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## THE CONSTITUTION UNDER THREAT: A TALE OF MANIFESTOES

Manifestoes have been thrust into the electoral limelight after Prime Minister's attack on the Congress manifesto saying it has the 'stamp of the Muslim League and the Left', and stating that the manifesto had the potential to 'divide the country into fragments'. The Prime Minister went on to accuse the Congress of wanting to 'extort gold and take the mangalsutra of Hindu women.' In the same speech, the Prime Minister, ominously referred to the Muslim minority as 'infiltrators', thereby instigating Hindus against Muslims and setting the stage for even more aggressive attacks against the minorities in the remaining phases of the election campaign.

Human rights groups including the PUCL have filed complaints against the hate speech by the Prime Minister with the Election Commission of India as well as a complaint with the police to register an FIR. Unfortunately, in spite of the seriousness of the violation of the Model Code of Conduct as well as the provisions of the Representation of Peoples Act and the Indian Penal Code, no action has been forthcoming from any constitutional authority.

While we must continue to press constitutional authorities to make the Prime Minister accountable

for his reprehensible speech, which marks a new low in stigmatizing an entire community, the question is what is it about the Congress Manifesto which triggered this particularly vituperative speech?

Even a cursory reading of the Congress manifesto indicates that it is anchored in the values of the Indian Constitution. Reassuringly, it affirms a commitment to social justice, liberty and fraternity. What lifts this otherwise seemingly obvious statement of values into the domain of politics is the fact that under the rule of the BJP, as far as the Congress is concerned, it is these values which are under grave threat.

The Congress manifesto is not alone in deeming the Constitution to be under threat. The manifestoes of the main opposition parties including the CPM, DMK, CPI (ML) and the Trinamool Congress which are all based on a constitutional faith, expressly recognise that the Constitution is in danger and articulate a vision and policies which derive from the Constitution.

The manifesto of the BJP by contrast, sidelines the Constitution in its vision. The BJP manifesto, which is called

Modi's guarantee, is an articulation of a range of schemes for different groups combined with a dose of Hindu cultural pride topped with nationalism. The vision of development be it building world class infrastructure, a global manufacturing hub etc, floats free of any constitutional commitments.

The Congress manifesto foregrounds the Constitution and its values as a critique of inequitable (unconstitutional) development under the BJP. The model of development followed by the BJP in the Congress's document has resulted in extreme inequality. It cites a 2024 study by well known economist, Thomas Piketty, that 'India under Prime Minister Narendra Modi is more unequal than even under the British Raj', with the rise of inequality becoming 'particularly pronounced between 2014 and 2023.' It is this critique of unequal development as followed by the BJP in the last ten years which leads the Congress manifesto to state that it will 'address the growing inequality in wealth and income through suitable changes in policies', without quite specifying the policies.

In fact, the CPI (M) manifesto clearly states that the policy measures to address inequity in development will include, 'A tax on the super-rich along with a general wealth tax and an inheritance tax'. The CPI (ML) manifesto also notes that, 'there must be a mandatory wealth and inheritance tax of 1 percent on the super-rich and increase corporate tax rates.'

Modi's guarantee does not

acknowledge any threat to the Constitution. It is on this point that all the other manifestos are very eloquent. The Congress manifesto phrases the threat as a 'climate of fear, intimidation and hatred'. For the CPI(M) it is 'effort of the BJP to transform the secular, democratic character of the Indian republic into a rabidly intolerant, hate and violence based authoritarianism and fascistic Hindutva rashtra'. For the CPI(ML), it is the concern that, 'the Modi government is bent upon converting India into a one party state'. For the DMK, 'if the BJP comes to power again, they will do anything to destroy the nation's secular fabric and cooperative federal structure'. For the Trinamool Congress, when the India alliance comes to power, 'The federal rights of all Indian states will be firmly preserved.'

To briefly mention some of the ways that the different political parties propose to deal with the threat to the Constitution. The Congress Manifesto promises, 'not to interfere with personal choices of food and dress, to love and marry, and to travel and reside in any part of India'. It also promises to strengthen the autonomy of the Election Commission, Central Information Commission, Human Rights Commission' and other constitutional bodies'.

The CPI(M) promises to 'banning of all illegal private armies and vigilante groups like the various 'senas' that are attacking dalits and minorities in the name of cow protection and spreading communal hatred.' The CPI (ML) promises to strictly implement 'The Places of Worship (Special Provisions) Act, 1991.

The DMK proposes that, 'the Union government should appoint state Governors through consultation with the respective state Chief Ministers. The new government will undertake actions to appoint Governors with the consultation of state Chief Ministers a recommended.' The Trinamool Congress, promises to bring a 'Constitutional Amendment to Article 155 to ensure that Governors are appointed in consultation with state legislatures.'

Modi's guarantee does not merely ignore the Constitution, but actively violates its core protections. As much as the CPI(M) puts out a call for 'an uncompromising adherence to the principle that religion is separated from politics', the BJP manifesto repeatedly violates that constitutional demarcation by stating that, 'People's dream of 5 centuries of the Ram Mandir in Ayodhya has become a reality.' The manifesto is filled with pictures of the Prime Minister in religious attire, making a mockery of his party's own slogan, 'sabka saath, sabka vikaas'.

From the perspective of human rights on one side we have the manifestoes of the opposition parties which have the outlines of a human rights vision grounded in the constitution. However, there are still many gaps – failure to mention the human rights violations in Chhattisgarh, Kashmir, no mention of repeal of CAA in Congress manifesto, no recognition of marriage equality. On the other hand we have a Modi's guarantee which sidelines the Constitution in theory and

violates it in practice.

In a deeply consequential election, it is up to the voter to

decide which of these visions appeals to her- A vision rooted in the Constitution or a vision which aims to destroy the

Constitution?

Therein lies the real guarantee of civil liberties of all citizens!

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## COMPLAINT FILED WITH SHO AND COMMISSIONER OF POLICE, BAJAJ NAGAR, JAIPUR AGAINST NARENDRA MODI FOR HATE SPEECH

---

KAVITA SRIVASTAVA & BHANWAR MEGHWANSHI, PUCL

To,  
SHO  
Bajaj Nagar Thana  
Jaipur

Biju George Joseph  
Commissioner Police  
Jaipur

Subject: Immediate registration of FIR and strict action against Shri Narendra Modi, the Prime Minister, for committing grave criminal offences under Sections 153A, 153B, 295 (A), 505 (1) and 505 (2) of the Indian Penal Code, 1860 by making communal hate speech in Banswara, Rajasthan, on April 21, 2024. (Along with the sections of the Model Code of Conduct and Sections 123(3) and (3A), 125 of the Representation of the People Act, 1951)

Sir,  
I am filing this criminal complaint as a concerned citizen of this country, on my own free will and in my personal capacity. I am not affiliated to any political party. I am committed to the rule of law and the Constitution of India.

As you know the nation is currently involved in the 2024 Lok Sabha elections and the Model Code of Conduct (MCC) is in place. All candidates and representatives of political parties campaigning for the elections are supposed to strictly conform to

the MCC to the hilt and the provisions of the Representation of People's Act.

Through this complaint, I wish to bring to your notice the hate speech publicly made by Shri Narendra Modi, the Prime Minister, in an election meeting at the college grounds in Banswara city, on April 21, 2024, at about 5 pm in Rajasthan. This Sabha was called the Vijay Shankhnaad Sabha. In this sabha the candidates from two Lok Sabha constituencies, Mahendrajeet Singh Malviya (Banswara Parliamentary Constituency), Dr. Manna Lal Rawat (Udaipur Parliamentary Constituency), State BJP President CP Joshi along with many BJP party leaders were present on stage.

This speech falls squarely within the purview of hate speech as defined under section 153 (A) and section 295 (A) of 505 (1) (b), (c) 505 (2) of the Indian Penal Code. A link to the video of this speech is available at the link <https://www.youtube.com/watch?v=E8s9LkUoFzA> with the title "PM Modi Live | Public meeting in Banswara, Rajasthan | Lok Sabha Election 2024".

The hate speech has been widely circulated and covered in

the media and has reached far and wide across the country. Having been made from the highest office of the nation, it is bound to have serious and lasting repercussions, apart from influencing the election on divisive and communal lines.

I happened to see the entire speech of Shri. Narendra Modi in the social media late in the evening of 21st April, 2024 and was shocked by the speech which was clearly aimed to promote enmity between Hindus and Muslims thereby promoting on grounds of religion and community, disharmony or feelings of enmity, hatred or ill-will between members of Hindu and Muslim community. I have downloaded the said speech from the YouTube site on to a Thumb Drive today, 22.4.2024, and the same is being submitted to you along with this written complaint.

Anyone watching the entire video, will not be left in any doubt whatsoever that Shri Modi as a star campaigner for the Bharatiya Janata Party (BJP) wishes to cause animosity and hate between the communities.

I urge that the SHO particularly watch the video from 36:02 to 38:01.

The content of the hate speech made by Shri Narendra Modi is not only false but is calculated to promote hate and enmity on the grounds of religion and community, disharmony and create feelings of enmity, hatred, or ill will between different religious groups and communities. Moreover, the speech has been made at an election rally to procure votes from the citizens on communal lines.

The speech clearly constitutes acts prejudicial to the maintenance of peace and harmony between different religious groups in Rajasthan and in the country as a whole. Similarly, it should also be noted that the speech of Shri Narendra Modi constitutes deliberate and malicious act intended to outrage religious feelings and adding insults or attempting to insult the religion and the religious beliefs. In a way, Shri Modi's speech is instigating Hindus against the Muslims by calling them infiltrators.

The speech of Shri Narendra Modi was very clearly made with an intention to cause and in any event is likely to cause, fear or alarm in one community against the other, including the public at large, whereby any person is induced to commit an offence against public tranquillity. It also constitutes incitement and in any event is likely to incite any class or community of persons to commit any offence against the any other class or community.

The video coverage of the meeting also shows Narendra Modi is arousing the public sentiment by very clearly prodding them with the question

and in effect goading them to respond to the questions such as "whether such an act of extorting gold and taking away the mangal sutra of women (Hindu) would be acceptable to them?", to the chorus of the public. And clearly adding that this is what he has come to inform them, implying that he has come to warn them of the dire consequences.

Please note that the video of the speech made by Shri Modi in Banswara on 21st April, 2024 is freely available at the URL for downloading. It is also available on Shri Modi's website at the URL: <https://www.narendramodi.in/prime-minister-narendra-modi-attends-a-public-meeting-in-jalore-and-banswara-rajasthan-21st-april-twenty-twenty-four-581677>.

The fact that the speech is available in video form for being downloaded freely means that the video will continue to cause greater harm to the relations between Hindus and minority Muslims of Rajasthan, as also India, as a whole. The fact that the video version of the speech is available free for download in several platforms means that the video will continue to cause greater alarm and fear in the minds of people.

I would like to point out that given the Constitutional stature of Shri Narendra Modi as the current Prime Minister of India, the hate speech he delivered in Banswara will have a snowballing effect throughout the state of Rajasthan and across India in fostering disharmony and hate towards the minority Muslim community. It should also be noted that only one phase of the

seven phases of the election process is completed and intense electioneering is going on in many parts of India. Under these circumstances, the speech by Shri Narendra Modi, is an ominous call to his party men and others who nurse prejudice against the Muslim minority community to more vigorously step forward to attack, silence, cause fear and intimidate the minorities. The speech in effect, is meant to provoke people from the majority community who bear a grudge against the minority community thereby inciting them or encouraging them to attack the minorities, even at a later stage, anywhere in Rajasthan as also the rest of the country.

Very clearly the speech made by Shri Narendra Modi was deliberately delivered to polarise and incite a section of the public at large on majoritarian lines. Therefore, the police needs to intervene immediately and takes appropriate action by registering a case as well as prosecute Sh. Narendra Modi. If no action is taken by the Rajasthan police, then it will not only encourage him to continue with his hate and provocative speeches, but also others in his party and elsewhere will be motivated to emulate their leader's speech which promotes enmity and hatred against the minority Muslim community.

It is to be noted that following the communal hate speech made on April 21, 2024, there has been overwhelming public protest and outrage in media, social media, including complaints filed with the Election Commission of India against Shri Modi for his speech. This clearly shows the citizen's anguish against such hateful and

discriminatory speech that can break the unity, threaten national interest and damage the social fabric of our country and stands against the values of fraternity, equality and secularism which are an integral part of the Indian Constitution. Accordingly, strict action is required to be taken in accordance with law.

As you must be aware, in the ongoing matter before the Hon'ble Supreme Court of India (Saheen Abdullah versus Union of India, W.P. (C) No.940/2022), the State of Rajasthan and DGP, Rajasthan are also parties. In this case, taking note of the increasing hate speech across the country, the Hon'ble Supreme Court was pleased to issue the below directions against all states to ensure suo moto registration of FIRs against hate speech offenders.

***“Respondent Nos. 9 to 36 shall ensure that immediately as and when any speech or any action takes place which attracts offences such as Sections 153A, 153B and 295A and 505 of the IPC etc., suo motu action will be taken to register cases even if no complaint is forthcoming and proceed against the offenders in accordance with law.***

***Respondent Nos. 9 to 36 will therefore issue direction(s) to their subordinates so that appropriate action in law will be taken at the earliest. We make it clear that any hesitation to act in accordance with this direction will be viewed as contempt of this Court and appropriate action will be taken against the erring officers. We further make it clear that***

***such action will be taken irrespective of the religion that the maker of the speech or the person who commits such act may profess, so that the secular character of India, that is, Bharat as is envisaged by the Preamble, is preserved and protected.”***

It is also clear that the hate speech made in Banswara, Rajasthan and in particular the above excerpts from Shri Narendra Modi's speech, constitute serious criminal offences under Sections 153A, 153B, 295 (A), 505 (1) and 505 (2) of the Indian Penal Code, 1860. They are also clearly in violation of Sections 123(3), 123(3A), and Section 125 of the Representation of the Peoples Act (RPA), 1951. The RPA, 1951 can be seen at <https://www.indiacode.nic.in/bitstream/123456789/2096/5/a1951-43.pdf>. In fact the hate speech constitutes an act against the nation.

I accordingly call upon the police to accept my complaint and register the FIR forthwith against Shri Modi and the organisers of the Vijay Shanknaad Sabha, meeting, including the BJP candidates Mahendrajeet Singh Malviya and Dr. Manna Lal Rawat and against CP Joshi, the State BJP President who was present in the meeting and prosecute them in accordance with the law. I urge you to file the FIR under Sections 153A, 153B, 295 (A), 505 (1) and 505 (2) of the Indian Penal Code, 1860 and under Sections 123(3), 123(3A), and Section 125 of the Representation of the Peoples Act (RPA), 1951 and initiate strict action in accordance with law to prosecute the above offenders

and any others involved for this serious crime. Given that the general elections are already underway, it is absolutely necessary that the action be taken without any loss of time.

I further call upon the police to take concrete measures to prevent communal hate speech in the State of Rajasthan, including by taking steps to ensure that strict action is taken in hate speech FIRs, repeated offenders of hate speech are prevented from making public speeches without proper diligence taken to ensure that such crimes are not repeated and any attempts to make hate speech are stopped immediately. I also urge the police to ensure the protection and safety of Muslims and other minorities from attacks in light of the provocative hate speech made and to ensure peace and harmony in the state of Rajasthan.

Yours sincerely,

Kavita Srivastava  
Bhanwar Meghwanshi

*[This complaint was then forwarded to the Superintendent of Police, Jaipur. A similar complaint was also filed by PUCL-Rajasthan and Rajasthan Election Watch with the Chief Election Officer, Secretariat, Jaipur.]*

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## MUKHTAR ANSARI'S DEATH CASE IS PRIMA FACIE SUSPECT, HIGH-LEVEL INVESTIGATION REQUIRED: PUCL UTTAR

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### PUCL UTTAR PRADESH

On the night of 28 March 2024, the news of death of former jailed MLA Mukhtar Ansari due to heart attack suddenly came. Two days prior to this, on March 26, 2024, there was news of Mukhtar Ansari's health deteriorating after eating food in the jail, and due to this, he was taken from jail to Rani Durgavati Hospital. After treatment he was sent back to jail. That day, Mukhtar Ansari's family had expressed fear of poison being mixed in his food. Earlier, on March 21, 2024, a letter was submitted to the court by Mukhtar Ansari's lawyer, in which it was said that he was given poison in his food on March 19, after which his health deteriorated.

In the letter, it was said that after eating food, there was severe pain in his stomach and his hands and legs became numb. Along with sending him to a hospital outside the jail for treatment, there was also a demand for investigation into the matter. Mukhtar's lawyer Randhir Singh Suman, while speaking to PUCL, confirmed that after his health deteriorated on March 19, an application was submitted on behalf of Mukhtar Ansari in Barabanki Court on March 21, 2024.

In the background of these incidents, the news of Mukhtar Ansari's death due to heart attack came last night. A statement issued by Banda Medical College said that Mukhtar Ansari was brought to the hospital at 8:25 PM with a

complaint of vomiting and also in an unconscious state. The team of doctors was engaged in his treatment but he could not be saved as he was said to have suffered a heart attack.

After the death of Mukhtar Ansari today, his son Omar Ansari, in a letter written to the Banda Magistrate, instead of considering this death as a natural death, has called it a murder committed in jail and hence demanded that the post mortem of the dead body should be done by the doctors of AIIMS. Mukhtar's lawyer has also requested an investigation in the matter by considering the statement given by Mukhtar Ansari on March 21, 2024 in the Barabanki court as the statement of the deceased, in which it has been said that the food was poisoned.

It is also an important fact that Mukhtar Ansari, fearing danger to his life, had requested the Uttar Pradesh government to allow his stay outside Uttar Pradesh in a jail in Punjab, but after several attempts, the Uttar Pradesh Police, following the order of the Supreme Court, which it brought along with it brought him to Uttar Pradesh in 2021. Even on the morning of March 28, the day of his death, Mukhtar, through his lawyer, had applied to the Supreme Court citing threat to his life and demanding transfer of one of his cases to another state.

Looking at all these facts, it can be said that the death of former

MLA Mukhtar Ansari raises suspicion, and should be investigated at a high level.

It is a matter of grave concern that opposition leaders and MLAs of the ruling party in Uttar Pradesh are dying under suspicious circumstances in judicial custody.

Before this, in April 2023, MPs Atiq Ahmed and Ashraf were murdered in front of cameras in judicial custody. Both of them had also expressed their fear of murder, in the court, before their death.

Whatever be the criminal cases Atik Ahmed, Ashraf and Mukhtar Ansari or anyone were accused of, our Constitution says that a citizen's right to life is guaranteed even in custody. It is the job of the court to convict or pronounce him guilty. Custodial death is a serious violation of human rights of a citizen. Therefore, every custodial death should be investigated. In many incidents of death in police custody, the Supreme Court has considered it a case of murder and has ruled to prosecute the concerned policemen. Section 46 of the CrPC says that the police cannot kill anyone during arrest and Section 176(1) of the CrPC says that if a person dies in police custody, he/she goes missing or if a woman is raped in custody, a Judicial Magistrate can order a judicial inquiry into it. And the case of Mukhtar Ansari's death seems to be a case of suspicious death in view of these facts.

The increase in such deaths in Uttar Pradesh is extremely worrying. It is noteworthy that from 2020-2022, 4,400 custodial deaths occurred across the country, out of which 21% deaths occurred in Uttar Pradesh alone, which is the highest in the entire country. This is a shameful figure for any democracy. If such incidents are not taken into consideration and action is not taken, then this trend cannot be stopped. State Human Rights Commission, National Human Rights Commission and Allahabad High Court should take suo motu cognizance of this and take steps to stop it. PUCL Uttar Pradesh considers the death of Mukhtar Ansari as another tragic link in the rising custodial deaths in Uttar Pradesh. Expressing serious

concern over this incident of death in judicial custody, PUCL Uttar Pradesh demands the following:

- 1- A high level judicial inquiry should be conducted into the death of Mukhtar Ansari.
- 2- As demanded by Mukhtar Ansari's son Omar Ansari, the post mortem of the dead body should be done outside the state by a panel of AIIMS doctors and the post mortem should be videographed as per rules.
- 3- As demanded by the of Mukhtar Ansari, his application of March 21, in which he has said that he was poisoned, should be considered as his last statement and the investigation of the case should be completed as soon as possible by registering an FIR against the concerned people.

4- State Human Rights Commission, National Human Rights Commission should issue appropriate orders to the Uttar Pradesh government to stop the increasing custodial deaths in Uttar Pradesh.

5- The Uttar Pradesh government should take stern steps to stop the increasing custodial deaths in the state.

Seema Azad, President  
Kamal Nath Singh, General Secretary

PUCL Uttar Pradesh

March 29, 2024

## PETITION OPPOSING FOREST DIVERSION THROUGH GREEN CREDITS

PUCL, LET INDIA BREATHE, CENTRE FOR FINANCIAL ACCOUNTABILITY, HIMDHARA COLLECTIVE, FRIDAYS FOR FUTURE (KARNATAKA), LIVING LABS NETWORK AND FORUM, ARUVU COLLABORATORY, TEAM YUVAA (KARNATAKA), PARYAVARAN SURAKSHA SAMITI, DHAATRI TRUST, VIKALP SANGAM & OTHERS

To,  
The Union Minister,  
Ministry of Environment, Forests and Climate Change,  
Government of India

**Subject: Roll back the February, 2024 notification providing the methodology for the Green Credit Rules, 2023, and revisit the law, which in effect provides incentive for forest diversion activities through green credit earnings**

Sir,  
We, the undersigned, submit this petition in response to the recent notification dated 22nd February

2024 published by the Ministry of Environment, Forest and Climate Change (MoEF&CC/Ministry) on the methodology for calculation of green credits in respect of tree plantation, under the Green Credit Rules, 2023 notified on 12th October 2023. The methodology now notified under the latest notification allows for the exchange of green credits to meet compliance for compensatory afforestation. The directive mandates state forest departments to identify degraded land parcels for tree plantation, in the guise of promoting green cover expansion across India.

While the Green Credit Programme (GCP) introduced under the Green Credit Rules, 2023 was perceived by many as an innovative market-based mechanism, there have been serious concerns regarding its unsustainable approach and reliance on market forces for the conservation, restoration, and management of natural lands. This recent notification has now confirmed the legitimate apprehensions of the environmental and forest rights activists, that such a profit-oriented green credit programme only seeks to further incentivise forest diversion and deforestation and trample upon

the rights of the forest dwelling communities, instead of putting regulatory curbs on it to protect forests. Business-driven activities are admittedly the biggest violator of environmental rights and destroyer of forests today. In a time when there is a need to focus on strengthening the legal framework to ensure environmental protection, the GCP would only serve as another tool to enable the exploitation of natural resources.

As stakeholders, we urge careful consideration of the long-term implications of a programme such as this on the vulnerable ecosystems of our country. We bring to the Ministry's attention the problematic premise of the notifications and mention the flaws that need immediate correction.

#### List of Problems:

- **The GCP introduces the concept of tradable green credits, which was claimed to be promising for incentivising sustainable practices. However, far from its stated objective, the law introduced by the government instead serves to incentivise the diversion of forests and the commercial exploitation of natural resources.** The approach behind the final methodology notified under the GCP needs to be revised. The methodology outlines that forest departments and state governments will identify and allocate "degraded" land parcels including open forests, scrublands, wastelands, and catchment areas, under their administrative control and

management, for extensive tree planting. The tree plantation activity conducted by the applicant shall generate green credits. The tradable green credits can then be utilised by the applicant for meeting compliance of compensatory afforestation in case of diversion of forest land for non-forestry purposes under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (Forest Conservation Act, 1980).

- **At the outset, tree plantation done under GCP cannot and must not be contemplated as a replacement for the primary forest cover and natural ecosystem of our country, which provides protection to wildlife, biodiversity and local knowledge of local communities.** Ad-hoc, unscientific and arbitrary tree-planting measures cannot be used as 'credits' to compensate for the destruction of old-growth trees and priceless forest ecosystems, which have immense economic, social and environmental value. Regeneration, compensation and restoration of the forest ecosystem being lost due to diversion for non-forestry activities, would require specific consideration on a case-to-case basis so that the project proponents are held liable for the actual ecological loss and commensurate compensatory measures are directed. Even as compensation can never be adequate to cover the loss of invaluable forests, in any

event, mandatory compensatory measures cannot possibly be traded with 'voluntary environmental actions'. This is an even greater dilution of the existing law on compensatory afforestation, which is itself problematic in its approach. The system now being proposed through the GCP further renders invaluable natural lands as a commodity, instead of being safeguarded for their role as the ultimate protector from environmental and climate changes.

- **Most importantly, this methodology lacks a basic scientific understanding of the ecological significance of natural lands like scrubland, open forests, wastelands and catchment areas irresponsibly termed as "degraded" land parcels under the rules, and violates the rights of forest-dwelling and local communities over these lands.** Natural environments like savanna grasslands, marshes, scrub forests, wastelands etc. play an important ecological role, preserving soil quality, conserving unique biodiversity and supporting the local ecosystem. These old-grown natural areas have a special significance in maintaining the ecological balance and play an important role in protection from adverse climate change events. Studies indicate that open forests like grasslands, scrublands possess higher carbon sequestration potential compared to forests. Most importantly, they form part of the

commons. They are a source of livelihood and hold a deep sense of cultural value among the local communities. Not only are these natural areas being wrongly categorised and considered as unproductive or marginal areas, but they are also now under threat of habitat destruction for putting up profit-motivated unscientific plantations under these rules. Such important natural areas cannot be substituted or replaced with industrial-level plantations, which will consist of monocultures and will also reduce their value as effective carbon sinks. Moreover, the law completely fails to acknowledge, let alone protect the rights of indigenous communities over such natural lands. It has been reported on 12th April 2024 that over 10,000 hectares of land have been identified across 13 states for tree plantation under the GCP[3], also indicating the urgency with which an unscientific methodology is being pushed without addressing these concerns.

- In any event, a critical assessment of large-scale tree-plantation initiatives raises concerns about their implementation and outcomes. Issues like high mortality rates of such plantations, poor sustained care and monitoring efforts, inefficient resource allocation, and unclear benefits for local communities, render such initiatives largely inefficient. Moreover, such industrial-scale plantations would do more harm than good. Such

plantations require close oversight and need to be examined for their long-term sustainability, along with their dismal success rates. Large-scale plantation programmes overseen by state forest departments have a history of inadequate monitoring and compliance. With this attitude, the invaluable existing natural areas will be converted into a graveyard of trees and will actually be rendered degraded! The methodology introduced for the GCP fails entirely to address the issue of accountability in case of plantation failures. There is no clarification on who will bear the risk associated with unsuccessful plantations or how credits will be revoked if necessary. It is imperative for the methodology to clearly outline the party responsible for assuming the risks involved.

- The final version of the methodology lacks specific criteria for plantation approval, blatantly stipulating a density of 1100 trees per hectare which applies uniformly across all natural habitats. Given the significant ecological variations among tree species, the rationale behind awarding 'credits' solely based on tree numbers lacks clarity, is unscientific and will only increase environmental degradation. Additionally, concerns persist regarding the absence of guidelines on phased credit issuance based on plant survivability and maturation evidence. Also, the lack of consideration for rainfall zones and appropriate plant

species in the final version, clearly indicates that there is no serious thought put into rehabilitating forests or really increasing forest cover using this method, but the only intended use is to "ease doing business" of forest diversion. Moreover, ecological nuances related to habitat, including soil quality, water availability and other topographical features, are completely missing.

- The exclusion of the methodology from the draft version of the GCP Rules and also the final Rules that were notified raises serious concern about the intentions behind these Rules. No public consultation was held prior to developing and releasing the methodology, which is not merely a subordinate legislation but a crucial document determining the implementation and purpose of the Rules. Local communities and indigenous peoples whose lives and livelihoods will be affected by both the incentivised forest diversion activities and the irreversible destruction and damage to natural areas have not been consulted. Climate change activists, environmentalists, forest and land rights community and other expert stakeholders have also been left out of the process.
- While reducing greenhouse gas (GHG) emissions is crucial for meeting India's Nationally Determined Contributions (NDCs) and addressing the climate crisis, we hold reservations regarding the current reliance on market-based mechanisms like the GCP.

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There is a lack of empirical evidence supporting the effectiveness of such mechanisms in reducing emissions. Instead, these markets often perpetuate greenwashing practices using conventional metrics that sustain business-as-usual approaches and further exacerbate the crisis.

- This notification lacks a socio-ecological perspective, which calls for a departure from a rigid tree-centric model towards embracing restoration practices like assisted natural regeneration and rewilding of natural ecosystems, tailored to diverse biogeographic zones, thus avoiding any further disruptions to lives and livelihoods dependent on these ecosystems. The latest office memorandum dated 12th April 2024, in its reactionary attitude, succumbs to remaking the program and obscurely includes non-tree species. However, it fails to address

the fundamental issues with the methodology. Addressing these concerns is paramount to fostering a comprehensive and inclusive framework for introducing any programmes with a true intention to promote environmental actions. Prioritising vested interests over conservation requirements will lead to ecological degradation and injustice to larger communities dependent on these natural habitats, thereby undermining the country's environmental integrity.

We, accordingly, strongly oppose the completely unscientific and unsustainable methodology recently notified in February 2024 under the Green Credit Programme, which aims to incentivise forest diversions at the cost of ecological concerns. We call upon the government to forthwith halt all its attempts to implement the same.

We urge the Ministry of Environment, Forest and Climate

Change to immediately withdraw the Green Credit Rules, 2023 and the methodology notified in February 2024 and further demand that no such programme be introduced without wider consultation with affected communities and experts.

We call upon the government to protect and restore forests, open forests and natural lands over any warped schemes for investment in afforestation programmes, at the cost of the country's threatened natural forest cover.

Yours Faithfully,  
People's Union for Civil Liberties, Let India Breathe, Centre for Financial Accountability, Himdhara Collective, Fridays for Future (Karnataka), Living Labs Network and Forum, Aruvu Collaboratory, Team Yuvaa (Karnataka), Paryavaran Suraksha Samiti, Dhaatri Trust, Vikalp Sangam & Others

(April 21, 2024)

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## NOT A MONOLITH: HAPPY NEW YEAR, SOUTH ASIA!

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KAVITA SRIVASTAVA

*I am reminded of my grandmother, Dadi, and the private rituals we had at home, as I observe harvest festivals around the region at this time of year, each with its own name, special foods and rituals. Let's affirm these diverse cultural traditions and languages without trying to replace them. Shobho nobo borsho, everyone!*

As Southasians across the globe celebrate our New Year, I'm reminded of the diversity of our region, stretching into the

diaspora and expatriate communities. Every region in South Asia has its own name and version of this festival, celebrated around the world by members of our larger community over the past week, until mid-April.

Of course for those in the southern hemisphere, things may be different.

There are so many regions and communities in our part of the world which seem to overlap with

others in terms of celebrating New Year in Spring, the beginning of the harvest season for many.

Greetings for the season have been flying across social media platforms and in WhatsApp chat groups. A conversation in one WhatsApp group I'm in, with volunteers from the South Asia Peace Action Network (Sapan) brainstorming about an upcoming event, reminded me of my grandmother and these harvest festivals marking Spring,

which also coincide with Easter.

### **Ambedkar, Eid, and an eclipse**

We also commemorate Ambedkar Jayanti on 14 April, marking the birth anniversary of Dr. Bhim Rao Ambedkar, 'Baba Sahab', the chairperson of the drafting committee of the Indian Constitution and an advocate for the political rights and social freedom. For India's Dalits, this day is no less than a religious festival.

A day of assertion, a reminder that Dalits are equal human beings, a day to openly challenge caste and untouchability, the Ambedkar way – caste annihilation. It was this spirit that ignited the Ambedkar birthday celebration I attended in a 'basti' (neighbourhood) on Sunday in Jaipur organised by young people. It started with a cake cutting and sang "Janam din Mubarak ho Baba Saheb" to the tune of "Happy Birthday to you".

This year, we even had a rare solar eclipse, and Eid-ul-Fitr was also observed around the same time.

Even Nepal, a Hindu-majority country with a Muslim population of about 4 %, observes a holiday for Eid since the country was declared secular in 2008. The Nepal telecom company this year "had a ringtone with a lovely greeting of Eid Mubarak in song form for two days," Namrata Sharma, a senior journalist in Kathmandu, told our group. /

Dr. Fauzia Deeba, a New Jersey-based physician from Quetta, Balochistan, chimed in with a reminder that the Baloch, Afghan and Iranian peoples,

including Zoroastrians and Bahais, celebrate New Year, 'Nauroze' (New Day) in the third week of March.

Back to my grandmother, my dadi (father's mother) who I called Ammaji, a devoutly observant Hindu. Hailing from a family in Uttar Pradesh (UP), I was familiar with the Chaitra Navratri being the first day of the Vikram Samvat calendar, named after King Vikramaditya of Ujjain, India. This is the Hindu lunar calendar system popularly used 57 years before the Gregorian calendar was adopted.

Ammaji observed this day to celebrate the first Navratri, the nine days before Lord Ram was born, with each of the nine days dedicated to a goddess. On a special platform prepared for this in her room, which was also the pooja (worship) room, she would place an urn (lota). She would get us to fill it with mud and plant wheat grains in it.

### **A private celebration**

The thrill of seeing green shoots grow emerge from urn is a cherished childhood memory. It was a harvest festival, my father made it clear. Always trying to get to the core. Playing down the religiosity bit, wanting us to constantly have a scientific temper.

These nine days were a private celebration for the family. Ammaji would observe a fast, and special 'satvik' food, purely vegetarian with no garlic or onions, would be prepared in this period, for the one meal she ate, which we too got to eat.

On the ninth day, also called Kanya pooja, to venerate the

Devis (goddesses), the nine forms of the goddess Durga, nine girls and one boy from the neighbourhood would be invited. My grandma would wash their feet, feed them and give them money a few annas which to a child meant a lot. We later understood that this worship of pre-puberty age girls was actually the worship of virginity. This ritual we questioned and told our grandma that we didn't agree with this goddess (virginity) pooja. Menstruating girls should also be dignified.

A private festival in people's homes, a part of their own religious and spiritual journey has become a public festival over the last decade in North India. Chaitra Navratri is now projected as a public 'Hindu New Year'. The greeting Nav Samvatsar literally means that the new Samvat, the Hindu new year has begun.

Now, January 1st, has started being designated as a 'Christian' New Year. The attempt to make Chaitra Navratri a major festival now has entire households fasting.

The Hindu fast (vrat) can take many forms. It has the option to go without food, speech (maun vrat), or water (nirjala). You can eat 'satvik' food once a day. But the young men and women and even older people now observing this nine-day fast 'voluntarily' take no water or food all day, with a kind of vehement religiosity that would be alien to my observant Dadi, and that I found disturbing.

### **Onam**

At a Mangalorean Christian wedding I attended in Chennai

during the Onam festival some years ago, I was taken aback by the priest's oration full of references to Onam. I had thought Onam was a Hindu festival, but these were Christians.

I realised that it was actually a harvest festival, a cultural expression adopted by people around the region, and that it takes on various forms, observed in various ways by people in each region, regardless of religion. This runs contrary to the attempts to foist a sweeping monolithic identity on practising Hindus the length and breadth of the country.

New year by any other name...

Baisakhi is celebrated in Punjab at this time with great fervour. For Sikhs, who live predominantly in the Punjab, it also marks the beginning of the Sikh New Year observing the formation of the Khalsa Panth by Guru Gobind Singh Ji in 1699. But Baisakhi is a secular festival. It was at the festival of Baisakhi that British troops fired upon the men, women and children gathered for the festival, defying the ban on public gatherings, at Jallianwala Bagh, 13 April 1919. Hundreds of Sikhs, Hindus, Muslims and Christians were killed.

I remembered many of these regional descriptions of the new year from my school days, as I attended an institution that promoted multiculturalism and respect for all cultures and religions. I later picked up more information from my travels.

So I began to compile various forms of the festival I had

encountered, supporting my notion that this festival was traditionally a cultural one linked to the harvest. Designating it as a 'Hindu' New year appears to be part of an ongoing attempt to homogenise our diversity and multiple, multicultural identities. Here are some of my findings:

Tuesday 09 April

The Ugadi festival across the states of Andhra Pradesh, Telegana, and Karnataka marks the beginning of the new "yug", meaning era.

The Gudi Padwa marks the beginning of Marathi New Year, signifying auspicious new beginnings, and victory of good over evil. It is also a time for reflection and introspection. Households ties Gudhi, a bright, colourful scarf-like cloth, over wooden stands with new leaves of mango and neem trees, and wheat symbolising the prosperity a good harvest brings. One eats sweet and bitter dishes together, a reminder of the labour and pain required to get a good yield in that harvest. Gudhi padwa is also associated with the establishment of Maratha empire in the leadership of Chhatrapati Shivaji who fought the mighty powers to carve out self rule or Swaraj.

Chaitra Navratra is a nine-day Hindu festival across north India celebrating the nine forms of the goddess Durga.

Sajibu Nongma Panba festival marking the start of the lunar year in Assam and Manipur.

Wednesday 10 April

The Cheti Chand festival celebrates the birth of Lord

Jhulebal and marks the beginning of the lunar New Year for Sindhi Hindus.

Thursday 11 April

Sarhul, which means 'worship of trees', marks the beginning of the New Year in the eastern state of Jharkhand, India. The festival marks the start of a new agricultural season in the Spring.

Saturday 13 April

The Baisakhi festival marks the spring harvest season in Punjab, both in Pakistan and India, and is celebrated by people of all faiths, as mentioned above. It is also celebrated in Nepal on the first day of the Lunar calendar, as the Hindu New year, following the Vikram Sambat calendar. There are Pooja worships at homes and temples, and parents invite married daughters and their families home for a meal, says Namrata Sharma. Most cultures in Nepal observe similar traditions as north India, like Navratra and Chaitra Dasain.

Maha Vishuba Sankranti, also known as Pana Sankranti honours Lord Jagannath, is celebrated in Odisha, in the eastern region of India.

Biju Tripura is the Chakma New Year, marking a new agricultural season, and is celebrated over a three-day period with a holiday in Tripura, a hilly state in northeast India, bordered on three sides by Bangladesh. Various communities celebrate it, calling it different names – Sangrai, Bishu, Baisu.

Aluth Avurudda, the Sinhalese New Year, dawned at 9.05 pm on Saturday, and is celebrated

across Sri Lanka.

Sunday 14 April

Puthandu, the Tamil new year, marks the first day of Chitterai, a Tamil calendar month.

The Bihu festival in the northeastern Indian state of Assam marks the beginning of the New Year and the start of a new planting season.

Poila Baisakh, or Pohela Baisakh marks the start of the Bangla New Year or 'Nobo Borsho' for Bengalis regardless of religious faith, including in what is now Bangladesh, as my friend and

feminist activist Khushi Kabir in Dhaka noted in our chat group.

It is also celebrated in Tripura as well as in the eastern states of Jharkhand and Assam.

Vishu is a Hindu festival celebrating the beginning of the Malayali New Year in Kerala.

I'm struck by how each festival has its own name, special foods and rituals. Changing the names means not just the loss of a word from a language but also a loss of culture.

Let us affirm diverse cultural traditions and languages and not try to replace them. Shobho

nobo borsho, everyone!

Kavita Srivastava is a human rights worker, presently with the People's Union for Civil Liberties (PUCL) India. Based in Jaipur, Rajasthan, she is a founder member of the Southasia Peace Action Network, Sapan, and loves music and culture.

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## REQUIRE TRANSPARENCY AROUND USE OF EVMS FROM THE ELECTION COMMISSION OF INDIA

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PUCL MAHARASHTRA

To

1. Shri Rajiv Kumar, Chief Election Commissioner Election Commission of India (ECI)
2. Shri Arun Goel, Election Commissioner Election Commission of India (ECI)
3. Shri Shrikant Deshpande Chief Election Commissioner, Maharashtra Election Commission of India (ECI)

Subject: Civil Society concerns about current electronic voting system, being incompatible with Indian citizens' right to vote and Petition for Improvements to the Electronic Voting Machines (EVMs) and Electronic Election System (EES) in India leading to our demand of 100% counting of the VVPAT slips in the forthcoming elections. Require adequate level of transparency from ECI

Dear Sirs,

We Peoples' Union of Civil Liberties believe that the basic principles of democracy that any voting process for public elections should adhere to are:

- a. The right to vote is a constitutional and statutory right, grounded in Article 19(1)(a) of the Indian Constitution, as the casting of a vote amounts to expression of an opinion by the voter.
- b. The voting process should be transparent in a manner that the general citizens can be satisfied that their vote is correctly recorded as cast and counted as recorded.
- c. The voting and counting process should be publicly auditable.
- d. Ordinary citizens should be able to verify the essential steps in the voting process.

e. The election process should not only be free and fair, but also be seen to be free and fair.

f. The voting process should, all at the same time, be transparent, secret, efficient and immune to manipulations both by the state and non-state players.

g. The technology used for voting system should be in sync with current technologies and technological practices and be incapable of manipulation, the verifiability and reliability of the system must be inbuilt as part of the technical solution and be subject to public scrutiny/examinability.

h. Use of Electronic Voting Machine (EVM) has changed the Indian Election System to be an Electronic Election System (EES). In any system, it is not sufficient to scrutinise only one part of the system, irrespective of how important that part is. The

system must hold its integrity as a whole, for being trustworthy. The EES being electronic now, it must demonstrate and prove electronic integrity against physical, electronic, and digital threats before, during and after the entire election.

We write this petition to communicate to you the key concerns we have identified regarding the Electronic Voting Machines (EVMs) and the Electronic Election System (EES) currently in use in India. While acknowledging the advantages of technology in the electoral process, it is crucial to ensure that these systems are fool-proof, tamper-free, transparent, and uphold the invaluable and inalienable rights of Indian citizens to vote.

We have undertaken an extensive system analysis and identified core problems with the current EVM based EES and its entire ecosystem. To enhance the trustworthiness and legitimacy of the electoral process, we also propose solutions and safeguards that need to be put in place urgently to address a minimum of these issues, attached as Annexure I.

We are concerned with the inadequate response from ECI to number of voices raised by citizens concerning the verifiability and reliability of the EES. We will post here for illustration various concerns registered by knowledgeable persons over the period attached as Annexure II. So far ECI has responded through social media or through publishing FAQs. This has resulted in a lack of confidence in the reliability of the entire election process.

We are concerned about transparent functioning of ECI, which ensures impartial and trustworthy the electoral system, with End-to-end-verifiability and responds to doubts raised by citizens and opposition political parties thereby is also seen by citizens as trustworthy. This includes not only conduct of elections but also enrolment of all citizens as voters in the electoral system.

We express our dissatisfaction with the FAQs and have recorded our submissions in response to the same in the attached Annexure III.

We urge the Election Commission of India to respond to these core issues raised in all three Annexures promptly, as neglecting any of them may violate the constitutional right of Indian citizens to vote. Your commitment to addressing these concerns will contribute to the credibility and trustworthiness of the electoral process in India.

We, the undersigned, support the implementation of these improvements to the EVM-based EES and call for immediate action to enhance the transparency, security, and fairness of the electoral system.

We below put forth necessary and essential changes to the Electronic Voting System.

1. The Ballot Unit (BU) and the Control Unit (CU) must be paired with each other. The pairing is to be done by using a unique ID and date-stamp in each of the two on the day of polling just before the commencement of polling. Subsequently, at the counting station, just before the

start of counting, the pairing is to be verified. In case of failure, the BU -- instead of the CU -- is to be used for counting. Alternately, both may be disregarded and repolling for that particular booth may be done.

2. The VVPAT Unit, vulnerable as it is having been connected to an external Symbol Upload Unit (SLU), must not be connected to the CU, in any whatever way. The BU has to talk to the CU and VVPAT Unit simultaneously and parallelly and not to the VVPAT via the CU.

3. The CU must be fitted with a real-time GPS tracker and its geolocation must be made accessible to all the legitimate stakeholders. 4. Additionally, the feasibility of a data recovery system, in case of a disaster or so, needs to be seriously explored for early implementation.

Finally, it is to clarify that this is not to ask for any return to ballot boxes having their own serious problems.

We are also ready to positively and promptly respond to any invitation to explain, backed up with necessary demonstrations, in person our above contentions. We also reiterate that a fundamental question that needs to be answered by not just the ECI, but also the Supreme Court of India is:

- Which is the real vote? The one that voter has seen though not actively verified or the one that is neither seen nor verified by the voter?
- Meanwhile we believe as of now, before we bring in the security, transparency and

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accuracy as suggested above, the solution lies in 100% counting of VVPAT slips collected in the sealed VVPAT Box which are seen by voters

until they get cut and drop in the sealed Drop Box thereby removing the role of CU altogether.

Sincerely,  
People's Union for Civil Liberties  
- Maharashtra

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## PUCL - UTTAR PRADESH PREPARES A HUMAN RIGHTS MANIFESTO

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### PUCL UTTAR PRADESH

PUCL Uttar Pradesh has prepared this human rights manifesto describing the state of human rights in Uttar Pradesh in view of the Lok Sabha elections. In this manifesto, it has been recorded along with facts and figures that human rights in Uttar Pradesh is worrying. 40 percent of the human rights violations taking place in the entire country are taking place in Uttar Pradesh. Here, instead of democracy, there is unconstitutional bulldozer rule. Uttar Pradesh's figures in cases of women oppression, Dalit oppression and custodial deaths are rapidly going up instead of going down.

The rapid increase in fake encounters and semi/half-encounters here during the BJP rule is a matter of concern. In such a situation, the non-functioning of the State Human Rights Commission is even more

worrying. There is a continuous and worrying increase in the number of youth committing suicide due to unemployment. Even in gangrape cases it is at the top position. Incidents of fake cases against Muslim and Christian minorities and bulldozing of their homes and settlements through illegal means have increased.

All the time the voices of protest are being stopped by imposing Section 144 in the districts,

whereas this is a right given to the citizens by the Constitution. Arresting social workers in false cases and imposing laws like UAPA on them has increased in Uttar Pradesh. 75 percent of the total UAPA cases across the country have been registered in only four states, one of which is Uttar Pradesh. This is evidence of the state moving towards dictatorship.

Many laws like conversion and recovery of personal property have been brought in the state which are unconstitutional.

PUCL Uttar Pradesh unit, through this demand letter, has appealed to the parties going to participate in the elections to promise to stop the cases of human rights violations, and PUCL has appealed to the voting public that they Before casting your vote, raise the question of human rights violations in front of your candidates and vote only for those who promise to establish human rights/citizens' rights.

Seema Azad, President  
Kamal Singh, General Secretary  
PUCL Uttar Pradesh

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## SOLIDARITY MEETING WITH THE HUMAN RIGHTS STRUGGLE IN LADAKH - AN EDITED TRANSCRIPT

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### VIKALP SANGAM, NAPM, PUCL AND OTHERS

PUCL, Vikalp Sangam, NAPM and many other activists joined an online meeting in solidarity with the fasting people of Ladakh. In the meeting, several local activists like Sonam Wangchuk, Tsering Dorjay, Tsewang Namgail, Tsewang Rigzin, Kunzang Deachen, Karma Sonam and others from

Ladakh joined the meeting.

Other activists in solidarity were Ashish Kothari, Medha Patkar, Aruna Roy, V. Suresh, Kavita Srivastava, Gauhar Raza, Atul Sati, Kavita Kuruganti, Harsh Mander, Shekhar Pathak, Angela Rangad, Om Prakash Bhuraita, Vijay Bhatt,

Apoorvanand, Henri Tiphagne and many others. Here is an edited transcript:

Kavita Srivastava (moderator): We thank all of you almost 400 people, for attending. This shows the concern that the country has for the people of Ladakh. The people of Ladakh, under the

leadership of Mr Sonam Wangchuk and all other friends, are fighting against the government policies to save the Himalayas for all of us. For us who live in the desert, who live in the plains, the hills.

The entire Himalayan region is in a crisis. We just saw how the Teesta dam broke. There were such terrible floods. We see Joshimath and what is happening out there. So friends, this particular struggle is taking place in Ladakh and the form is a fast unto death led by Sonam Wangchuk ji and one other colleague. Every day, thousands of citizens sit as part of the token fast. On one side the Chinese armies are encroaching. On the other side, industrialization is devastating the region. So, today, we have to stand in solidarity with the people of Ladakh.

We are not just in solidarity with their struggles but also with the whole region and all those who are trying to save the Himalayas.

**Ashish Kothari:** I am not speaking on behalf of Ladakh. We have 5-6 wonderful Ladakhi friends there on the ground. I think what's very important is that actually hundreds of organizations and thousands of people across India, and today across the world who are expressing solidarity to what is happening in Ladakh, understanding that what is happening in Ladakh is happening all over India, the whole world in some sense or the other. Hence the fight that these people are fighting, not only for themselves but for the whole world.

Ladakh was actually an independent kingdom for a thousand years and then was brought into subjugation over a couple of hundred years. It had always felt neglected or alienated, whether it was under Kashmir state or now, especially even more so under New Delhi as a Union Territory. This feeling of neglect and alienation, and in fact the fear of what would be coming, is even more so in the last few years, since 2019, when the Government of India took the drastic action, in respect of both Jammu Kashmir and Ladakh.

At that point in time, the Leh district people were happy, but they soon realized that being under New Delhi was possibly even worse. The power has shifted away from Ladakhis themselves to New Delhi, and the decisions are being made in Delhi with respect to Ladakh, and almost Rs. 6,000 crores per annum budget has been spent. Most of that is happening through politicians/ bureaucrats who are sitting outside Ladakh, who do not necessarily understand the absolutely unique cultural, ecological and social features of Ladakh itself.

Recently a vision 2050 was made by Ernst and Young company as if the people of Ladakh do not have the expertise to create their own Visions. If you look at a recent industrial land allocation policy for allocating lands for industries, although it says that Ladakhis will be considered for the clearance process itself, it has nobody from Ladakh- none of the hill council members, none of the panchayat members or local communities in the single window clearance process. The

biggest fear actually I think, for all of us, and especially for Ladakhis, is to do with land, including nature and natural resources. If people from outside make the decisions, people across the country will already be eying the land and natural resources, including minerals and water, for profit. This will have a strong social and ecological impact. Since, 2019, a lot of companies are eying the land in Ladakh for mega tourist projects, for dams, for mining and so on. Right now, there is a very active proposal for a mega solar project over something like 20,000 acres of land in Chang Thang, which is one of the most fragile ecosystems of the country. Sonam Wangchuk and other activists have said that they are going to do a long march to the area, to show what's happening to the Nomadic community, the wildlife, the ecosystems. They will also march to highlight the incursions by the Chinese into the border area there.

The way the central government sees Ladakh is the same way it sees other marginal and peripheral areas of India. There are 3 or 4 kinds of hegemonies or dominations that I would like to talk about. One, is commercial /industrial profit making. There are many such possibilities in such a vast landscape, for extractive and destructive kind of commercial activities. Second, is considering it a security zone because it is also a border area to actually establish and continue to sustain some kind of militarized control. Third, is religious hegemony. One of the most interesting things that happened out of the current movement and agitation is the

coming together of Kargil and Leh, as well as the Islam and Buddhist populations of Leh and Kargil. This is something that is not digestible to the central government. Fourth, the narrative itself- to make Ladakh so-called carbon neutral, so-called sustainable development. This narrative that is being pushed not just Ladakh, but also in Kashmir, Manipur, rest of the northeast India, Lakshadweep, Nicobar and Kutch. Central Government has a similar vision for all these areas.

So therefore, it is crucial for the rest of India and the rest of the world to understand and support the struggles in Ladakh and other areas, including the Adivasi-dominated areas in central India. Basically, all of these areas are sought to be subjugated in order to establish these sorts of hegemonies.

The other very crucial reason why the rest of India needs to wake up to what is happening in Ladakh and extend solidarity is the ecological function. The water security of the whole subcontinent depends on what we do in places like Ladakh and the rest of Northeast Himalayas. The glaciers, the run-off snow, runoff rivers- all that originate here are the lifelines of 1.5 to 2 billion people. So we should not take it as a small struggle by 300,000 people but as a struggle for the entire Indian subcontinent, and we must be in solidarity with that.

We express solidarity, through these webinars and online meeting, I would request all the 500 + people join various actions to save Ladakh. The smallest possible action, can actually be

absolutely crucial.

**Tsewang Namgail:** I'll just briefly talk about the environmental issues in Ladakh. When we talk about the environment and the fragile ecosystem of Ladakh, one thing that people all across the country need to understand is the uniqueness of this trans-Himalayan landscape. If you look at the distribution of that landscape in India, more than 90% of that landscape occurs in Ladakh. It has a unique culture and unique biodiversity that has been attracting people from all across the world. Today it is one of the most important tourist destination in the country. So, it is really drawing in a lot of people from across the world, and that is something that all of us need to keep in mind. It behoves all of us, all the citizens of this country, to really protect and conserve this landscape because of its uniqueness.

It is not just about the livelihoods and the culture of people, it is about the lives of thousands and thousands of animals, whose lives are also at stake. The animals that have been sustaining the people in these remote mountains and remote valleys for centuries. just to give you an example, the snow leopard controls the population of the mountain sheep and goats and prevents overgrazing. This in turn promotes planned regeneration on the mountain slopes and that prevents flooding. There is an ecological link between the snow leopard population and flooding. Most of the Asian rivers are originating in the snow Leopard habitat in Ladakh. If we do not pay attention to conserving the population of the animals in

these mountains, than the water availability both for drinking and irrigation to one third of the world population would be affected. Water is going to be very precious resource and people say that there might be wars over water.

Another point I would like to drive home is the importance of the land area for these animals. These are not like the animals that you have in the plains of India, which can rely on a small territory because the resources are very abundant there. But in the mountains, resources are very scattered and they are dispersed all over the landscape. So they have to cover huge areas to really acquire the resources to sustain even a small population. These animals (mountain sheeps and goat) have been providing ecosystem services. They support the snow leopard. I told you the importance of snow leopard, and how is important to conserve the snow leopard. So this also goes for the Pashmina goat herders, as they also need huge territories to really graze and sustain the livestock that they have. Pashmina is a very important industry, for which Kings have actually invaded Ladakh in the past. And today when we talk about the importance of having statehood and Legislative Assembly in Ladakh, one of the counterargument is that Ladakh does not have the resources to be a state. However, these are the resource that historically Ladakhis really tried to defend so that we can have our own livelihood options.

What is happening is that many springs across Ladakh in the

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interior parts are drying up and because of that, many of these wild animals are coming down to the Indus to drink. Along the Indus they have planned a lot of projects. Already things are happening, and the route to the water for these animals would be blocked. There are so many issues not just for the Ladakhis, but for the entire country, and the water security of the country.

**Mustafa Haji:** Thank you all for organising this programme. I am also very grateful to Sonam Wangchukji for continuing his fast for the last 18 days. I cannot stress enough how important it is to preserve the fragile environment, as people have already highlighted. This is because there are many endangered species in Ladakh and the ecology in itself is quite fragile. The area is also critically important in terms of national security.

Ladakh has become a place of contradictions and paradoxes. As a part of Jammu and Kashmir, we used to have four MLAs and two MLCs in the Assembly of Jammu and Kashmir because it was bicameral. Post the removal of the special status of Jammu and Kashmir on 5th of August, we do not have representation whatsoever.

There is a paradox, when the Hon'ble Supreme court in multiple observations says that by demoting a full fledged state with special provisions to a union territory was not right, they did not extend the analysis to Ladakh. They say that we need to restore statehood and the legislative assembly to Jammu and Kashmir, because it is a part

of the federal structure which is a part of the basic structure of the Constitution. Yet, it does not say anything about Ladakh because we also have the same MLA's anyway you practically speaking we should also be a state.

Ladakh, post these changes, went back to the position of 1947 where there is no protection for Ladakh whatsoever. Another contradiction is that the National Commission for Scheduled Tribes and multiple organisations of the Government of India have recommended, time and time again that Ladakh should be made a schedule tribe area and yet they have not listened to those recommendations.

The biggest paradox is that they in their own manifesto in 2019 MP election, parliamentary election as well as in the Hill council election, had this as one of their major promises, that they want to give 6th schedule status to Ladakh. That is why the people in Ladakh voted for the BJP and they won with a big margin in the parliamentary election.

Even after having multiple dialogues between the central government and our apex body in the Kargil democratic alliance, the home minister tells us that he cannot discuss the demand for statehood and 6th schedule status. This is a big set back for the Ladakhis and it is clear that they do not want to empower Ladakh politically. Even when we are a part of Jammu and Kashmir, Ladakh is always seen from the point of national security and the people of Ladakh are often get neglected in that perspective. The government of India needs to change their

perspective on Ladakh. Even when you talk about 1999 or the wars which have taken place, there is always a perspective from the defence point of view. They do not give enough consideration to the people of Ladakh and they do not give a humanitarian approach to the problems that the people of Ladakh face.

They need to understand from the Ladakhis about how Ladakh should be run and it should not be a top-bottom approach but rather bottom -top approach where we tell the government because our culture is different, our identity is different our history is different, the approach should be different from a mainland approach. Until or unless the government of India changes its approach, there can not be a solution to the problem.

(The proceedings of the meeting which was held on ... can be viewed at <https://www.youtube.com/watch?v=xx-zYD4hZus>)

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## OBITUARY DR V LAKSHMINARAYANA, PUCL- KARNATAKA (5.15.1953-22.04.2024)

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### PUCL KARNATAKA

Eminent human rights and Dalit right leader Dr. V Lakshminarayana breathed his last around 11.30 pm in Mysore on 22nd April 2024. Dr Lakshminarayana was born in the immediate post independence era on 5th December, 1953 and went on to study medicine and practise as a dermatologist.

Dr. Lakshminarayana was closely associated with the founding of the PUCL in Karnataka and served as its General Secretary right from 1995 to 2013. He went on to serve as the president of PUCL Karnataka from 2014 till 2016. After that he assumed the role of a senior human rights activist, mentoring the younger members of the PUCL. It is due to his

tireless advocacy that an analysis of caste inequality is seen as an integral dimension of human rights.

He was a Marxist, who was as committed to the world of ideas as he was to human rights activism. He regularly and enthusiastically hosted a Friday Forum in Mysore which discussed issues ranging from the sedition law to the biographies of Ambedkar.

He is survived by his partner and comrade Dr. Rati Rao, a well-known champion of women's rights as human rights and their son Apurva. It is in fact tough to think of Dr. Laxminarayana without simultaneously thinking of Rati Madam, so intertwined were their lives by love, politics

and human rights. In this moment of deep grief, our heart goes out to Rati Madam and other family members who have suffered an irreparable loss.

Yet we know that Dr. Laxminarayana, the indomitable human rights activist that he was, would have wanted us to alchemize our grief into a renewed resolve to fight for a more just world.

That would be the most fitting tribute we can pay him.

Prof. Rajendra YJ, National Secretary  
Arvind Narrain, President, PUCL-K  
K Shujayathulla, General Secretary, PUCL-K

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## CAN CAMPAIGNS FOR FREE ELECTIONS BE RUN DURING ELECTIONS? SUPREME COURT ISSUES DIRECTIONS

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### FULL ARTICLE PUBLISHED IN THE LEAFLET

A Bench of Justices B.R. Gavai and Sandeep Mehta passed an interim Order directing district magistrates across the country to decide on applications submitted for permission to hold yatras to educate voters about elections within three days of receipt.

ON Friday, the Supreme Court directed district magistrates across the country to decide on applications submitted for permission to hold yatras to educate voters about elections within three days of receipt.

A Bench of Justices B.R. Gavai

and Sandeep Mehta passed an interim Order to this effect.

The Bench also questioned the blanket imposition of Section 144 of the Code of Criminal Procedure (CrPC) ahead of every Lok Sabha or state legislature election.

The Bench was hearing a public interest litigation filed by social activists Aruna Roy and Nikhil Dey filed through advocate-on-record Prasanna S.

Advocate Prashant Bhushan, who appeared for Roy and Dey,

submitted that something "very fantastic" is happening. In the last six months, blanket Orders under Section 144 of the CrPC have been issued from the time of announcement of an election by the Election Commission of India (ECI) till the end of the election.

The Bench questioned the blanket imposition of Section 144 of the Code of Criminal Procedure ahead of every Lok Sabha or state legislature election.

This left Justice Gavai

wondering, "How could such Orders be issued?"

Section 144 of the CrPC empowers a magistrate to issue directions to "persons" to either abstain from certain conduct, or direct persons in control of certain property to specifically engage in certain conduct.

Directions can be issued under this clause only if "immediate prevention or speedy remedy is desirable", and if a magistrate considers that such directions are "likely to prevent" or "tend to prevent", any "obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety or a disturbance of public tranquility, or a riot, or an affray".

In their petition, Roy and Dey have highlighted the "indiscriminate" practice of magistrates and state governments to pass blanket Orders under Section 144 of the CrPC to prohibit any meetings, gatherings, processions or dharnas ahead of every Lok Sabha or state legislature election and until the declaration of results.

The petitioners contend that these blanket prohibitory Orders directly affect civil society and the general public from freely discussing, participating in, organising, or mobilising on issues affecting them ahead of elections.

Both Roy and Dey are part of a civil society group called the Rajasthan Election Watch (REW) which has been monitoring

elections in Rajasthan since 2003-04.

REW is associated with the Association for Democratic Reforms (ADR) at the national level. Their work includes extracting information from affidavits of candidates and delivering it to citizens, and creating awareness among the citizens to send complaints related to violations of the MCC to the ECI. They also claim that they make efforts to monitor communal and hate-motivated messages and convey them to the police administration.

The petitioners contend that the restrictions imposed under Section 144 have a bearing on the civil and political rights of common citizens as well as civil society during the time of election. (...) The petitioners argue that though their group had been able to undertake its activities unhindered, it had to repeatedly obtain permissions even for basic mobilisation activities such as jeep-yatras or street corner meetings during the Rajasthan state assembly elections in 2023. The petition goes on to state that the experience has been similar during the present general elections.

The full article provides more details of the arguments made by the petitioner and can be accessed here:

<https://theleaflet.in/can-campaigns-for-free-elections-be-run-during-elections-supreme-court-issues-directions/>

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