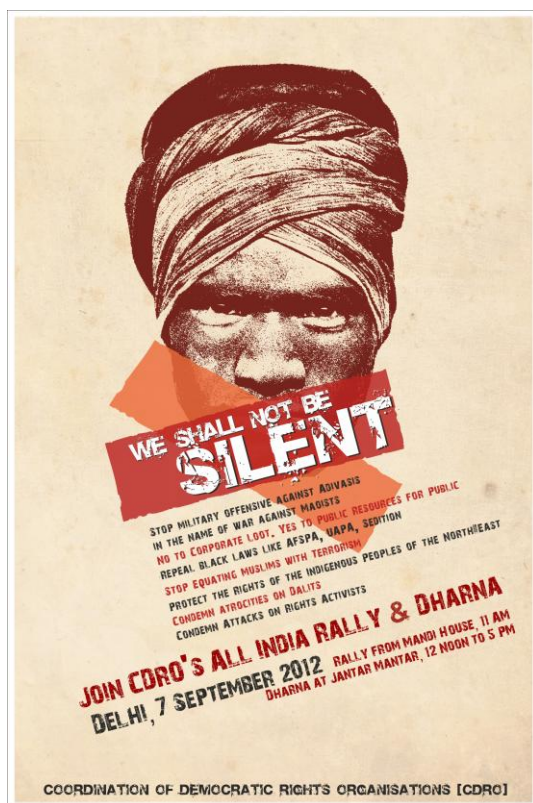


COORDINATION OF DEMOCRATIC RIGHTS ORGANISATIONS (CDRO)



Report of All India Rally and Dharna

7th September 2012



The course of democracy in India is increasingly witnessing a violent assault not just on people's rights but the very existence of people who dare to stand and act in negation of the status quo is being jeopardized. The current year has been replete with instances of mass violation of civil and democratic rights of people. While the brutal and prejudiced side of the state is obvious in its "arrest or kill" policy towards those resisting corporate take-over of their land, forest and water in the name of counter Maoist offensives such as killing of 17 adivasis in Bijapur district of Chattisgarh. Equally evident is the state-corporate partnership exploiting peoples' resources in the name of industrial development. The conscious attempt of the state to target vulnerable sections of society, to 'construct' them as criminals is visible in numerous cases of Muslim youths being falsely implicated in terrorist cases by Anti-Terrorist Squads of different state governments. There have been increasing instances of sexual assault on women by paramilitary forces. Incidents of violence against and social boycott of Dalits as a repercussion of their assertion of legitimate rights are escalating. Physical attacks on social activists for raising genuine concerns against the fatal consequences of state policies that pass under the rhetoric of development, together with a massive and shameful deployment of draconian laws such as sedition and UAPA are being used against civil and democratic rights activists to silence their critical voices. Out of 640 district of India, 101 are reeling under Armed Forces Special Power Act (AFSPA) and in another 37 districts we find similar conditions. This war against our own people has thrown up social and ethnic divides whose tragic consequences can be seen in the current bloodletting in Assam and the exodus of people from North East out of Bangalore, Chennai, Pune, Hyderabad etc. We are also alarmed at the indifference shown towards

uncovering of mass graves in Kashmir which may hold the key to solve the mystery of 8-10,000 victims of enforced disappearance.

Keeping this in mind, Coordination of Democratic Rights organisations (CDRO), as an association of civil rights and democratic rights organizations, gave a call for a Rally and Dharna on on 7th September, 2012 in Delhi. The objective of this call was to protest against escalated forms of violence and repression that various sections of people within the country are being subjected to.

Although Delhi Police, which directly operates under the Central Government, did not give the required permission for rally till the last day in the name of maintaining law and order. However, nearly 500 people from various states of India came for this programme to vent their anger against suppressing their democratic dissent. Most of the people who had come from various states such as Andhra Pradesh, Jharkhand, Assam, Manipur, Uttar Pradesh, Haryana, Punjab etc for this programme were part of the democratic and civil liberty organisations and also many other who were victims of the repressive laws such as UAPA, Sedition etc. They all had come armed with posters, banners and other campaign materials expressing the violation of democratic rights in their states. These posters and banners were put up at the dharna site and slogan were raised to highlight the repressive and undemocratic role of central and various state governments in response of the genuine and democratic demands of the toiling masses such as farmers, workers, Adivasis, minorities etc.

The dharna was organised at JantarMantar, New Delhi which was also attended by people of various organisations from Delhi. It started with slogans demanding repeal of all the repressive and draconian laws like AFSPA, UAPA, IPC sections on sedition, CSPA, and others; Stop military offensive against Adivasis in the name of waging war against the Maoists; Stop attack on Muslims in the name of terrorism; to stop the corporate loot in the name of development and public resources should be used for public; Condemning attacks on rights activists in various states; Protect the rights of the indigenous people of the North East etc. Slogans were also raised demanding constitution of an independent commission to investigate mass graves/unidentified graves in Kashmir, abolition of death penalty etc..

The purpose of this program and denial of rally by the Delhi Police was critically highlighted by the conductor of the program, Paramjeet Singh of People's Union for Democratic Rights (PUDR), Delhi. He welcomed all the participants who had come from far flung areas of Jharkhand, Andhra, Assam etc. to register their protest against the various corporate led policies of the government as well as Government's attempt to silence their dissent against these anti people policies through various repressive laws as such as UAPA, Sedition etc.

Among those who spoke at the Dharna included Professor S.Seshaih, President of Andhra Pradesh Civil Liberties Committee (APCLC), Pervez Imroz of Jammu & Kashmir Coalition of Civil Society (JKCCS), V. Suresh, General Secretary of Peoples Union for Civil Liberties (PUCL); Professr Ramswamy of Peoples Democratic Front (PDF), Karnataka; Amitduti Kumar of Association for Protection of Democratic Rights (APDR), West Bengal; Shashi Bhushan Pathak of Peoples Union For Civil Liberties (PUCL), Jharkhand; V. Raghunath, Joint Secretary, Andhra Pradesh Civil Liberties Committee (APCLC); Pankaj Tyagi, Peoples Union for Civil Rights (PUCR), Haryana; Jhonson of Campaign for Peace & Democracy (CPDM), Delhi; Phulendra Kongsam of Coordination for Human Rights (COHR), Manipur; Tera V. Vashim, Naga Peoples Movement for Human Rights (NPMHR); Mr Bojja Tarakam of Republican Party of India (RPI); Narbhinder Singh of Association for Democratic Right (AFDR), Punjab;

Parthasarathy Ray, editor of Sanhati; Dr Darshanpal of Bhartiya Kissan Union (Dakonda), Punjab, Kavita Srivastava of PUCL, Rajasthan; BubuminiGoswami of ManabAdhikarSangramSamiti (MASS), Assam;Adv Md. Shoib of Rihai Committee, Uttar Pradesh; MassudinSanjari from Ajamgarh; Gautam Navlakha of Peoples Union For Democratic Rights (PUDR), Delhi and others.

All these speakers highlighted various incidences of attacks led by armed forces on the advasis in Chattisgarh, Jharkhan, Orissa and North East, in the name Maoism and also terrorism. In most of the cases Advasis and other tribals are found to be raising genuine concern on the corporate led growth where thye are being displaced of their lands, without the scant concern of their life livelihood. The speakers from Uttar Pradesh raised the anti-minority stance of the Government in which Muslim youths are being arrested by Anti-Terrorist Squads (ATS), raising the bogey of Islamist fundamentalism and terrorism. The speakers also spoke the on-goinganti-nuclear movement in Kundankulamwhere anti people role of state by implicating villagers under various draconian laws such as sedition was highlighted.



Activists of various organisations also presented the issue in form of songs and plays. Delhi activists had especially prepared a play based on current issues such as displacement, SEZ, plight of Maruti workers, use and misuse of repressive laws against trade union leaders, activists of various political and democratic rights organisations in the name of Maoism.



The dharna was also addressed by Aparna Marandi, wife of Jitan Marandi, who was earlier falsely convicted in Chilkhari firing of Jharkhand and sentenced to capital punishment. Although he has been acquitted in this case, he is still in the jail on other charges. Aparna with other women, who had come all the way from Jharkhand and also struggling against the para military forces, trampling their day to day rights and dignity in rural areas, highlighted the current situation through songs written by Jitan Marandi.

At the end of the dharna, people marched to the parliament street where they were stopped by the police. People raised slogans and activists of various organisations from Delhi and outside sang songs. The programme ended with a firm belief by all the organisations to fight against all the repressive laws and to make this campaign more broad based. Many of the participating organisations also announced that they will organise such programmes in their states.



CDRO had also prepared a memorandum and had sought appointment with the President of India, which was denied. Therefore copy of the memorandum was sent to the President and also released to the press.

COORDINATION OF DEMOCRATIC RIGHTS ORGANISATION (CDRO)

MEMORANDUM TO THE PRESIDENT OF INDIA

7th September 2012

His Excellency, Mr. Pranab Mukherjee
Hon'ble President of India
Rashtrapati Bhavan
New Delhi

Your Excellency,

We, the people, across different regions, eking out different livelihoods, subscribing to different faiths and religions have all come under attack by an increasingly repressive state. The forms through which people are subjected to this repression ranges from killings in encounters to tortures and sexual assaults, from destruction of their homes and livelihoods to labeling of faiths and political ideologies as criminal, from the forcible snatching of peoples' lands and resources to criminalizing any and every form of dissent. The Indian state is today at war against the people of India, against their dreams, their aspirations and freedoms.

CDRO (Coordination of Democratic Rights Organizations) and all its constituent civil liberties and democratic rights organizations are committed to the protection and advancement of people's rights. The innumerable fact-finding missions by these organizations have brought out the immensity of the unfolding tragedy and the repeated falsehood of government justification and claims. As representatives, we bring before you issues which need your urgent attention:

1. Military Offensive against Adivasis in the name of Waging War against Maoists. Repression today is marked by the increasing use of the military in one region after another. The tribal people of central India, across Jharkhand, Chhattisgarh, Maharashtra, Odisha, Andhra Pradesh and Madhya Pradesh bear the brunt today. They suffer the most inhuman treatment at the hands of the forces, the civil administration as well as the judiciary. The governments justify each instance of brutalizing of people by linking the tribals or their demands to the Maoist party or Maoist ideology. And increasingly, wherever tribal people raise their voice, be it Arunachal or Assam or Rajasthan, the bogey of Maoism is implemented to gag them. We demand an immediate end to this war.

2. Corporate Loot and Displacement of People. In large part the military offensive is based the desire of governments to cater to the insatiable urge of big corporates. And this appetite is huge when it comes to land, water and forests, the very things that support the lives of the crores of peasants and forest dwellers. Through laws and at the point of a gun, the people are evicted from their land, rendered destitute, and are pushed into working in abysmal conditions as casual and contract workers in construction sites, mines and factories, processes that makes the rich richer. In this way India has become an epitome of contradictions: the 12th position among nations on the size

of the economy but at the 134th position in terms of human development. No democracy can survive in such conditions of ever-widening economic inequality. This corporate loot and greed must stop as public resources are reserved only for the public. The large scale displacement of people must cease immediately.

3. Undemocratic Laws and Provisions. Part and parcel of this war against the people is the attempt to malign peoples' struggles and politics by imposing bans on political thought and literature. This has been achieved through a direct attack on the rights to equality before law and political rights. There is a multitude of laws currently in force that are wholly incompatible with a political democracy. These laws equip the forces to kill people and destroy their houses with impunity, as the AFSPA has done for over 50 years in the states of the North East and Jammu and Kashmir. Other laws alter the meaning of crime, permit long periods of detention, alter the rules of evidence so that the governments in power can continuously keep in jail all those it considers undesirable. The charges of sedition and of waging war are widely used across the country against legitimate struggles and protests. Such laws and provisions promote lawlessness by the police and security forces as they are given unlimited power to attack people. Thus in J&K, the police along with the SPOs and the government sponsored militants, all act with complete impunity. These laws also prevent open dialogue and foreclose the possibility of political solutions. We demand that laws like the AFSPA, UAPA, CSPA, and provisions of sedition and waging war must be repealed. Dialogue is the solution, not bans and militarization.

4. Witch-hunt of Muslims. Each of these laws is based on identifying a section of our people as enemies, be it their political aspirations or economic demands. Additionally, these laws do not work in a vacuum. They reinforce existing prejudices and single out and attack minorities, dalits and adivasis. Whether TADA or POTA, the weaker sections have always comprised a huge majority of those arrested. Every investigation into a bomb blast necessarily involves the interrogation, torture, and long periods of detention of Muslim youth. Despite the growing evidence of their innocence as in the cases of Samjhauta Express, Mecca Masjid, Ajmer, Malegaon, this prejudiced practice of rounding up Muslims continues. We demand an end to this witch-hunt against Muslims in the name of fighting terror.

5. Suppression of People's Rights in the North East. The North East comprises various indigenous communities who nourish respective notion of self-determination and growth. The assertion of democratic rights is largely framed and carried out on the premise of bad governance, political failure and economic marginalization. The military option adopted by the Indian state and repressive tactics have not been able to solve the problem. The capitalist option under the aegis of multinational corporate and controversial projects has merely increased the suspicion and loss of trust. In order for peace and democracy we demand that the government respects and upholds right to self determination of the indigenous peoples in the Northeast; stops militarization and enforcement of destructive capitalist projects on the pretext of development; and initiates political dialogue and create concrete peaceful and practicable negotiation with the insurgent groups who are under ceasefire and negotiation.

6. Mass and Unidentified Graves in Jammu and Kashmir. The rule of the AFSPA in Jammu and Kashmir has led to people being "disappeared" by the security forces. While their family members wait for them endlessly, the efforts of the APDP and the IPTK have led to the discovery of over 6000

unmarked and mass graves in 5 districts of which 2156 graves have been confirmed by the state human rights commission. So far at least 49 disappeared persons have been exhumed from these graves. The process needs to be speeded and the perpetrators need to be identified. We demand an independent commission to enquire into the mass and unidentified graves.

7. Growing Attacks on Human Rights Activists. Realising the untenable nature of its policies, economic, social and political, the government has decided to attack all those who document the crimes by the state and publicize the same. Killings and disappearance, arrest and intimidation of rights activists has grown in the last two decades. The murders of activists by the state and state sponsored militia for exposing the fake encounters in A.P., Assam and Kashmir, the disappearance of Jaswant Singh Khalra who brought to light the mass cremations by the security forces in Punjab. The arrest of rights activists from Chhattisgarh to Andhra Pradesh, and Uttar Pradesh and charging them under draconian provisions is becoming a norm. We demand an end to these attacks on human rights activists.

8. Ratification of Convention Against Enforced Disappearances and Torture. In regions where the state forces are conducting war-like operations, the abuse of power by the state forces becomes rampant. Since this abuse is authorized by higher authorities, the normal protections to prevent abuse of power become ineffective. To deal with such systemic violations anywhere in the world, international conventions have been formulated. But the Indian State has continued to pay lip service to these conventions, refusing to ratify the provisions that are meant to prevent tortures, custodial killings, and the practice of getting rid of dead bodies to destroy evidence. Thus the state gives immunity to the perpetrators, and becomes judge on its own actions in the case of the most heinous of crimes. This state of affairs cannot be permitted. We demand ratification of the Convention Against Enforced Disappearances, and Torture.

9. Abolition of Death Penalty. One area of judicial practice that permits extreme arbitrariness and bias concerns the capital punishment. As though an unwritten rule, capital punishment is reserved for those too poor to afford proper counsel or else those who are considered undesirable by the ruling political establishment. Additionally, capital punishment is retrogressive: it entails physical bodily harm as a form of punishment; it rules out all possibility of redress in case of miscarriage of justice; and it emphasizes revenge over reform as the purpose of punishment. Appeal for harsher punishments is the refuge of those who prefer a pretense of justice over real justice. That the powerful criminal escapes punishment has to be compensated for by a harsher punishment on the others. Apart from being extremely unfair, such a practice acts as an encouragement to crime by the powerful. A less exacting punishment, with the guarantee that the offender cannot escape it, is a more lasting and just approach and one which works as a better deterrent to crime. We, therefore, demand the abolition of death penalty.

We appeal to you for your urgent intervention in the matters highlighted above.

Thanking You

Yours Sincerely

1. Justice RajendraSachhar (Rtrd.)
Peoples Union for Civil Liberties
2. Dr.BinayakSen
Peoples Union for Civil Liberties, Chattisgarh
3. ShriAmitadyuti Kumar,
Working President, APDR, West Bengal
4. ShriBubumoniGoswami
Chairman, MASS, Assam
5. Prof. SepuriSeshaiah
President, Andhra Pradesh Civil Liberties Committee
6. Prof. A.K.Maleri
Association for Democratic Rights, Punjab
7. Prof. NagariBabaiah
Peoples Democratic Forum, Karnataka
8. Advocate Parvejmroz
Jammu Kashmir Coalition of Civil Society, Jammu & Kashmir
9. ShriPhulendraKonsam
Committee on Human Rights, Manipur
10. Shri Paramjeet Singh
Secretary, Peoples Union for Democratic Rights, Delhi
11. ShriTera V. Vashim
Naga Peoples Movement for Human Rights
12. Dr.MukteshGhosh
Asansol Civil Rights Association, West Bengal
13. Smt. Kavita Srivastava
Peoples Union for Civil Liberties, Rajasthan
14. Advocate V. Suresh
Peoples Union for Civil Liberties, Tamil Nadu
15. ShriSashiBhushanPathak
Peoples Union for Civil Liberties, Jharkhand

