous that 290 questions raised by opposition MPs have been cancelled in this session for they represent the right to information of the common citizens of India.

It must be noted that the questions are submitted by the MPs much in advance of their suspensions and are selected through a secret ballot process.

These questions provide a check on day-to-day administration and schemes, as well as ensures accountability of the government for their actions. It must be noted that the power to cancel questions or delete them post suspension of MP's is not explicitly mentioned in the Rules of Procedure and Conduct of Business in the Lok Sabha which is the binding document for all substantive and procedural aspects of the functioning of the Lok Sabha.

The suspensions of the Members of Parliament were in effect used as an excuse to not answer critical questions. With 290 questions cancelled, the government has subverted these attempts to hold them accountable.

In the interest of upholding and preserving the fundamental rights of citizens to speech and information, it is absolutely crucial that the information

sought by the opposition MPs, who represent common citizens, should be uploaded in the website of Parliament for citizens to know the answers to the queries posed by MPs. The answers themselves should be taken up for further discussion in the next session of Parliament in 2024.

Lok Sabha and Rajya Sabha questions have historically been a critical tool used to expose government's failure to abide by

the mandate of the Constitution. A case in example is the questions on the death of SC/ST students in educational institutions. The Union Ministry said they had no specific data pertaining to SC/ST students. But as it eventually was established, overall 35,000+ students have died by suicide. Without a Parliamentary Question, this jarring number pointing to a crisis in the youth population would not have come to light.

The Modi government has shown a brazen contempt for parliamentary processes and mechanisms be it cancellation of the 'question hour' or the setting up of Joint Parliamentary committees or winding down constitutional conventions such as the practice of MP's (including from the opposition) representing India in multilateral forums. The government has attenuated parliaments' functioning reducing it to a hollow shell. This reduction of parliament to a rubber stamp, is a step towards the extinguishment of parliamentary democracy itself.

The strength of India, of the

world's largest democracy is the people. Without the voices of the representatives of the people in parliament in all their diversity, democracy suffers irreparable harm.

These baseless suspensions must be seen as a way of not just stifling opposition viewpoints, but also invisibilising the voices of 'We the People'. The suspension of 146 MPs has undermined democracy and the constitutional foundations of a people's sovereignty on which this country is built. While the Parliament has been adjourned sine die on the 21st of

December, before the upcoming budget session of the Parliament these suspensions must be revoked.

PUCL demands that:

- The suspension of the 146 MPs be revoked with immediate effect so that they can freely participate in the next session of Parliament.
- In the interest of upholding the fundamental rights of citizens for speech and information, answers to all the 290 questions that were raised by opposition MPs during the recently concluded winter

Parliament session but had been cancelled, must be uploaded immediately in the website of Parliament. They should be taken up for further discussion in the next session of the Parliament, in 2024.

- The next session must begin with discussing the Lok Sabha breach of security.

Kavita Srivastava, President
V. Suresh, General Secretary
People's Union for Civil Liberties

(December 23, 2023)

BAL MUKUNDACHARYA, RAJASTHAN MLA-ELECT: REFRAIN FROM THREATS TO MEAT SELLERS

PUCL RAJASTHAN

No need for MLA-elect to engage in 'direct action' against meat sellers

Steer clear of disturbing public peace by attacking dietary practices

The newly elected MLA from Hawa Mahal, Bal Mukundacharya, has not even been sworn into office yet and he has already issued threats to meat sellers who he claims operate "illegally". A video of his instructions to police to shut down non-vegetarian eateries in the Chandi Ki Taksal area surfaced on the internet soon after the assembly election results were declared on December 3. "Can meat be sold in the open on the road? Answer is yes or no? Are you endorsing them? I will take a report in the evening," he is heard saying on the phone.

Speaking to a restaurant owner, he demands to know whether he holds a licence, and whether he wishes to transform the area into Karachi.

People's Union for Civil Liberties condemns the threats issued by the MLA-elect, even before he has sworn his allegiance to the Constitution of India and taken office. No legal procedures were followed, and street-side hawkers and enterprises run by members of the minority community were threatened. There is a Street Vendors (protection of livelihood and regulation of street vending) Act, 2014, under which there is no discrimination based on whether the food items sold are vegetarian or non-vegetarian. Vending zones were supposed to be created, under the law, and town vending committees are

expected to provide security to street vendors. These committees have not yet demarcated vending zones and provided licences to vendors. While these procedures are still pending, PUCL condemns the action of the MLA-elect in taking the law into his own hands and threatening vendors. He has discriminated against people in his own constituency and declared publicly that he has little regard for the law of the land.

There has historically been great diversity in the manner of dress, choice of diet and lifestyle of the people of Rajasthan; these differences have not caused disharmony, and are part of the rich tradition of the state. PUCL declares that it expects the representatives of the people to show greater respect for diversity and communal amity. PUCL demands that newly

elected MLAs act in accordance with the Constitution of India, and not in accordance with their individual whims.

Kavita Srivastava, National President
Bhanwar Meghwanshi, Rajasthan State President
Anant Bhatnagar, Rajasthan State Secretary

People's Union for Civil Liberties

(December 4, 2023)

Note (December 24, 2023): This statement by the PUCL was the first to be issued and circulated widely. The immediate result of this statement was that a large number of young people, Muslim community members and Hindu and Muslim vendors

who sold meat, got in touch with the PUCL. They felt emboldened because of the PUCL statement. One person also took the initiative and filed a complaint with the NHRC. Another person lodged an FIR under Sec. 156(3) CrPC, a complaint mandamus.

By late evening on December 4, 2023, Bal Mukundacharya released a video to clarify that he did not wish to target anyone's livelihood. He did so, after facing a huge wave of criticism by the public. The former State President of the BJP Minorities Morcha, Sadiq Khan, also issued a press statement saying that Bal Mukundacharya won the elections by a margin as narrow as 974 votes from Muslim majority areas, because of previous leaders of BJP

Minorities Morcha.

However, the people of the walled city continue to live in fear and anxiety, because such a targeted attack may erupt again. Around December 15, when the swearing-in of the new Chief Minister was supposed to happen, the mayors of both Municipal Corporations in the constituency did drive-bys to identify unlicensed meat shops and vendors.

PUCL Jaipur continues to investigate and document the threat to people's livelihood, attack on non-vegetarian food vendors and food habits. Such attacks seem to be an imminent threat after BJP's victory in the Assembly Elections.

SONBHADRA: JUSTICE IN THE CASE OF A MINOR'S RAPE

KAVITA SRIVASTAVA

The role of Executive Member of PUCL-UP, Vikas Shakya, who was the rape survivor's advocate

A sitting BJP MLA Ram Dular Gond from the constituency, Duddhi in Sonbhadra, Uttar Pradesh, was convicted in a 2014 case of the rape of a minor. The Additional District and Sessions Court (ADJ) Justice Ehsanullah delivered the judgement on 12 December 2021, convicting Ram Dular Gond under various sections of 376 IPC and POCSO and 506 (criminal intimidation) of the IPC, sentencing the accused to 25 years of rigorous imprisonment along with Rs 10 lakh fine. This goes a long way

in reaffirming faith in India's judiciary.

It established that justice can be obtained from our courts against powerful politicians and legislators of the ruling party. The judgement which came nine years after the FIR was lodged, is also very significant in countering impunity provided to rape accused and countering rape culture which is on the increase, as indicated by NCRB data both for UP as well as the country as a whole.

According to the facts of the case, the brother of the minor rape survivor on 4th November, 2014 filed a complaint in the Myorpur police station of

Sonbhadra district, that his sister had been raped for over a year and had become pregnant by the husband of the sitting sarpanch of village panchayat Rasphari. The police investigated the case under sections 376, POCSO and other IPC sections. The nine-year long journey to seek justice was a difficult path, as the survivor and her family had to face constant threats and intimidation by the accused.

The accused was given a ticket by the BJP in 2022 to contest elections, despite having a rape case against him. It was only with the intervention of the Allahabad HC that the case proceeded in the MLA/ MP

court after the accused became an MLA and seemed to have complete impunity. It is important to know that the MLA was chargesheet by the local police only in January 2023.

The PUCL State Executive member, Vikas Shakya was the advocate for the complainant, and had to take on the responsibility of ensuring safety and security of the survivor. The sitting BJP MLA and his son went to the marital as well as

the house of her in-laws and offered her both financial inducements as well as threatened to get her to change her statement. Ram Dular Gond was convicted for 2 years by the court for the threats the complainant had received.

According to Vikas Shakya, their role as PUCL is now to work towards ensuring that as per the legal framework, rape convicts such as the BJP MLA are disqualified from their

membership in the State assembly. This would be in compliance with the SC judgement of 2013 which stated that the incumbent MLA/MP ceases to be an elected representative once he is sentenced to a minimum of two years in jail. The fact that no action has been taken in the case of the BJP MLA stands in sharp contrast to the promptness with which an SP MLA who was similarly convicted in other criminal cases was disqualified.

BUILDING HUMAN RIGHTS CONSCIOUSNESS

PUCL-KARNATAKA AND PUCL-TAMIL NADU

PUCL organized experiential workshops in Coimbatore and Bangalore, inviting young activists to reflect on their role in the human rights movement. This is the first of many initiatives of PUCL, to engage youth in a process of reflection and learning about the foundational values of the Indian Constitution, and the human rights movement at large.

With the help of PUCL – Tamil Nadu and PUCL – Karnataka, both workshops were attended by a diverse group of participants including lawyers, law students, human rights activists, environmental rights activists, Dalit rights activists, queer rights activists, members of NGOs and activists for the rights of religious minorities.

Facilitated by Dr. V. Suresh, the workshops aimed to create a space where participants could be authentic to themselves and reflect on the individual struggles they face. The workshop also aimed to enable

a process of learning, in which participants were engaged with the history of the civil liberties movement in India and draw inspiration from several stories ranging from the work of KG Kannabiran to the story of the people's movement, Kashtakari Sanghatana.

The workshops were planned to be based on games, activities, reflections and stories, as opposed to being lecture-based. The design of the workshop was based on ways of learning formulated by Paulo Freire in Pedagogy of the Oppressed. The objective was to ensure that as activists, in our engagement with systems and structures – social, cultural and political, we stay aware and connected with ourselves, our dilemmas and our struggles. It is designed to encourage some unlearning before learning; deconstruction before construction. Younger activists were urged to share and work through feelings of cynicism, helplessness and alienation, and reflect on their role in

various social movements.

The workshop also helped initiate learning about the founding values of the Indian Constitution and various realities of different social groups. While PUCL's national unit hopes to conduct more such workshops in other states, PUCL-K and PUCL-TN have begun to follow it up with other events.

PUCL Bangalore is working on conducting more courses to empower young activists to learn about the law and tools of human rights activism. PUCL-Coimbatore District Unit organised an online discussion to commemorate the 75th anniversary of the UDHR as a part of events taking place in the week, in which the participants of the workshop presented on the UDHR and the relevance of the human rights movement to Tamil Nadu and Forest and Adivasi rights.

(November-December 2023)

HUMAN RIGHTS AND THE NOVEL

ANAM SHEIKH AND AISHWARYA RAVIKUMAR

Aakar Patel's new book titled 'After Messiah' is a foray into fiction after years of writing empirical, data-based non-fiction. After the Messiah (a character called Big Man in the novel) is gone, what happens? Aakar looks to answer this question, with hope.

On 9th December, PUCL organised a book discussion on this novel, themed around imagining new possibilities for the human rights struggle through literature. Aakar Patel, along with 3 other panellists, Dr. Arul Mani, faculty at St. Joseph's University, Devika Rege, an author and Arvind Narrain, lawyer and writer, discussed the role of fiction and literature in the human rights movement. Aishwarya R from PUCL-K moderated the discussion.

Dr. Arul Mani illustrated how the works of Franz Kafka play a very important role in today's times. He said, "Through his work, one learns to laugh at abstract systems that seem daunting. The very absurdity of his work provides one with what he described as the 'imaginative audacity' of fiction. This audacity is what gives us permission to bring about change. If Gregor Samasa can one day wake up as a beetle, why can I not do this? Fiction is an acknowledgement of possibility, in today's times. When discourses seem lifeless and tired, when talking about justice is often costly and difficult, fiction provides sustenance in moments of

exhaustion. When I was a child, during the Emergency, I often heard the word 'underground'. I thought it meant that you dig yourself under the ground and hide. But now, reflecting on the term as an adult, I realise how underground can also mean safe houses for a person's imagination. Fiction can provide safe houses for the imagination when human rights are under challenge." Arul's illustration of the role of fiction and literature became the nexus for the discussion as the other panelists brought in their varied responses to the book.

Devika Rege eloquently brought that even a single person's integrity can play a powerful role in bringing about change. "The Gandhian idea of the small still voice of conscience holds true across history. I think that Aakar's sketch of Mira's character comes from his own background as an activist committed to change. It brings to mind a singular personality called Raphael Lemkin. Lemkin was a man who was born in the town called Lvov in what is today Western Ukraine and was a man driven by the idea that mass killing should be an offence. As a student he was outraged by the treatment of the Armenians by the Ottoman empire (which today is characterized as a genocide). When the Nazi war comes to Poland, he flees. But he continues to collect the decrees published by the Nazis in all the countries that they occupied. Using the collection of decrees he analyzes the Nazi rule as an

effort to systematically destroy the Jewish people. This he characterizes as the crime of genocide in a book he writes called Axis Rule in Europe. He then spends his item lobbying to get the term accepted in international law and he succeeds by the sheer force of his moral conviction to get the first human rights treaty for the post war world passed, namely the Convention on Genocide. This he characterizes as the 'epitaph on his mothers grave'. Lemkin is an illustration of how a singular driven person with the force of moral conviction can bring about change. The character of Mira induces meditations such as this of the power of the moral voice and how individual suffering can be transformed into convictions that can shape history."

Arvind also highlighted how literature has the power of challenging a narrative overwhelmingly controlled by the state. "The novelist Milan Kundera says, the struggle of man against power is the struggle of memory against forgetting. This novel is one way through which alternative voices, dreams and imaginations are articulated which challenge the narrative of the authoritarian regime."

Aakar Patel, the author who is also a courageous human rights activist, shared how he ended up writing the novel by accident. "India as a country is filled to the brim with material for a writer to work with, there was an incredible amount of material

that I had to draw from. When I sat down to write, I couldn't channel it into non fiction. I wanted to capture the absurdity of the events of the country. There is a meaning and richness in the events of Indian society which I tried to write about. The influences of characters in the novel were people I met when I joined Amnesty International: people who are moral, who have an ethical code which goes against the norm, having met them and worked with them made writing about their lives easier." Talking about heroism and the protagonists of his novel, he said that he also wanted to write about the lawyers. "Lawyers as a profession have the potential to feel so much despair, for them at the end of a day there is a judgement which spells failure. However, they still don their black coat of armour the next day and go to work. This attitude of going to work, not falling into despair is important. Sometimes things which evoke despair are also so

morbidly funny that the only thing we can do is laugh and ridicule, however in a novel there needs to be movement and development for the story to be interesting."

In the novel, when the Messiah is gone, the protagonist, Mira, with no political aspirations whose life has been spent in resisting and fighting authoritarianism begins the act of building an alternative. She works towards moral ends through moral means, and through her the novel explores the role of conscience.

Aakar's novel seeks an answer to the question of what happens after the Messiah is gone and ends up providing the reader with the possibility of hope in difficult circumstances.

In today's times when everyone has to be careful, from the language they choose to write in, to the things they feel is acceptable to say, an invisible line has been established which few are comfortable crossing. In such times, fiction is the

underground; it is the space which allows us to explore possibilities and to cultivate our own 'small still voice of conscience'.

These are the reasons behind PUCL organising this event. Understanding the politics of literature becomes necessary to an organisation which faces the difficult challenge of defending civil rights today. Aakar's novel which is born out of his long career in journalism, his human rights activism both with Amnesty International and as a member of PUCL emerges from this crucible. It reflects the realities he has confronted often with humour and passion as well as draws from people he has met with whom he has forged ties of solidarity, moral fortitude, and most importantly hope. All these are good reasons for reading the novel.

PUCL-K's event was held on December 9, 2023.

ENDING SEXUAL HARASSMENT IN SPORT: THE COURAGEOUS STRUGGLE OF INDIA'S WOMEN WRESTLERS

KAVITA SRIVASTAVA

On December 21, 2023, a tearful Sakshi Mallik, India's first Olympic woman medallist in wrestling said in a press conference that she was quitting wrestling in protest, against the election of Sanjay Singh as the President of Wrestling Federation of India. Sanjay Singh is a well-known loyalist and business partner of Brij Bhushan Sharan Singh, Former President, WFI and Member of Parliament.

The fact that WFI would continue to be in the control of Brij Bhushan Sharan Singh was a publicly acknowledged reality. While Brij Bhushan Singh was garlanded, the newly elected president, Sanjay Singh was merely relegated to the background. In the run up to the election of the wrestling federation of India, which had been kept in abeyance for more than eight months, renowned woman wrestler, Common-

wealth games gold medalist, Anita Sheorana decided to contest the election, with her agenda being, cleaning up the federation of corruption and giving women a safe space. However, the old powers drawing on caste loyalties returned, with former president Brij Bhushan's loyalist winning majority of the posts, including that of the president. After the victory, it was Brij Bhushan Singh's house on Ashoka Road,

which became the arena of celebrations, and it was Brij Bhushan who was garlanded and he who made the speeches. Slogans like “hamara dab daba bana rahega” (our domination will continue to prevail) were raised by his supporters, which clearly established for the women wrestlers that they had no space and say in the federation.

Sakshi Mallik’s resignation expressed frustration that, justice within the Federation, and the guarantee of freedom from sexual harassment would continue to be elusive. For her in particular, it would mean continuing humiliation. It would be impossible to compete in the sport at the highest level if women wrestlers had to practice their sport in an intimidating atmosphere of sexual harassment.

Sakshi’s gesture was followed by Olympic medallist Bajrang Punia, returning the Padmashree award, which he said was now a suffocating symbol as the powers that be who had conferred this honour were really not interested in ensuring justice. Similarly Vijendra Singh also an Olympian gold medallist, gave a call that all sportspersons must return their honours, if justice has to accrue to the women community in wrestling and sports at large.

The stranglehold of Brij Bhushan Singh represented by his proxy Sanjay Singh, was underlined by the unilateral announcement (without consulting the executive committee as mandated by law) that the nationals for under 15s

and under 20s wrestlers would be held in Nandini Nagar, Gonda, UP, the fiefdom of Brij Bhushan Sharan Singh. In his tenure of 12 years as President, all nationals were always held there, further affirmed by Sakshi that out of the 18 years of her sports career for 12 years she only went to Nandini Nagar for wrestling Nationals, despite, several other cities having excellent facilities.

When there was a strong expression of outrage against the election of Sanjay Singh, the sports Ministry on the 24th December 2023 announced that they were suspending the new committee (not termination) till further notice. The reasons given were that the committee had not given adequate notice to the participating wrestlers for the nationals and had not followed due process by bypassing the executive committee in taking the decision of holding nationals in Gonda, UP.

It is important to note that while the ministry of Sports has acted promptly for not showing due diligence, it has never suspended a single federation even when the implementation of the POSH law was violated, showing the lack of concern vis a vis the rights question of sexual harassment. Even on the 24th December, it did not bother to reassure the women wrestlers in the same press note or otherwise, that a sexual harassment free workplace was their fundamental right and that this was a non-negotiable in all sports bodies and arenas. This only shows the contempt in which the real concerns of women wrestlers are held by

the ministry.

Despite detailed instructions by the ministry of youth and sports affairs dated 12.08.2010 and the POSH law coming into force from December 2013, data shows internal complaint committee platforms for sportswomen in either the wrestling federation of India or any dozens sports bodies nationally and in the state’s is non-existent. For the first time the silence on sexual violence within sports bodies was broken by Olympic Medallists Sakshi Mallik and Bajrang Punia and Commonwealth and Asian Games Gold Medallist Vinesh Phogat, renowned player Sangeeta Phogat and other women wrestlers, by coming out on the streets of the capital of the country. This was the first historic struggle for the recognition that sexual harassment in sports bodies is rampant and should be addressed.

The protest that began with more than twenty women wrestlers in the month of January, 2023 did result in both the Sports ministry and the Indian Olympic Committee take cognisance of their problems, and constituting investigation committees at the federation level and the level of the IOC, however both were at variance with the POSH law. Under the law, any complaint against the employer, and Brij Bhushan Sharan Singh, who as the President was the employer, must be examined by the Local complaints committee in the district, set up by the district collector. In a further violation of the principles of natural justice, both the investigation

committee of the IOC and oversight committee of the WFI did not make available their reports to the complainants. The main accused the president of the wrestling federation continued being the President, although the complaints were against him.

In frustration seven of the twenty players including a minor, lodged individual complaints of sexual harassment and assault at the Connaught place police station in Delhi, which were not converted to FIRs. The Players sat on a peaceful protest at the Jantar Mantar in Delhi and moved the SC, which ordered the lodging of FIRs. FIRs, u/s 354 A, (sexual harassment), 354 D (stalking) and 34 (common intention) of the IPC were lodged for the six adults and in the FIR lodged by the minor's father section 10 of the POCSO act was added. However Brij Bhushan Saran was not arrested, which resulted in the protest continuing with even wider public support.

The wrestlers' dharna gathered massive people's support with many social and political groups coming out in solidarity, The khaps who have had a anti-women role in the past, took positions against sexual violence and said that they were happy that their daughters had broken their silence on sexual violence in the federation and named Brij Bhushan Sharan Singh as the violator. The kisan sabhas decided to participate in the dharna in large numbers. There was support by women and human rights organisations,

trade unions, academia, students, common persons all of whom came and sat with the wrestlers at the protest site, literally around the clock.

Village after village in Haryana, Punjab and western UP rose to the occasion and held solidarity meetings.

Women's organisations also held solidarity meetings. Finally, Brij Bhushan Sharan Singh was charge sheeted and is facing prosecution under sections of the IPC, but the POCSO charges were not proceeded with. This is because the minor wrestler and her father, unable to bear the pressure changed their statement leading to the case being closed.

The six top young wrestlers who broke the male bastion of wrestling in sport repeatedly asserted that that it was easier to fight in the arena and win, but fighting for dignity and equality in the wrestlers federation, seemed to have become impossible. This should have been a matter of shame for our government.

Even while public revulsion against Brij Bhushan Sharan Singh was growing, these just demands were completely ignored by the Indian State. It is a supreme irony that a Government which is never tired of proclaiming its slogan, "beti bachao" refused to take note of the women wrestlers struggle. After sitting in a peaceful protest at Delhi's Jantar Mantar for more than 36 days, the wrestlers were called anti nationals, were dragged on the streets of Delhi, with their tents being torn to the ground their belonging thrown onto the

roadside and an FIR was registered against them. This happened just when there was a public call by all Kisan groups to join the Mahila Samman panchayat, proposed to take place outside the new building of the parliament, on the day of its inauguration on 28th May, 2023. It was a paradox that the champions demanding justice were beaten up, while the perpetrator of the sexual violence sat inside the parliament. Democracy was killed twice that day.

The bitter irony of the entire episode is the real fear that the federation will be in control (de facto or de jure) of a sexual predator at a time when celebrations of ten years of the implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, popularly known as the POSH law, are underway all over the country.

Despite 27 years, since the historic Vishakha guidelines were issued by the Supreme Court, which gave the framework on POSH, institutional structures are still denying the existence of sexual harassment in workplaces and perpetrators of violence continue to occupy privileged positions. The Vishakha judgement placed sexual harassment at workplace in the realm of "human rights abuse". The protection of the human rights of these players and the question of protection of their dignity remained a far cry in the WFI.

The preamble of the 2013 POSH law which stated that

sexual harassment is a violation of fundamental rights embodied in the Indian Constitution in particular, the right to equality, right to live with dignity, and the right to practice any profession which includes the right to a safe environment, free from sexual harassment, remained a guarantee only in paper with serious lapses in implementation as observed by the Supreme Court of India, in its May 15th interim order in a PIL on the enforcement of this law.

The 2013 law clearly defines workplace, employer, and employee, widely, which includes, any sports complex or stadia, including residential spaces in them and the term employers includes those responsible for supervision, management and employees includes trainees and informal sector workers.

Even though the Vishakha guidelines and the POSH law have been in place for years together, according to the Indian Express report of May, 5th 2023, it observed that of the 30 national Sports bodies, less

than 50 % of the bodies had cared to implement the law and where implemented, it was inadequately done. According to an RTI of the sports ministry, that in the decade from 2010 to 2020, only 45 sports women had filed complaints of sexual harassment. To a question in the Rajya Sabha on July 19th 2023, the Sports Minister stated that in the last three years, only four National sports federations registered complaints, although all sports federations are duty bound to implement it.

The last 31 years has seen India's pioneer of the sexual harassment at workplace law, Bhanwari Devi, a gangrape survivor, struggle for justice from the Indian Courts. Despite committees being in place in some establishments, justice has eluded women across the spectrum from the judiciary to sports to academia to entertainment to the media. In 2018 the Me too movement, had young Indian women preferring to name and shame, rather than go in their opinion to the "unjust" Internal Complaints committees which never delivered justice. The Supreme

Court as recently as October 2023, reiterated in Initiatives for Inclusive Foundation Vs Union of India, that the Internal Complaints Committee were most crucial for addressing and reporting instances of sexual harassment in the workplace. They also issued a comprehensive set of directions to all Government and Union Territory administrations for the compliance of the POSH law, including suggesting amendment to the rules for better and uniform implementation.

But will the political executive put its weight towards promoting a safe and inclusive environment for women? Unless that affirmation comes from the top, the commitment to combat sexual harassment at the workplace for all women will be only on paper.

(December 25, 2023)

EXCERPTS FROM 'FROM PHANSI YARD: MY YEAR WITH WOMEN OF YERAWADA' BY SUDHA BHARADWAJ

Sudha Bharadwaj's recently published book 'From Phansi Yard: My Year with the Women of Yerawada' is a tenderly written collection of her memories, through which one gets to witness her resilient spirit, and yet, her vulnerabilities. In the book, she observes, reflects and chronicles stories of women prisoners, prison conditions and

her own journey.

Sudha Bharadwaj, a trade unionist, lawyer and human rights activist, was arrested in 2018, accused of inciting violence in Bhima Koregaon, as were 15 other activists, academics, poets and others in the case, known as the Bhima Koregaon case. She spent over three years in prison, in

Yerawada Jail, Pune and then Byculla Jail Mumbai. She was granted bail in December 2021, and her bail conditions do not allow her to leave Mumbai or discuss her case. The book begins with an interview, in which she narrates her story, her memories of the beginning of her activism, her relationship with her daughter and the work she did with the Chhattisgarh

Mukti Morcha. Here are some excerpts from the book, that illustrate the warmth and compassion with which she wrote about her fellow prisoners (whom she has numbered and left anonymous), and her unyielding courage with which she survived incarceration.

“

No. 18

She's a short, old Bhil woman, about sixty-five, with white hair and a big, red vertical line of kumkum on her wrinkled forehead, wearing her green sari in the typical Bhil fashion, just below her knees and with a long pallu wrapped around and covering her head. She came to this jail four years ago, after being lodged as an undertrial in another jail. She was convicted of murdering someone who was found dead in her field. She speaks in a childlike sing-song mix of Marathi and Hindi and probably her own Bhilala language. Most people here think she is 'simple' or maybe just a little mentally backward, and quite incapable of the premeditated murder of which she has been accused. One day, when she is given two bright saris by a visitor, she excitedly asks someone's advice - which one to wear for Diwali? (On festivals, even the green-saried convicts are allowed to wear colourful clothes.)

She moves around alone, but follows the ebbs and flows of the barrack. She's always one of the first to rush to the water tap to fill her water bottles when the barracks are unlocked at 3 p.m. after the 12-3 afternoon bandi. She also sits obediently

to hear the Brahma Kumaris every morning and religiously receives prasad, even though she seems not to understand or participate in the talk.

She's most animated looking after kittens, to whom she gives her share of the morning milk, and they purr their love in her lap. Occasionally, she sits alone in the sun with her empty aluminium plate and bowl after finishing her meal, looking far away into the distance. Where does she transport herself? To her home, her village, her forest? If only there was a magic carpet... Then she has to be roused. Eh buddhi!! [Hey old woman!] Didn't you hear the Toll?' She laughs at herself apologetically and runs bow-leggedly back to her barrack.

Before we left Yerawada, she was released. Possibly, her children decided to appeal and her sentence was suspended by the high court. That day she waited a long time at the Gate, carrying, apart from other things, a small bucket somebody had given her to use. The social worker who was to accompany her was late, so she was once again locked in the barrack. She refused to come out later that evening, when the social worker finally arrived with tickets for the overnight bus, but finally relented and went off with her. A few days later the social worker told us how the two of them had to walk for several hours to reach the village where her small, bare hut stood.

Isolation

Our Yard, the Phansi Yard, now more benignly called Separate Yard, was once called Karanti

(probably the colloquialization of 'quarantine'). We spend long hours locked up in our single cells.

For someone like me, notorious for making a virtue of not looking after myself, isolation has meant not having an excuse for doing that. So I actually do the exercises I never had time for before, eat regularly and take my medicines for diabetes and depression. Since there is no scope for any snacking, and barely any sweets, my sugar is more or less under control. Having mastered the art of bathing at the back of the Indian toilet, I actually start having the most unhurried baths of my life. In comparison with the barracks, here we have the luxury of a single cell with attached bathroom', and 'room service' to boot.

Of course, the nights are long and can be taken over by reflection or swamped by anxiety, depending on one's temperament and state of mind. Night-time in a single cell is a nightmare for the hypochondriac, a little bit of whom we all have within us. Are my arthritic joints more swollen today? Is that a varicose vein? A new patch of eczema? Aches become more painful, mosquitoes buzz louder and sleep evades one..."

"It is in the night that I do my writing. Writing letters to my daughter. Writing notes about other prisoners. Working on a book I am translating. Writing notes from newspapers. And reading whatever books I have. And of course, reading the voluminous chargesheet. And

then there are all the Sudokus I have carefully torn out of the newspapers Shoma Di and I subscribe to. (We have to return them next morning.) Even at home I have problems with sleep, but here they have gotten worse. More often than not, when the Constables and sometimes the Jailer or Assistant Jailer herself, come on their late Night Round, I am still awake reading or writing. Go to sleep, Sudha,' they say, not without concern.

Yerawada Jail is so full of trees that we hear bird calls of many kinds in the early morning before the bandi opens. One bird, which I haven't seen, I have christened 'the doorbell bird'. I had never imagined that that very irritating doorbell sound that you sometimes hear when bells are rung in people's homes actually existed in nature.

Fortunately for us, our isolation is not complete. There is a lot that we can see through our bars. We may be kept 'separate' but we are still very much part of this strange, many-coloured creature called the Women's Jail.

On Friendships

"We are strangers here, thrown together by force of circumstances and made to sleep, eat and work side by side. We are women of different regions, socio-economic backgrounds, castes and temperaments. These create divisions, yet friendships are formed, and it is these friendships that are the key to one's survival in jail.

It is touching to see women clapping at the news that someone has got bail, to see them embracing thrice, in the manner of a Muslim greeting, when they part, to watch them caring for each other's children, for someone ill or pregnant, and quietly looking after newcomers.

But maintaining such friendships is a delicate art. The moment friendship becomes solidarity, that is, if a prisoner publicly stands up for another, the jail administration steps in to stamp it out. Why are you interfering?' 'What do you have to do with this?' jail officials ask brusquely, making loyalty sound like a criminal offence..."

"The biggest crime of all, of course, is women loving each other. The slightest suspicion of a lesbian relationship leads to instant separation, invites sexist abuse from the jail staff and provides plenty of juicy gossip for everyone else. It's only after I understood the deep phobia, rather horror, of lesbianism felt by the jail authorities that I was able to figure out why no One is allowed to wear 'manly clothes here, such as I-shirts, jeans, trackpants, etc., and is forced to wear either a sari or a Punjabi suit WITH A DUPATTA. Yoga clothes are the only exception, and that too, a recent one."

Chapter: Winter Again – The Darkness Within

"On 1 November, I mark my second birthday in custody. Diwali was in late October this year, and Shoma Di has saved a bit of her Diwali faral (snacks, in Marathi) as a treat for me. She gives me a beautiful card

with a hand-drawn Sudoku on the front and a ballerina dancing away to her freedom' on the inside. It's an ode to my Sudoku mania.

When I was 'outside', I would do Sudokus on the long metro rides from my home in Faridabad to the National Law University in Dwarka, where I was teaching, or to escape from the depressing news in the newspaper, but only the easy ones. It seemed such a waste of time to bother with the tough ones. In jail, time passes at a tortoise's pace and I have become an expert at the tough Sudokus.

I do it the long-hand way, filling pages with the 9x9 grids and working out the alternatives. Now I can do nearly all the Sudokus in both our newspapers - including the Hard' and Extreme ones.

Numbers are reassuring things - they are neither left wing nor right wing, they don't change with governments, with freedom or bondage. You only need to focus on the digits 1 to 9 being in the right place..."

"So much has been happening in this one year, of which we can only hear echoes, see shadows. The Modi government has been reelected at the Centre, and a new Congress government has come to power in Chhattisgarh. Article 370 has been abrogated, a new Citizenship Amendment Act has been passed that is seeing widespread protests ... It feels so strange to be out of touch with political developments. I miss my trade union comrades, my lawyer colleagues; it's almost like an ache. I long for

news of how they are coping. My biggest purchase from the Canteen is always notebooks and pens. I meticulously make brief notes on the news items that interest me: news of workers' struggles, talk of new labour codes; land and displacement issues, poverty and inequality; the latest judgments and gossip about courts and judges. And of course ... anything and everything to do with my home state, Chhattisgarh.

Why? After all, I know I will never read those notes again.

Perhaps it is my little act of protest, of stubbornness. To say no, I will not be cut off, I refuse to be cut off, my knowing all this still matters, I will live to fight another day."

The very cold water is quite invigorating after the first mugful bites you with a shock. We have to ask permission from our Madams on guard to dry our clothes in the patch of sun on the Stage, because otherwise they will take forever to dry. Shoma Di patiently waits till the afternoon bandi when one of the Madams can escort her to

the solar heater to get half a bucket of hot water to ease the pain in her knees. Our neighbours of course try their best to hog as much hot water as they can and grudge her even her half bucket. The Madams chose diplomatically to pander to their pressure. Whatever momentous things might be happening in the outside world, the mundane daily struggle of our existence in jail goes on unabated."

CONDOLENCE MESSAGE

PUCL is deeply saddened at the passing away of Matthews Philip who was a key presence in the human rights struggle in Karnataka on 20th December 2023. He played a significant role as the General Secretary of the PUCL- K from 1993-96. These were indeed the founding moments of the PUCL-K, and the journey of PUCL-K over the years owes a substantial amount to his early vision, passion and commitment.

He then went on to found SICHREM which played a key role in human rights struggles in Karnataka. SICHREM was indeed a well-known name for human rights in the Karnataka context whose work ranged from human rights education to monitoring of human rights violation to working to eradicate child labour. Matthews was particularly involved in the struggle for justice for the ordinary people who were victims of atrocities by the Special Task Force set up to nab Veerapan. He rendered yeomen service in this regard. Matthews leaves behind a rich legacy of work, not least the numerous people he has mentored in the field of human rights.

We stand united in grief with his family and friends at this difficult time. The best tribute we can pay to him is to re-dedicate ourselves to the cause of human rights to which he was so passionately committed.

Regarding Enrollment of Members

PUCL National office gets a large number of requests for membership. This 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.

Dear Bulletin Subscribers,
Please Note:

In case of:

(1) Change of Address - Always send your old address along with your new address with PIN Code.

(2) Money Order - Please give instructions (if any) with your complete address in space provided for communication.

(3) Postal Order – Please do not send Postal orders.

– General Secretary, PUCL

PUCL MEMBERSHIP

Patron

Life

Annual

Annual

INDIA

Rs. 2000

Rs. 1000

Rs. 50

FOREIGN

Indian Rs

equivalent of

US \$15

Organisational Queries

We receive from time to time queries/requests from new members regarding the PUCL identity card and also regarding the privileges of the Life members and Patron members as compared to Annual members. The three types of membership, i.e., Yearly, Life, and Patron, do not represent a hierarchy of membership. All members are equal. Life membership and Patron membership simply afford an opportunity to those who desire to contribute some extra money to the PUCL to strengthen its financial position. No membership carries any privilege. All members shoulder the burden of fulfilling the aims and objects of the PUCL. The PUCL does not issue any identity cards to its members as they are not supposed to take initiative independently.

-V. Suresh, General Secretary, PUCL

PUCL BULLETIN

Editor: V. Suresh

Editorial Board: Anant Bhatnagar, Arvind Narrain, Bhanwar Meghwanshi, Geeta Seshu, Kavita Srivastava, Lara Jesani, Seema Azad, Aishwarya

Assistance: Babita Garg

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Regd. Office :

332, Ground Floor, Patparganj

Opp. Anandlok Apartments

Mayur Vihar-I, Delhi-110091

E-mail : puclnat@gmail.com

pucl.natgensec@gmail.com

Website : www.pucl.org