

Coordination of Democratic Rights Organisations

March 2013

For private circulation only

Suggested Contribution Rs. 15

When Criminal Negligence Passes for 'Industrial Accident'

PUDR expresses grave shock and demands action against those responsible for the industrial accident at the Ambuja-Holcim cement plant near Raipur, Chhattisgarh, on 31 January 2013, in which 5 workers have been killed. The names of the workers who died are Roshan Verma and Poshan Verma, apprentice (both apprentices from village Arjuni), Suresh Shukla and Kamleshwar Singh (both permanent workers, from Ambuja Colony and village Bhadrappaali respectively), and Durgesh (a contract worker from village Saiha). The accident which occurred between 10.30 a.m. and 11 a.m., took place when the fly-ash hopper situated on the fifth floor collapsed, and crashed through four floors below. Eyewitnesses report that the air was thick with dust for hours. According to reports the cause of the accident was that the hopper was overloaded beyond capacity – while the capacity of the hopper was 170 tonnes it had been loaded with a weight of 300 tonnes. Moreover, the hopper was in a rundown condition and known to be unsafe. Despite this it appears that the management not only continued to operate

the hopper, but overloaded it, and did not have any safety measures to deal with fire or officials equipped or trained to carry out rescue after the accident. Trained personnel had to be called from the nearby cement plant of Ultratech to carry out rescue operations. The Ambuja-Holcim company officials had in fact compounded the problem by pouring water on the fly ash making it set and making it difficult to remove the dead and injured from under the debris. The workers who had rushed to help were all ordered to go away. Moreover the family members of those killed were not permitted to go to the spot, nor were they shown the bodies of the deceased. Journalists were also not permitted inside the plant after the accident. The Collector and

Continue Next Page

Recent Burning of Village in Dantewada

To,
The Police Station In-charge
Gangalur police station
Gangalur village, Bijapur, Chhattisgarh

Friday, 1 February 2013

Respected Sir,

1. I am a researcher and honorary professor at the Tata Institute of Social Sciences, Bombay. I have spent the last two days visiting Pidiya village (Pidiya panchayat), Bijapur block, Bijapur district.

2. During my visit, I found that a large contingent of police force came to this village on 21 January. From the direction the force came, the villagers estimate that they came from Gangalur and Basaguda police stations. Seeing the forces come, most villagers ran to the forests. Force stayed in the village for two days (21, 22 January). They left on 23 January at around 4 pm.

3. In the duration the police force stayed in the village they burnt houses in 4 hamlets. These hamlets are: Maragudem (8 houses, 9 huts); Pantamuram (1 house, 1 hut); Oyampara (6 houses, 2 huts) and Kuppapara

(2 houses, 2 huts). I have seen all the houses. In total, 17 houses and 14 huts were burnt.

4. 19 villagers have suffered losses. In the case of 5 persons only their household belongings were destroyed (or taken). In the case of 14 others their houses were burnt along with all their belongings.

These household items included:

(i) Food items (unhusked rice, rice, korsa - lentil, tamarind, chillies, salt, turmeric, roots-tubers, kutki - lentil, barbatti beans, corn, cumin seeds, channa - gram, tora, etc.)

(ii) Agricultural implements (kulhari - axe, hassia - sickle, rope used

Continue page 8

A Monthly Bulletin of CDRO
Send your reports to (journal.rights@gmail.com)

the Superintendent of Police who had reached the plant after the accident, also refused to answer calls or throw light on the matter. Agitated villagers of Arjuni and Bhadrappaali who had gathered at the gates were lathi-charged and dispersed. It is a matter of concern that the entire effort of the management and local civil and police administration appears to be to hush up the incident and not affix responsibility for it.

As even the broad details of this case and PUDR's recent investigation and report on the conditions of cement workers in Chattisgarh (Working Against Odds: Conditions of Workers in the Cement Industry in Chattisgarh, 2012) shows this accident was a direct consequence of the complete absence of safety measures in the plant, the lack of maintenance and the common practice of exposing workers to extremely hazardous work without any protection, preparation or rescue plan amounts to criminal neglect. This 'accident' was thus waiting to happen, and the culpability of the company Ambuja-Holcim, which has a 9.44% of the market share in the industry and ranks third amongst the top 10 cement manufacturers in India, is clearly indicated.

PUDR demands immediate independent investigation into this industrial accident at the Ambuja Holcim plant, indictment and criminal prosecution of the guilty including the company for its criminal neglect of safety measures. PUDR also demands that adequate and appropriate compensation be paid to the family members of all the workers killed in the accident or adversely affected by it in any manner.

Asish Gupta & D Manjit
Secretaries, PUDR

MARCH 2013 CONTENTS

When Criminal Negligence Passes for 'Industrial Accident', PUDR	1
Recent Burning of Village in Dantewada, APDR Note on Alleged Rape of Adivasi Woman by CRPF in West Bengal.	3
Obituary: Demise of Debaprasad Baruah, CDRO	3
Arrest of Dandapni Mohanty:	
* Silencing Dissent Through Selective Use of Rule of Law	4
* Statement of People's Union for Civil Liberties (Odisha)	5
Convention for Unconditional Release of All Political Prisoners:	
* Report	6
* Resolution	8
HRF Submission Before Panel Holding Public Hearing on Proposed Kalyanikhani Project	11
Custodial Torture of UT Bikram Mahato at Dumdum Correctional Home	14
On the Commission of Inquiry in Manipur	15
On the hanging of Afzal Guru:	16
* Statement of PUDR	
* Throttling Freedom in Kashmir After Hanging Afzal	17
* The "Collective Conscience" of Jammu and Kashmir Dismissed	17
* Hanging of Afzal Guru is a grave violation of International human rights charter	18
* The attach on Demonstrators at Janatar Mantar ...	
Persisting Violations of Fundamental Rights of the People Living at Indo-Bangladesh Bordering Area.	19
On Serial Blasts in Hyderabad:	22
* Statement of PUCL	
* Condemn the Hyderabad Blasts	22
Joint Press Statement on Police Violence in Delhi University	23
Statement from Shahri Mahila Kaamgaar Union	
Open Letter to Delhi Police and Other Authorities Demanding Action Against the Police for Sexual Abuse, Violence and Intimation	24
Is India on the Path to Become a Land of Serial Executions?	25
Movement Against Delhi-Mumbai Industrial Corridor.	27
Resolution Adopted at CDRO Meeting Held at Amritsar	28
Report of the AFDR Convention in Amritsar	31
	33

APDR Note on Alleged Rape of Adivasi Woman by CRPF in West Bengal

After the gang rape of eleven tribal women at Sonamukhi in 2010 and Sibani Singh in 2011, it is now the turn of Subhadra Mahato of village Oraly under Banspahari Gram Panchayat, Belpahari thana. The CRPF jawans gang-raped her sometime during the Makar Sankranti festival this year when she along with her friend Sarathi Mahato had gone near the forest to collect Sal leaves. While Sarathi managed to escape, Subhadra was caught and raped.

Subhadra is an ICDS worker, who is at present lying in a state of trauma at her father's house. Her elder brother Prafulla Mahato is too scared to lodge a protest against the police. So are villagers, especially the women who say they are also frightened to go inside the forest to collect leaves, which are vital source of their livelihood.

After the incident the villagers demonstrated before the Chhurimara CRPF camp, demanding the arrest of the culprits. The SP Jhargram rushed to the spot and assured them that it was a small matter and it was the act of some miscreants who have taken shelter in the adjoining areas from Jharkhand. The villagers must carry lathis and torches, and they must be vigilant against these elements.

APDR and a few women's organisations from Kolkata and Jhargram visited the village on 3.2.13 for fact-finding. Although almost everyone admitted to the occurrence, the victim was too traumatised to appear. The fact-finding team found that instead of executing the most essential matters, the SP is scrupulously trying to shield the real culprits and hoodwink the aggrieved family.

1. The Police has not accepted any complaint from the victim or her family.

2. The Police did not put the victim through medical test.

3. The Police did not arrest the culprits and put them up at a fast track court for speedy trial.

A fear psychosis is palpable on the faces of the villagers. In this fur-flung village of Jungal Mahal there are no candle light processions for the rape victims and no vociferous protests. Women like Subhadra and Sarathi never dream of seeing their perpetrators punished. The matter needs thorough probe.

Arup Dasgupta
APDR-Midnapore)

February 7, 2013

Obituary: Demise of Debaprasad Baruah

Coordination of Democratic Rights Organizations (CDRO) mourns the death of activist and political scientist Debaprasad Baruah on the 28th of January 2013. The erstwhile Vice Chancellor of the Gauhati University died of cardiological ailments at a hospital in Guwahati at the age of 83. Baruah was a prominent voice in the human rights movement in the state of Assam and was one of the founding members of the Manab Adhikar Sangram Samiti (MASS). During his student days he was actively associated with the Students' Federation of India (SFI), and later guided the six-year long anti-foreigners agitation in Assam in the early 1980s. As a public intellectual he engaged actively in the socio-political life of Assam till his last days. His death is a great loss to the civil rights movement.

Ashish Gupta
Co-ordinator, CDRO

05-02-2013

Arrest of Dandapani Mohanty

SILENCING DISSENT THROUGH SELECTIVE USE OF RULE OF LAW

Dandapani Mohanty, a social rights activist in Odisha was illegally abducted by plainclothes policemen and has been detained under cases related to incidents that occurred in 2009 and 2010. Additionally, non-bailable sections of the draconian UAPA have been foisted on him, allegedly for having Maoist links. Ironically, on two occasions in 2011 (abduction of V. Krishna, Collector, district Malkangiri) and 2012 (abduction of two Italian tourists in Kandamahala-Ganjam region), the government had sought out and used Mohanty as an interlocutor between them and the Maoists.

In both of the above noted cases Odisha government failed in fulfilling the commitments made during the negotiations – including the immediate release of over six hundred adivasis incarcerated in various jails of Odisha for allegedly being Maoists, stopping of police repression on people's movements, recognition of the land rights of the adivasis and the landless, etc. Mohanty had been consistent in campaigning against the undemocratic attitude of Odisha government in not fulfilling their promises and also highlighting other repressive acts which had become a thorn on the state and police's side. It should be noted that Mohanty has been involved in people's issues since 1960s, and at present he is the

Secretary of the Odisha Forest Majdoor Union as well as the Convenor of the Jan Adhikar Manch.

Most recently, in November 2012, he was instrumental in exposing the horrific encounter killings of five unarmed scheduled tribe and caste men from Kandhamal district by the Odisha Police. Even as he was in the process of publicizing these encounters in December 2012, his son, Sangram Mohanty, was picked up from Brhampur and later shown arrested from a place far from the town under the allegation of arranging and supplying food materials, arms etc. for the Maoist and is still in Jail.

It is clear that following a fact finding by CDRO which confirmed the Odisha police's role in the encounter deaths, the state's government and its police have used their unrestricted powers to *impose* the 'rule of law' to *punish* Mohanty. Consider the manner in which the government and police have acted in this case: Mohanty was illegally picked up by plainclothes policemen *without* any arrest warrant. He was picked up at lunch time from outside his home and shown as arrested in R Udayagiri. The cases lodged against him are related to incidents that took place over three years ago in 2009 and 2010. Finally, in order to delay his release, large numbers of cases, including UAPA ones, have been foisted on him

Mohanty's arrest is uncomfortably reminiscent of the arrest of Binayak Sen not too long ago in neighbouring Chhattisgarh, and his arrest, like Sen's, is a shining example of how the 'rule of law' applies only to those the government wants to silence. After arresting

Dandapani Mohanty on 8 February 2013, the police claimed that they wanted to capture him for some time and that anyone taking 'liberties with the law' would not be spared. Given the fact that the incidents for which Mohanty has been arrested are over three years old and much else has happened since, with this statement, either the police seem to be attesting their inefficiency or have unwittingly revealed that their intent in arresting Mohanty was nothing other than vendetta for having exposed its terrorist tactics.

Lest we forget, Mohanty's case is only the latest in a series of illegal detentions and arrests in Odisha that have occurred during Operation Green Hunt. While hundreds of innocents languish in the jails of Odisha—for whose liberty Mohanty himself campaigned—as journalists and citizens, it is important to remember that if the government and police continue to use the law to their own benefit, not just people involved in political activity, but each one of us stands to lose not only our fundamental democratic rights guaranteed by the Constitution.

CDRO demands that the Odisha government:

- * Release Dandapani Mohanty and his son Sangram Mohanty immediately

- * Review all cases of detentions and arrests under the UAPA during Operation Green Hunt and release innocent citizens

- * Restrain the police from carrying out targeted vendetta attacks on civilians and their families

- * Stop Operation Green Hunt immediately.

Sd/-

Kranti Chetanya, Tapas Chakravorty,
Paramjeet Singh, Parminder Singh
and Phullendru Komsam

(CDRO Coordinators)

11th February 2013

STATEMENT OF PEOPLE'S UNION FOR CIVIL LIBERTIES (ODISHA)

People's Union for Civil Liberties (PUCL) condemns the arrest of Sri Dandapani Mohanty, who acted as one of the interlocutors on behalf of the Maoists, both in the abduction of Malkangiri Collector and that of the two Italian tourists. The way the Odisha police arrested Sri Mohanty, violating all rules pertaining to arrest and detention, shows its highhandedness and utter disregard for the law of the land. Moreover, Sri Mohanty's arrest at this juncture raises several questions which the Odisha government must answer.

Sri Mohanty's family members have alleged that he was picked up in the afternoon of 8th February by plain clothes policemen from near his residence in Berhampur. The family members were not informed of this by the police. The Supreme Court of India guidelines regarding arrest and detention clearly say that the police officials who carry out the arrest or interrogation should wear accurate, visible and clear identification and name tags with

their designations. It also says that a memo of arrest must be prepared at the time of arrest which should be attested by at least one witness who may either be a family member of the person arrested or a respectable person of the locality where the arrest was made. It is shocking that the Odisha police have been continuously violating these principle, particularly, when picking up people allegedly with Maoist activities or when the 'accused' are from the marginalised groups. It needs to be noted that in December last year Berhampur police had picked up Sri Sangram Mohanty, son of Sri Dandapani Mohanty, in the same manner. The police had actually picked up Sangram Mohanty from Berhampur town but falsely claimed that he was caught near Kamalapur gate near Mohana. A couple of year ago, Sri Gananath Patra, advisor of Chasi Mulia Adivasi Sangha, Narayanpatna, was picked of exactly in the same manner. Apart from these 'high profile cases', PUCL has documented several cases in which the police have been blatantly violating the guidelines laid down by the Supreme Court of India. The recent custodial death of one Sanjay Dehury on 1st January this year in Jarpada police station of Angul district was a result of such violation.

Secondly, the arrest of Sri Dandapani Mohanty, clearly exposes how the Odisha government has been misusing its power to harass anybody who it finds too uncomfortable. According to media reports, the police have claimed that there are at least 15 cases, including six non-

bailable warrants, against Sri Mohanty. Sri Mohanty has been booked under the draconian Unlawful Activities Prevention Act (UAPA) and as the media reported, the cases against Sri Mohanty included murder, extortion, burning buses and destroying telephone towers. Surprisingly, some of these cases lodged against Sri Mohanty are related to incidents that took place in 2009 and 2010. Then the simple question we ask is: why didn't the police arrest Sri Mohanty earlier when there were serious charges against him? Sri Mohanty was no underground Maoist cadre and was openly involved in political activities. Then why did the police have to wait till 2013 to arrest him? And, how was that the Odisha government accepted his role as an interlocutor for the release of the abducted Malkangiri Collector and the two Italian tourists, if Sri Mohanty had murder charges against him, as claimed by the police now? Or, are these cases fabricated by the police to silence Sri Mohanty, who has been quite vocal in raising the issues affecting the Adivasis, including the ongoing repression on them by the security forces, in the name of fighting the Maoists?

PUCL demands that the Odisha government must respect the law of the land, whether it is dealing with the Maoists, their sympathisers or ordinary citizens.

Sd/-

Pramodini Pradhan
Convenor, PUCL-Odisha

9 February 2013

Convention for Unconditional Release of All Political Prisoners

REPORT OF THE CONVENTION FOR UNCONDITIONAL RELEASE OF ALL POLITICAL PRISONERS ORGANISED BY CDRO CONSTITUENTS IN KOLKATA

Asansole Civil Rights Association (ACRA), Association for Protection For Democratic Rights (APDR) and Bandi Mukti Committee (BMC)—the three constituents' of CDRO in West Bengal organised a convention with the central demand of unconditional release of all political prisoners on 13 February.

A presidium consisting of Sachhidananda Banerjee, (APDR), Sukhendu Bhattacharya (BMC), Swati Ghosh (ACRA) and Amitadyuti Kumar (APDR) conducted the convention held at Students' Hall from 3 pm to 7.30 pm.

Among the speakers from other parts of the country were **Ms Anjum Jamaruda Habib**, Chairperson of Association for families' prisoners and also founder member of Muslim Khawateen Markaz and a journalist of Kashmir based paper *Uzma*, **Gopal Mishra & his wife Anu Mishra**, both trade union activists working in the unorganized sector of Delhi and

human right activist Ranch High Court advocate **Sashi Bhusan Pathak** of Jharkhand PUCL.

Sri Tapas Chakraborty, one of the convenors of the CDRO introduced the speakers to the gathering. After Sachhidananda Banerjee's introduction on the objectives of the convention, on behalf of the organisers, Amitadyuti Kumar, Working President, APDR, placed a resolution for discussion and adoption by the convention.

Speaking on the resolution **Ms Anjum** narrated her experience as a POTA prisoner in Delhi's Tihar jail for five years since 2003 on false allegations. She is now on bail. She also described how the Indian government has turned the entire valley into vast prison after Guru's execution. As communicated by her, people of the valley are cutoff from the rest of the world. She authored "*Prisoner Number 100*", narrating her jail experience.

Gopal Mishra & his wife Anu Mishra were booked under Section 13, 18 & 20 of UAPA on February' 10. They got bail on May' 12. Gopal spoke at length on the draconian laws used by the State & Central governments against political dissents and rights activist, cultural activists and environmental activists. Anu, also a cultural activist encouraged the audience with a song highlighting peoples' struggles which was highly appreciated by the audience.

Sashibhushan spoke on the grave situation of democratic rights of the people in Jharkhand. He gave an estimate about 4

thousand people are implicated in concocted case framed by the Jharkhand police.

Sumankalyan Moulik from ACRA, **Choton Das** from BMC and **Debaprasad**

Roychoudhary from APDR spoke on different aspects and demands of the convention resolution and stressed the need for building up a strong united movement for realisation of the demand for unconditional release of all political prisoners.

Ganesh Soren from Midnapur, who spent about 10 years in Midnapur and other jails of West Bengal, **Pijush Guha**, who spent several years as co-accused in now famous Binayak Sen case and other cases, gave vivid description of hellish condition in jails and stressed the need for upholding rights of non political prisoners also.

The convention strongly denounced the dastardly act by the Indian state in hanging Md Afzal Guru in Tihar jail on 9 February in a most secretive and clandestine operation and called upon the democratic forces to unite behind the call for the abolition of death penalty and to demand that India should sign the second optional protocol of ICCPR.

After incorporating several suggestions from the speakers the resolution was adopted unanimously. The convention ended with a call for building up a strong movement for realisation of the demands raised in the resolution.

**RESOLUTION OF THE
CONVENTION
ORGANISED BY
CONSTITUENTS OF
COORDINATION OF
DEMOCRATIC RIGHTS
ORGANISATIONS
CDRO) IN WEST
BENGAL: ASANSOLE
CIVIL RIGHTS
ASSOCIATION (ACRA),
ASSOCIATION FOR
PROTECTION OF
DEMOCRATIC RIGHTS
(APDR) AND BANDI
MUKTI COMMITTEE
(BMC)**

**Held at Students' Hall, Kolkata,
13 February 2013**

Resolution

Placed before the convention by Amitadyuti Kumar (APDR), Sachhidananda Banerjee (APDR), Muktesh Ghosh (ACRA), Anzum Zamaruda Habib (J & K), Chhoton Das (BMC), Gopal Mishra and Anu Mishra (Delhi), Sumankalyan Moulik (AXRA), Sashibhushan Pathak (Jharkhand PUCL), Debaprasad Raichaudhury (APDR), Ganesh Soren (Jangal Mahal), Pijush Guha and Tapas Sinha spoke on the resolution.

The resolution was unanimously adopted after incorporating two amendments proposed.

Political dissent and right to opposition to state policies are fundamental to democratic governance and transparency. Yet

several thousand people are languishing in jails and other detention centres, or being harassed in criminal cases all over the country year after year for their beliefs, for opposing state policies, for participating in movements seeking redress of their grievances or for striving for an egalitarian society based on their political ideologies. Among the arrested and persecuted are a large number of people held or convicted under concocted charges - only to teach the people of certain areas a lesson.

Movement for release of persons arrested or persecuted for their political dissent is as old as the history of persecution here and everywhere in the world. In British India such movements for release of political prisoners cropped up time and again, with almost every upsurge of nationalist movement. In 1919 such movement compelled the colonial rulers to agree to release armed revolutionaries under the *Montegu-Chelmsford agreement*. When the British chose not to release the political prisoners in accordance with the 1931 *Gandhi-Erwin agreement* a stronger countrywide movement compelled them to release all political prisoners including armed freedom fighters in 1937. In the post-1947 period the government had to bow down to the demand for release of prisoners of *Tebhaga* and *Telengana* movements and prisoners of *Azad Hind Fauz*. The demand for release of political prisoners was an integral part of the 1959 and 1966 *Food Movements* in West Bengal. The 1966 movement not only realised the unconditional release of movement participants but also compelled the government to release all those political activists arrested under DIR and other criminal laws in the wake of *India's*

China War (1962) and *Indo-Pak War* (1965). In the 1970s, when political killings, fake encounters, jail massacres, combing and large-scale indiscriminate arrests were the order of the day, people of conscience and democratic values dared all threats to come forward with the demand for unconditional release of all political prisoners. With their initiative rights organisations like APDR, PUCL, APCLC, etc., were formed to organize democratic voices, build up movement and expose the draconian onslaught of the state on the people. These and other organisations and individuals came forward to stand by the side of the persecuted and oppressed prisoners and their families and defend them legally also. The promulgation of *Emergency* in June 1975 could not suppress the spirit of democracy for long. We all know that the resulting resistance and cry for democracy saw the architects of *Emergency* out of power. The initial dillydallying did not work and the new central and state governments had no option but to release all political prisoners unconditionally.

The West Bengal government also enacted the *West Bengal Correctional Services Act 1992*, Section 24 of which quite clearly defines political prisoners. The demand of unconditional release of all political prisoners everywhere has now become an international demand and 3 December is marked as the '*International Day for Release of all Political Prisoners*'.

Such is a brief backdrop against which this convention is being held.

During the last two decades, the clutches of the neo-

liberal economy has tightened its noose of exploitation on the people. With this is associated a new spate of promulgation and amendment of draconian laws in line with the US touted 'War of Civilisations' and 'Infinite War against Terror'. The UN resolution No. 73 of 2001 effectively endorsed these designs. Rights organisations and democratic forces have been continually unmasking the gross subversion of all principles of human rights and criminal jurisprudence by these laws through their publications, seminars and other activities. Without going into the detail, the three most remarkable features of these special repressive laws, now piously rechristened as 'security laws', may be mentioned here: firstly all of them serve the purpose of smooth running of the neo-liberal economy perpetuating hunger, unemployment and loot of natural resources, secondly these laws aim at equating political resistance and resistance against foreign intervention with crimes of drug cartels, crime mafia, money launderers and other assorted crime syndicates and club them as *organised crime* and thus, thirdly, while ordinary criminal laws criminalise individuals, these laws criminalise organisations and movements.

Maoists are associated with the Adivasi opposition to loot of natural resources by corporates in Central India. And Maoists are targeted as the biggest internal security threat. In line with the needs of the American state and our ruling Hindu elite, Muslim organisations and movements and Kashmiri people's movements have also been specially targeted.

Kashmiri and North-Eastern people are further subjugated under the boots of

AFSPA—Irom Sharmila's historic indefinite fast for its withdrawal entered the 11th year last November.

This convention unequivocally declares that people have the inalienable right to oppose and organise against state policies and to realise their just demands. AFSPA, UAPA, NIA and different 'public security' laws and 'organised crime prevention' laws are being used to deprive people of that right and thousands of people and scores of organisations across the country have been persecuted, tortured and convicted under these laws.

*** This convention demands immediate scrapping of AFSPA, UAPA, NIA, Sedition Act (Section 124A of the IPC) and different 'public security' laws and 'organised crime prevention' laws and lifting of ban orders on all organisations including CPI(Maoist), SIMI, etc.**

Criminalising and banning organisations provided a handy tool to state authorities to arrest, detain, torture, convict and punish dissenting voices and suppress movements and organisations. It is difficult to estimate how many people are languishing behind bars as convicts or undertrials. From Kashmir to the North-East there will be more than 10,000 people as of now behind bars for political reasons. Thousands are being harassed in innumerable false cases—up to 38 at least in a single case in West Bengal. Octogenarian Maoist leaders like *Sushil Ray* and *Narayan Sanyal* were booked in 7 to 12 cases spread over 3/4 states. Muslim youths falsely implicated in Malegaon and other Maharashtra

blast cases had to be released after 7 to 10 years in jail after it came to light that the blasts were actually handiworks of *Hindutva* fundamentalists. 8000 people were arrested and booked for sedition u/s 124A IPC, for participating in the Kudankulam anti-nuclear power plant movement. Civil rights activist and community health work pioneer *Binayak Sen*, cultural activists *Seema* and *Viswajeevay Azad*, Maharashtra political activist *Arun Ferreira* were all booked and kept behind bars for years. Hundreds of people resisting eviction from their land and livelihood, protesting against destruction of environment, agitating for just wages and better work condition in workplaces at the *Gurgaon Maruti factory*, *Asansole coal belt* or elsewhere have been arrested. People's movement activist *Dayamani Barla*, *Sunilam* and many others were arrested and/or convicted.

In West Bengal, the present *Mamata Banerjee* government came to power riding on the waves of *Singur*, *Nandigram*, *Lalgarh* and other movements against the erstwhile *Left Front* government. Before coming to power she and her party colleagues gave full-throated cry for the release of political prisoners and withdrawal of joint forces from the *Jangal Mahal* area. When the seat of power was in sight, she changed her commitment to review the cases of undertrials on a case-to-case basis. On assuming power she forgot her promises and rather tried to divide and usurp the rights movement. Ms Banerjee demanded judicial inquiry for the encounter killing of Maoist leader *Azad*. But when her regime killed Maoist politburo member *Kishenji* after arrest and brutal torture she declined such an inquiry. The joint

forces are still there in Jangal Mahal, arrests, encounter killing, custodial torture, custodial rape, killing of activists and all other atrocities including attacks on people by armed TMC men supported by the police are going on in full swing. The right to freedom of expression and freedom of association have come under new onslaught under the new regime. The police are faithfully following the whims of the ruling party bosses while arresting university professors or booking journalists for exchanging views in social media. Ailing septuagenarian *Gaur Chakrabarty*, *Patit Paban Halder* and other alleged Maoists, *Chhatradhar Mahato* and many other activists of Jangal Mahal's PCPA, life-convict SUCI leader Prabodh Purkait and other SUCI activists, some alleged SIMI, KLO and other movement activists are now in the jails as convicts or undertrials. Now her government, it is learnt, at the advice of the central government is also planning to do away with the provisions for political prisoners in the WB Correctional Services Act 1992. Their novel plea is that the state government can invoke UAPA, but only the central govt can withdraw UAPA charges from a person!

News of encounter deaths from Jharkhand, Chhattisgarh, Maharashtra, AP, J&K and NE states are regularly being fed to the media. In some of these, CDRO constituents and other rights bodies have conducted fact-finding and found these to be cold-blooded murder of mostly unarmed villagers or captured activists. A PIL in the Supreme Court in December last alleged 1500 fake encounter killing in Manipur alone. The apex court ordered a judicial inquiry on January 6 this year on five of them.

People of Jammu and Kashmir and particularly the family members of more than 8000 disappeared persons have the right to know the whereabouts of their kins. A part of the truth lies six feet under where 2,156 unidentified bodies were buried in north Kashmir. An International People's Tribunal examined 214 of these cases and 500 individual perpetrators have been identified. But the state is yet to act.

This is the scenario in which this convention calls for:

**** Immediate unconditional release of all political prisoners***

**** Impartial inquiry, with participation of human rights activists into all claims of encounter deaths***

**** Investigation in all allegations of torture, rape, killing/ death in custody and punishment of the perpetrators and compensation to the victims. In this context this convention also demands immediate ratification of the UN Convention against Torture and acceptance and implementation of its optional protocol.***

**** Withdraw Military/ Paramilitary/Joint forces from Central India's Tribal belt, Jangal Mahal of West Bengal, North-Eastern states and Jammu & Kashmir.***

**** Disband Salwa Judum and other state sponsored private armies immediately.***

The crux of the tribal area problem lies in the centuries of exploitation, underdevelopment, hunger and deprivation of all sorts. In recent years eviction from their land and livelihood by the Indian State at the behest of corporates

created the danger of the extinction of whole populations and their habitats. Attempts of forced eviction compelled the people of Singur and Nandigram in West Bengal to rise in unprecedented mass resistance. People of Orissa are still resisting attempts of eviction for the benefit of South Korean Corporate POSCO. Similar is the situation in many other places.

**** This convention calls for immediate stopping of all eviction and displacement under the garb of development and industrialisation.***

Like political activists a large number of common people are being harassed and persecuted after being accused of violating criminal laws. The jails are overcrowded with poor and underprivileged undertrials awaiting justice years on. The individuals and their families are ruined by the apathy of the system. Often they resort to hunger-strikes which is the only way they can air their grievances. This convention expresses deep concern at their plight and demands:

**** Cases of all undertrials be reviewed in line with UN and NHRC guidelines and be released on bail as far as possible under conditions affordable by them.***

**** Criminal Justice System must be revamped urgently to ensure speedy trial of all accused.***

While we were making preparations for this convention Md Afzal Guru was hanged in Tihar jail on 9 February in a most secretive and clandestine operation. The death sentence imposed on Afzal was itself a travesty of justice, which has now transformed into judicial terror.

** This convention strongly denounces this dastardly act by the Indian state and once again calls upon the democratic forces to unite behind the call for the abolition of death penalty and to demand that India should sign the second optional protocol of ICCPR.*

** This convention demands that the deadbody of Afzal Guru be returned to his family.*

** This convention also demands that proposed death penalty in the ordinance on sexual violence against women (after Verma Commission Report) be scrapped.*

This convention hopes similar initiatives will be taken in other states/areas of the country to build up a strong public opinion.

This convention calls upon all rights organisations, democratic organisations and individuals to unite and come forward to build up a strong countrywide movement for realising the above demands.

This convention also calls upon all fraternal rights organisations and all others who can to collect details of state atrocities, details about political prisoners to prepare a fact-sheet to be presented to the people.]

sd/ Amitadyuti Kumar (for the
PRESIDIUM OF THE
CONVENTION)

(Recent Burning ...)

to tie cows and bullocks, the mat on which unhusked rice is threshed, etc.)

(iii) Trees (banana trees, mango and lemon saplings)

(iv) Vessels (large vessels such as aluminium or steel gundis and mud handis; cooking vessels such as aluminium or steel ganjis, etc.)

(v) Clothes (shirts, lungis, children's' clothes, etc.)

(vi) Ornaments (nose-studs, neckalace, anklets)

(vii) Money

I have a list of the total losses of each family.

Besides, 2 goats, 63 hens and 59 eggs were also consumed by the police force during their stay in the village. In one instance, when a woman protested on her hen/s being taken, she was paid Rs. 150 by one policeman.

5. A community-run school was burnt. School related items such as books were also burnt or destroyed. The sheet-roof of the school was broken to bits. Holes were made in the large aluminium cooking pots used to cook food for the children and aluminium, steel and mud containers to store water and other things rendering them useless.

In Pidiya, I also met the teacher of a similar community-run ashram school in neighbouring Tumnar village. From him I learnt that the school building as well as items had also been burnt and destroyed by the police force on 21 January, 9.30 am.

6. On 23 January when the police force left the village they took two villagers with them. One of them, a person named Aandha of Idiumpara, was released on 26 January when his family members went to the police station to enquire about him. But nothing was known of the second person, Aavlam Sannu, until this evening. His wife and two other female members of the extended family had come with me today and they were informed [by the ASI] that Aavlam Sannu had been sent to Dantewada prison. He said that the Bijapur police station had sent the information only that morning.

7. I believe that burning of houses in villages, destroying food and other household items of the public, and other action taken by the police force as elucidated above is against the law. That is why I am writing this complaint. Please admit this as an FIR or register one as per procedure.

Many thanks,

Bela Bhatia

Honorary Professor
Tata Institute of Social Sciences
V.N. Purav Marg, Deonar,
Bombay – 400 088.

* The above text is the copy of complaint filed by Bela Bhatia

HRF Submission Before Panel Holding Public Hearing on Proposed Kalyanikhani Project

Submission made by Human Rights Forum (HRF) before the panel holding public hearing on 13-2-2013 into the proposed Kalyanikhani Opencast Project by the Singareni Collieries Company Limited at Mandamarri in Adilabad district.

The Human Rights Forum is a citizens' forum established with the objective of working for the protection of the Constitutionally guaranteed/internationally recognised rights of the people, and for the right of the people to propose and strive for new rights not yet recognised in national or international law. The right to a wholesome and dignified life is the touchstone for the rights that may be aspired for. In particular, HRF works for the protection of the right to a clean and safe environment. HRF is a self-financed organisation whose members for the most part are from the professions of teaching, journalism and the law.

We submit that the proposed project does not deserve environmental clearance for a number of reasons which we will elucidate below. HRF believes that there are serious Constitutional, social, environmental and health hazards that the proposed project entails. The process is detrimental to livelihoods and will cause irreversible changes in the ecology of the area.

We have a number of objections to the Environmental Impact Assessment and Environment Management Plan (EIA/EMP) report which will be listed out below. Without prejudice to the first submission we set out the rest of our objections:

Our fundamental submission before the panel is in fact an objection. It concerns the manner in which the public hearing is being held. We are of the view that unless and until the issues which are relevant for the environmental clearance of the project are made public in a form intelligible and accessible to the people likely to be affected one way or other by the project, this hearing will be a mere formality, even a farce. For that, it is not enough if the requirements of S.O.No. 318(E), Ministry of Environment and Forests, dated 10/4/1997 are formally complied with. Those requirements are merely the minimum necessary to make the hearing transparent and fruitful. What must in fact be done by an applicant establishment would depend upon the circumstances surrounding the project. The S.O.No.318(E) that mandates a public hearing is a statutory rule made under the Environment (Protection) Act, and the aim and object of that Act is the point of reference for deciding what are the full requirements for making the public hearing meaningful.

The detailed draft EIA/EMP report in English running into over 400 pages contains a wealth of details including charts, maps and tables all of which are missing from the Telugu summary which is a mere 17 pages. In fact, the report in English is an extremely complex and technical one that even a well-informed person will find difficult to comprehend and interpret. How can the local people, consisting of largely the peasantry and the marginalised, be expected to understand it in a language alien to them? The truncated version in Telugu merely gives a bald statement of opinions and views without any of the reasoning or information on which it is based. In

fact, the Telugu summary is a mere translation of the executive summary from which an important number of factual details are not even contained. It can hardly be the basis of any informed objections. As very valuable rights including right to health and livelihood will be affected by the project, the local people have a right to have the report translated into Telugu in full with all the charts, maps and tables so that a genuinely informed discussion can take place. This is more particularly necessary in view of the severe hazards posed by opencast coal mining as opposed to underground mining.

Holding a public hearing on the environmental aspects of the project without making a copy of the full Environmental Impact report available in Telugu has thus reduced this hearing to a meaningless exercise.

Even this 17-page report in Telugu has not been made available to the local people. In fact, villagers who will be impacted and displaced by the proposed project have no information at all except occasional reports in the media about the impending project and some pamphlets that the SCCL has distributed here and there in the area. This is no way in which a public hearing ought to be held.

The detailed draft EIA/EMP for the proposed project is of very poor quality and has a number of problems. Assessments trotted out in the report are highly dubious, riddled with a number of inconsistencies and misrepresentations and contain glaring omissions.

The project is located in

Mandamarri village which is a part of the area notified under the Fifth Schedule to the Constitution. The project will affect the villagers in Yerraguntapalli and other villages which form part of the notified Scheduled Area. It is a fact that government employees working in this area are drawing the special allowances applicable to the Scheduled Areas.

In view of this, the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (also known as the Forest Rights Act) are applicable.

The proposed project and the notification of the public hearing are therefore in brazen violation of statutory rights and Constitutional safeguards meant for protection of adivasis and the Vth Schedule region.

PESA lays down unambiguously that no project can be undertaken without prior approval of the Gram Sabhas of the villages which will be either directly or indirectly affected by the project. The Forest Rights Act also mandates prior approval from Gram Sabha and safeguarding of the forest rights of the villagers. Under the Fifth Schedule, prior consultation with the Tribal Advisory Council (TAC) is mandatory.

Shockingly, the EIA report is silent on this Constitutional position. It is a matter of grave concern that the District Collector who is expected to be the custodian of the rights of adivasis should acquiesce in AP Pollution Control Board going ahead with the public hearing on the basis of such an erroneous and misleading report that entails compromising seminal Constitutional provisions. We

believe that the District Collector must assert his authority and cancel the public hearing forthwith. Not doing so would amount to a mockery of the environmental clearance regime

We have several other objections to the present proposal:

HRF feels that in principle, conversion of the existing underground mines to open cast extraction and taking up a new open cast mining project will disrupt the lives of the people living in the villages near the mine operations. The mining operations will not only pollute the surroundings but also disrupt the cultural identity of villagers who are resident here since long.

Out of the 699 hectares to be acquired, 546 hectares of land are agricultural, one-third of which is under double-crop cultivation. Diversion of agricultural land for non-agricultural purposes will adversely affect the food security of the region.

In an order dated 7-8-2012 in WP No. 24342/2012, Hon'ble AP High Court laid down the following procedure to be followed, in addition to considering other aspects, in all cases of conversion of land-use from agriculture to non-agricultural purposes under AP Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006.

“A Revenue Divisional Officer who receives an application for change of land-use, shall take the following aspects into account, before according permission:

The impact on the ayacut of the immediately neighbouring agricultural land, on account of the change in land use, in respect of a piece of land;

* the potential or necessity for any further expansion of the inhabited area, of which the land

proposed to be put to non-agricultural use is part;

* the impact on the resources, such as electricity, water, sanitation, etc., of the local bodies in the neighbourhood; and

* the impact on the environment, particularly the water bodies

For this purpose, the Revenue Divisional Office shall ascertain the views of,

* the local bodies,
the Assistant Director of Agriculture,

* the District Manager, Industries, in case the change in land use is for the purpose of industrial use, and

* the concerned official of the A.P. Pollution Control Board. This shall be additional to the requirement under the Rules.

In case any non-agricultural activity is undertaken over any agricultural land, without permission, such activity shall be stopped till specific permission is issued.”

If the District Collector grants land-use change in violation of the above direction of Hon'ble AP High Court, he will be committing contempt of the same. The spirit that underlies the order of the Hon'ble AP High Court is that agricultural lands should not be allowed to be indiscriminately converted for non-agricultural uses.

It is common knowledge that wherever SCCL has undertaken coal mining activity in Adilabad and other districts, there has been widespread degradation of agriculture, forest resources and land in general. The least that SCCL should have done is to commission an independent academic institution to evaluate the adverse impacts of

coal mining so that proposals involving projects such as this could be evaluated objectively and the people in the area fully apprised of the implications. SCCL has a conflict of interest in preparing the EIA report as it has certainly underplayed the adverse impacts and exaggerated the benefits, whereas what is required to be analysed is the overall social costs and benefits. As such, the present EIA report is misleading and liable to be rejected. Any public hearing to be held on the basis of such a report is vitiated on that account.

Vital figures related to local area land use and water bodies are not part of the EIA material. This is a glaring omission.

The project area falls in the Rallavagu watershed. Suddalavagu, described as an ephemeral stream, will need to be moved. The project aims to maintain the natural drainage system but it is not clear what this means.

Farmers in this area draw their sustenance principally from streams such as the perennial Rallavagu and Suddalavagu. The project will evidently interfere with these water bodies, as the EIA report refers to diversion of 11 hectares of "nala" land. The area to be acquired includes 28 hectares of "river" land. Diversion of existing streams in the mine lease area to flow through a garland canal to be connected to the original course of Rallavagu later downstream as mentioned in the report is riddled with problems. The report states: "It is assumed that there will be no reduction in the total quantity of flow in the downstream due to the diversion/removal of the existing drainage in the project area." This is a highly specious claim. The disruption of the natural flow of this important perennial stream, which is a lifeline in the area,

has grave implications for the local ecology and livelihood of farmers in the region. Water security will be grossly undermined. The EIA report completely glosses over these facts.

Moreover, the mining operations, irrespective of the safeguards provided, will contaminate these water bodies and affect the livelihoods and the health of the people. The EIA report, prepared by SCCL itself, is conveniently silent on this.

The land to be acquired includes 303 hectares of "scrub" land and 46 hectares of "plantation" land. These lands support the livelihoods of the local people. A majority of the residents of Yerraguntapalle draw sustenance from a vibrant dairy industry by supplying milk to about 50,000 people in several villages in the region. This livelihood is possible because grazing land is available in abundance for their cattle, apart from water availability in the Rallavagu which flows nearby. This would be lost if the project materializes. The livelihood of farmers and cattle-rearers would be badly hit if the project materializes. The EIA report makes no mention of these important facts. Had SCCL engaged an independent academic institution to evaluate this aspect, a true picture would have emerged. It is clear that the present report has suppressed these facts.

The socio-economic impact analysis attempted in the EIA report is highly unprofessional and misleading. It has merely referred to the 350 persons who will be physically displaced as a result of land acquisition but not the thousands who will be indirectly displaced as a result of the project. Residents of Yerraguntapalle and Peddannapalle draw water from the perennial Rallavagu. In the former

village they even raise a double crop. The EIA report completely omits these facts. It will be erroneous for the authorities to hold a public hearing based on such a misleading study.

The report on hydrogeology also contains grave errors:

The maximum depth of mining is given as 230m. Aquifer performance test was done on a bore well at a depth of 183m. The area constitutes multi-aquifer system including phreatic i.e shallow aquifer followed by multi layered confined aquifer system. Groundwater data on water level depth, fluctuation are collected from dug wells which are to a maximum depth of 14m. There is no data on deep aquifers.

Open cast mining penetrates the shallow as well as deep aquifers and therefore, groundwater estimation has to be done for the deep aquifer system also. This information is lacking. Impact of mining on groundwater in the present underground mining is said to be nil as indicated by water table fluctuations. That confirms that there is no hydraulic continuity between shallow and deep aquifers. But in open cast mining both the aquifers will be pierced by a common pit.

Regarding groundwater pollution, it is stated that there will be no pollution from coal mining as it is not a chemical industry. But coal beds at deeper depths are under different environment with respect to pH and Eh. Coal is known to contain sulphides. Reducing environment prevails in coal and shale beds. Therefore iron is under ferrous state which is soluble and hence leaches with groundwater when it is drained in mining. Therefore, acid conditions as low as pH 3 and high iron content with a few hundred ppm are common

Custodial Torture of UT Bikram Mahato at Dumdum Correctional Home

in the mine waters. Heavy metals also will be significant which are effected by the Eh parameter. There are many examples of open cast coal mining in countries polluting ground-waters as well as surface waters. Clearly, there is confusion in evaluating the groundwater conditions and the impact of mining on groundwater. The effect of pollution is also largely ignored in the EIA report.

The mining operations will generate 30 MMT of coal and 365 McuM of overburden. This in itself will degrade the land and pollute the environment, apart from the noise pollution on account of the drilling, blasting and transportation activities. An independent study in respect of the existing mine operations would reveal a true picture of the disruption that such mining would cause.

In view of the above lapses in the EIA for the project including violation of constitutionally mandated provisions, damage to human health, likely loss of livelihood to farmers from destruction of a precious irrigation source and crop yields, HRF strongly opposes giving environmental clearance for the proposed project. We further demand abandonment of this extremely destructive project. The public hearing must be cancelled as the EIA study in its present form is a highly misleading one.

Holding a public hearing in the face of such brazen statutory violations and glaring anomalies will amount to a meaningless exercise. The proposed project entails unacceptable environmental and human livelihood costs.

VS Krishna
(State general secretary, Human Rights Forum)

Date: 13-2-2013

To
Hon'ble Shankar Chakroborty,
Minister-in Charge, Correctional Administration, Government Of West Bengal, Writers' Buildings, Kolkata- 700 001.

Subject: *Custodial Torture of UT Bikram Mahato at Dumdum Correctional Home*

Respected Sir,

As per appointment arranged over the phone with your office yesterday, an APDR team is here at your office to appraise you of the incident of severe and repeated custodial torture on an under trial Bikram Mahato at Dumdum Correctional Home.

Shri Bikram Mahato S/O Tufani Mahato of Nababgunj, Ichhapur is accused in Jagatdal P. S. case no.164 dated 27.03.2012 and is undergoing trial u/s S. 302 & S. 120B (IPC), S. 25 (Arms Act) at the 5th First Track Court, Barrackpur and is in judicial custody.

As alleged in a complaint by the family and as per reports in the media, (*please see enclosures*) Shri Mahato was severely assaulted, stripped naked for complaining against substandard food served in the correctional home by the guards led by the Jailor V.K. Singh on 13 February 2013. He was allegedly kept naked and handcuffed for two days in a cell. As per reports Shri Mahato also earned the wrath of the jail administration in September last also for daring to complain against substandard food. At that time he was made to drink bleaching powder solution.

You are aware that there are wide spread complaints on food quality and quantity and other amenities legally due to the inmates and corruption. Inmates in different jails agitated and resorted to hunger strikes against such injustices and maltreatments in recent past also. There were similar reports of torture on inmates who dared to protest from other jails in recent past also.

We came here to urge upon you to hold a proper enquiry in the incident of torture of Bikram Mahato and punish the guilty officials. We also urge upon you to enquire into the complaints on food quality and quantity and other amenities legally due to the inmates and corruption and take appropriate steps to prevent recurrence of such incidents.

We would like to stress that all national and international laws and standards provide for certain inalienable rights of the persons under any form of detention. The allegations point at gross violations of those rights.

We hope, we will be informed about the steps taken from your end on this memorandum.

Thanking You. On the Commission of Inquiry in Manipur

Amitadyuti Kumar
Working President
Association for Protection of Democratic Rights
Kolkata, 21 February, 2013

On the Commission of Inquiry in Manipur

In a Memorandum submitted on 18 February 2013 to the independent Commission of Inquiry appointed by a directive of the Supreme Court of India on 4 January 2013, with a copy to the Chief Justice of India, Mr Altamas Kabir, the Civil Society Coalition on Human Rights in Manipur and the UN (CSCHR) raised critical concerns relating to the modus operandi of the inquiry Commission. The Inquiry Commission is reportedly coming to Imphal on 1 March 2013.

1. The undated Public Notice published in one local vernacular daily newspaper and one English language daily newspaper only on 9 February 2013 inviting sworn affidavits in English, with three extra copies, to be submitted to its office established at the Manipur Bhavan in New Delhi within 10 days of its publication is deficient and objectionable, and having no precedence in the history of Inquiry Commissions in Manipur.

2. The undated Public Notice gives no contact details of this office except a postal address. No office is set up in Manipur where the terms of this Commission are to be met, its business conducted and where the alleged extra-judicial executions took place. With no office established yet in Manipur, what are the plans and schedules of the Commission in this State and where will the aggrieved families, witnesses and other interested parties meet the Commission when it visits Imphal on 1 March 2013 as reported?

3. Despite the Supreme Court directive, the Central and Manipur governments have not extended diligent necessary manpower and secretarial assistance to the Inquiry Commission after more than a month of its establishment.

4. The full Terms of Reference of this Inquiry Commission has not been made known to the public.

5. There are no mechanisms established for witness protection or safety. No confidentiality procedures have been established.

As the findings and conclusions of this Inquiry Commission will have direct implications in the ongoing petitions before the Hon'ble Supreme Court finally to bring justice and reparation within the grasp of the long aggrieved surviving families of the deceased, the Memorandum drew the attention of the members of the independent Inquiry Commission to the following:

I. Considering that the undated Public Notice of 9 February 2013 does not give satisfactory contact details thereby nullifying a feasible mechanism of communications by telephone, fax or email (Internet based channels) or otherwise, to make available contacts where the original statements, affidavits and evidence may be presented at Imphal before the Inquiry Commission.

II. An informed Public Notification to be re-published or broadcasted in both State and privately run information dissemination mediums like the radio, television, daily newspapers, etc., at least three times in English, Manipuri and other languages in the State.

III. The public to be informed of the full Terms of Reference of the Inquiry Commission through such a re-notification.

IV. The Inquiry Commission must immediately have an office established at Imphal, Manipur with the full cooperation and essential support including secretarial and financial assistance extended by the Central and Manipur governments. This office should be empowered to receive any material evidence or statements or affidavits to the Inquiry Commission, as such facilitation would greatly ease the hardships being faced by the interested parties in the cases being examined.

V. Last date for receipt of information by the Inquiry Commission regarding the facts and circumstances relating to the killing of the aforesaid seven persons to be extended till 28th February 2013 to lend more accountability and inclusivity to the process.

VI. The Inquiry Commission must establish due processes and effective mechanisms to protect the witnesses, surviving family members of the deceased and other interested parties who wish to submit information, depose or appear before it.

VII. The Inquiry Commission must also institute a confidential mechanism as established by similar communications procedures worldwide and in the United Nations Human Rights Council. This will further contribute to the personal security of witnesses and confidentiality for those who wish to appear and depose before the Inquiry Commission.

VIII. Reduce the number of copies of documents required to be submitted to one copy. The burden of making necessary copies must lie

with the office of the Inquiry Commission, and not be imposed on the aggrieved families of the deceased.

IX. Apart from printed/written documents, the Inquiry Commission should allow the submission and inclusion of audio, video, photographs, object/material evidences including fact-finding visits to the alleged encounter sites in order to establish the true facts and circumstances of the killing of the seven persons in Manipur during 2009 for effective and speedy delivery of justice to the aggrieved parties.

The Commission was established under a directive of the Hon'ble Supreme Court of India on 4 January 2013 (WP [CrI] No.1/2009 and WP [C] No. 445 of 2012) following a recent petition filed by Extrajudicial Execution Victims' Families' Association Manipur (EEVFAM), which pleaded for an independent probe into more than 1500 cases of extra-judicial killings in Manipur. The three member Inquiry Commission, comprising of retired Supreme Court Justice N. Santosh Hegde, former Chief Election Commissioner J.M. Lyngdoh and retired DGP of Karnataka Police, Mr. Ajay Kumar Singh, is to conduct an independent probe into 6 different cases of extra-judicial killings, involving 7 (seven) victims including a child in the State of Manipur.

(Dr Laifungbam Debabrata Roy)

Convenor
Civil Society Coalition on Human Rights in Manipur and the UN

Imphal: 21 February 2013

On the hanging of Afzal Guru

STATEMENT OF PUDR

PUDR today strongly reaffirms its opposition to the inhuman, brutal and arbitrary provision of capital punishment. The secretive hanging of Mohd. Afzal Guru today goes further to show how it is unfair, unjust and can be carried out for narrow political benefit of those in power.

The highhandedness by the police and the flouting of each procedural norm marks the case against Afzal from the start. Picked up and kept in illegal custody, tortured to give a confession to the police, and forced to reiterate the police story before media cameras while in police custody, while the police forced the media to edit out every reference contradicting the police story, Afzal was condemned even before his trial.

Highhandedness by the political bosses marks the death of Afzal. Rejection of his mercy petition on 3 February and the approval of the order for execution by the Home Minister on 4 February were kept away from Afzal, his family and his lawyer. Afzal was thereby denied recourse to a court to examine the refusal order. It should be noted that many commutations have resulted from court interventions after the Presidents have turned down mercy petitions. And today, when a bench of the highest court is currently considering the constitutionality of death penalty itself, carrying out an execution is most reprehensible. And finally the right of his family to perform the last rites has been illegally denied by disposing off Afzal's body in an undisclosed place.

Even by existing law, death penalty can only be given in rarest of rare cases. But the case of Afzal is miles away from any such definition. He was not one who fired a shot. He was not present at the scene. Even by prosecution evidence his role was peripheral. The court ruled that he did not belong to a terrorist organisation. Add to it Afzal's story: that he was a surrendered militant who was brutally tortured by the BSF to force him to become an informer. Surely this does not fit into the rarest of rare category of criminals who is beyond redemption.

A punishment to a convict is supposed to address the collective conscience of society and is expected to provide possibilities of reform and repentance. Afzal's punishment denies both. While his life is snuffed out the possibility of ever correcting an error in the judgment is lost. Also curfew has been clamped in Afzal's Kashmir to prevent people from voicing their views. Television channels are blocked so people can be kept in the dark. The 'collective conscience' that the death of Afzal is supposedly meant to serve certainly does not include the people of Kashmir.

Right-wing hooligans and the police in the capital today further jointly ensured that all voices opposing this execution were silenced. People who joined a silent protest to express their opposition to the hanging were pushed around, heckled, verbally abused, and pelted with stones. Far from removing or restraining the handful of goons, police detained the protestors till late afternoon so that the voices of protest are not heard.

We demand that:
(1) the dead body of Mohd. Afzal be handed over to his family.
(2) an immediate moratorium on death penalty be declared.
(3) this new practice of carrying out executions secretly, so as to prevent debate and protest on the issue be immediately stopped.

Asish Gupta
D. Manjit

THROTTLING FREEDOM IN KASHMIR AFTER HANGING AFZAL

PUDR strongly condemns the imposition of curfew accompanied by blanket gag on all media, including television, print and online, in the Kashmir valley following the secretive hanging of Afzal Guru.

Since Saturday morning Kashmir valley has been placed under a preemptive curfew forcing people to stay locked inside their houses. Satellite and cable tv, internet and even mobile sms have been blacked out in the valley. On Saturday night, the police also stopped the publication and distribution of all newspapers. The authorities did not allow copy to reach the press. Police teams visited various printing presses of daily newspapers and asked the management to stop publishing. The dailies that managed to slip through this net and publish their editions had all the copies seized. With the internet services withdrawn, online editions too couldn't get updated on time.

So far, three people have been killed and more than fifty

injured in the Valley due to police action on popular protests.

This is all being done to silence the protests against the cold-blooded judicial killing of Guru and to keep the people in the dark about dissenting voices and popular opinion in Kashmir. Evidently, putting the entire population of the Valley under house-arrest and this blatant violation of the right to free speech, expression and assembly doesn't prick the conscience of the self-styled keepers of the 'collective conscience' of the country.

One is also struck by the double standards of the J&K state government. On the one hand chief minister Omar Abdullah is speaking out against the hanging of Afzal Guru, on the other hand his administration is systematically blacking out information and curbing the basic and inalienable democratic rights of the Kashmiri people.

Gagging of the media is nothing new in Kashmir, and by and large it goes unreported in Indian media. In fact, India's media watchdogs have acquired notoriety in consistently acquiescing in the throttling of freedom of expression and assembly through their silence, where Kashmir is concerned. PUDR sincerely hopes that the Indian mainstream media and its apex bodies like the Press Council of India, Editors Guild and the Indian Broadcasters Association will discover courage to speak out against this outrageous attack on the freedom of the press and the systematic throttling of democratic rights of the people of Kashmir.

Asish Gupta and D Manjit
(Secretaries) PUDR
11th February, 2013

THE "COLLECTIVE CONSCIENCE" OF JAMMU AND KASHMIR DISMISSED

The 9 February 2013 hanging of Mohammad Afzal Guru remains consistent with past conduct of the Indian State in relation to Jammu and Kashmir.

A conviction affirmed despite serious lapses in the trial. The execution carried out in absolute secrecy – the family of Mohammad Afzal Guru being cruelly informed of the execution a few days later. No opportunity provided to Afzal Guru to challenge the rejection of the mercy petition. An absolute shut down in Jammu and Kashmir. The message from the India is clear – there will be no right of mourning for the people of Jammu and Kashmir and "law and order" will be maintained at all costs– and as of date this has led to three killings of civilians and countless injured. Peaceful protests in New Delhi have been met with brute force, executed by the colluding forces of the State and right-wing extremists.

At the same time, ex-Director General of Police, Jammu and Kashmir, Kuldeep Khoda, accused of serious human rights violations [confirmed by Crime Branch findings] is awarded and will be the first Chief Vigilance Commissioner. While Afzal Guru has been executed to satisfy a "collective conscience", perpetrators of crimes in Jammu and Kashmir have never been prosecuted. The Indian State has not deemed it fit to even respond to the recently released IPTK/APDP that names 500 alleged perpetrators of crimes in Jammu and

Kashmir. But, shamelessly, as in the case of Kuldeep Khoda and many others, they have been awarded and rewarded. India therefore enforces its law to persecute the people of Jammu and Kashmir, but ensures the protection of State perpetrators in its larger design to control territory.

Jammu and Kashmir Coalition of Civil Society condemns the execution of Afzal Guru and the brutal clamp down following it. Mohammad Afzal Guru did not receive adequate legal representation and material factual contradictions in the trial record, while noted were dismissed. Post-execution, all moral and legal compulsions continue to be of no significance to the State.

First, the dead body of Mohammad Afzal Guru must be returned to his family. The Indian State has no moral or legal right over it. The return of his body immediately is a basic, common demand.

Second, from the clamp down on communications to the brutality witnessed on the streets of Jammu and Kashmir, it is clear that the victimization of people by the State continues. Using the veil of “law and order” concerns the India cannot circumvent the basic rights of the people. Further, the ban on communications is in effect a ban on information. The direct result of this is a stronger sense of impunity for State forces to carry out further human rights violations. This brutality must end.

The conduct of the Indian State from the trial to execution of Afzal Guru, in thousands of other cases of human rights abuses and in the present and continuing phenomenon of denial of civil and political rights of people of Jammu and Kashmir, makes them legally culpable.

On Serial Blasts in Hyderabad

Adv. Parvez Imroz

Jammu and Kashmir Coalition of Civil Society

12th February 2013

HANGING OF AFZAL GURU IS A GRAVE VIOLATION OF INTERNATIONAL HUMAN RIGHTS CHARTER

Association for Democratic Rights - AFDR (Punjab) held a protest march against the hanging of Kashmiri youth Afzal Guru on 16th February, in which leading democratic activists from different districts participated. The speakers alleged that Afzal Guru was implicated in Parliament attack case under a well thought out conspiracy. Extensive coverage given to his ‘confessional’ statement extracted with inhuman torture in police custody in the media, was a ploy to execute him. Neither he was provided with legal aid to defend his case in the court, nor was given chance to move for judicial review for reducing his death sentence after the president had rejected his mercy petition. The questions raised by Afzal Guru regarding the role of S. T. F working under the patronage of MHA, in this case have still not been answered. Without providing any solid evidence and relying on totally illogical argument of “satisfaction of collective sentiments of the nation”, he was hanged surreptitiously just for being a Muslim and Kashmiri. The speakers emphasized that hanging of Afzal Guru is grave violation of the International human rights charter. Use of the statements extracted from Afzal in police

custody, as an evidence to execute him is violation of judicial norms and is unjust practice and after rejection of his mercy petition by the president on Sunday, the govt seemed to be in hurry to execute him without justifying his involvement in the attack on Indian parliament. The speakers added that by not informing his relatives about his execution and then not handing over his dead body to them is outright inhuman behavior of Indian rulers. All the speakers condemned the suppression of voice of Kashmiris through imposition of curfew in Kashmir valley and gagging the media. Actually Indian state, not being a democracy is working like a machine for taking lives of its own citizens. Terming it a very uncivilized sentence, the speakers demanded the constitutional abolition of capital punishment and decried the outrageous activities of Bajrang Dal rogues in connivance with police, against the Kashmiri girls and other activists protesting against the hanging of Afzal Guru at Delhi and blackening the face of renowned activist Gautam Navlakha and demanded that strict action be taken against such fascist elements and police officials protecting them.

The protest march was addressed by the General secretary, Prof Jagmohan Singh, distt president Prof. A K Maleri, state press secretary Buta Singh, organizing secretary Narbhinder Singh, and Pritpal Singh. At the occasion Mr Abhai Singh writer, master Tarsem Lal, Namdev Bhutal, Darshan Singh Moga, Dr Tejpal, Gurpreet Kaur and many other district leaders and activists were present.

Issued by

Buta Singh, Press Secretary, A F D R (Punjab)

February 21, 2013

THE ATTACK ON DEMONSTRATORS AT JANTAR MANTAR ON 9 FEBRUARY AND THE AIDING OF THE BAJRANG DAL HOOLIGANS BY THE DELHI POLICE

PUDR strongly condemns the hooliganism and hostility of the Bajrang Dal as we assembled at Jantar Mantar in protest against the execution of Afzal Guru by the Indian government on 9 February 2013. This small enclosure provided by the Delhi government for all protests and demonstrations from across the country, which was barricaded on all sides, became the site for members of the Bajrang Dal to spew their anti-Muslim and anti-Kashmiri hatred, openly aided and abetted by the Delhi Police.

The protest, organized by PUDR and other organizations, was meant to be a silent protest, mourning and protesting the hanging of Afzal Guru that morning. The Kashmiri students who joined the protest came and quietly sat with their banners, but they immediately became the target of the Bajrang Dal. As many of us questioned the mob, urged the police to help, and stood by the students, we were witness to the open manner way in which the police allowed a few Bajrang Dal members to repeatedly assault us with physical intimidation and

filthy verbal abuse. Those yelling at us that we were “deshdrohis” and betraying the country by lamenting the hanging of Afzal Guru also directed sexist abuse at the women present, including obscene gestures of sexual violence using their hands and sticks. Cries of packing off the Kashmiri students and their relatives to Pakistan rent the air.

One film-maker was physically attacked. One of our PUDR members had his face smeared with black paint while the police did absolutely nothing to prevent the attackers. Instead, a few minutes before that, four police personnel had pounced upon another PUDR member and whisked him off while he was preventing Bajrang Dal members from attacking the Kashmiri students. Not a single Bajrang Dal member was restrained by the huge police force present; the police were facing us as if we needed restraint. The ordeal came to an end with the police picking up 22 of the protestors, most of them Kashmiri students, and transporting them to the Mandir Marg and Parliament Street police stations. Half of them were female students. The police bias is evident in the fact that not a single Bajrang Dal activist was picked up even though they were obviously the aggressors. It took a few hours for the demonstrators to remain at the thanas and prevail upon the police to let the students go.

Even as the PUDR team filed its complaint in the Parliament Street police station, Bajrang Dal members threatened and abused us. The police remained mute even

within the police station till we insisted the Bajrang Dal members leave before we write our complaint. As they left, they made many threatening remarks to the women present of avenging themselves later outside the thana. At the Parliament Street station, two men who were with tikka on their forehead and were part of the Bajrang Dal mob revealed themselves to us as police personnel in plainclothes. Police personnel have a right to be part of a political organization, however politically despicable. But in practice it will result in bias, anti-minority and anti-women hooliganism backed by the knowledge that they are immune since they are also police personnel.

It is shocking how such open hooliganism is allowed and what sexist abuse goes unpunished, and how the police allow it to happen. In the many protest rallies recently against sexual violence in Delhi, the role of the police has been severely critiqued by all sections. The Home Ministry owes us and the people of Delhi an explanation for this belligerence of the police and its open support today of Bajrang Dal members.

The clandestine manner in which the Indian government carried out the execution of Afzal Guru is an open miscarriage of justice at several levels. The denial of the opportunity for judicial review after the rejection of a mercy petition by the President is starting a trend that needs to be stopped right now. PUDR is opposed to the death penalty on

principle, and demands its abolition.

It is an even bigger challenge today for us all to claim the space for the right to dissent in the face of growing police repression and right-wing assault. With the Delhi police being part of the Home Ministry, we urge the UAPA government to get its police force to act with restraint in handling the democratic right to protest and the democratic space to protest. As it is, that space has been shrunk over the years in Delhi: protests are restricted to Jantar Mantar; Section 344 is applied arbitrarily and for long periods in many parts of Delhi; protestors are routinely beaten up and charges filed against them, much more than they used to be. We believe that that one marker of a true democracy is not how you treat people who agree with you, but those who disagree. Preserving the right to dissent is crucial.

PUDR demands that:

1. Charges of physical assault, and physical threats and abuse of women be filed against the specific Bajrang Dal activists;
2. An enquiry be conducted into police inaction and bias on 9 February;
3. That the space for peaceful democratic protest be allowed to flourish;
4. We demand the abolition of the death penalty in India.

Sd/-
(D. Manjit, Asish Gupta)
Secretaries, PUDR
12 Feb 1013

Persisting Violations of Fundamental Rights of the People Living at Indo-Bangladesh Bordering Area

To

The Chairman
National Human Rights Commission
Faridkot House
Copernicus Marg
New Delhi

Sub: No need of Civil Courts in India. BSF is empowered to judge the title of land in bordering area

Respected Sir

I want to inform you about the persisting violations of fundamental rights of the people living at Indo- Bangladesh bordering area. They were systematically restricted from visiting their own agrarian land. This was informed to your office and other authorities time and again but no respite has been extended to the locales. The overall situation was getting grimmer day by day. In the recent incident, we received a complaint from one Mr. Najrul Islam, aged about 58 years, son of San Mohammed, village- Uttar Char Majherdiar, Post Office- Borderpara, Police Station- Raninagar, District- Murshidabad. He informed us that on 14.1.2013 at about 9.15 am, he with other villagers reached at the side of erected border fences. He has agrarian lands under 314, 77 and 1112 Dag number of Paschim Majherdiar Mouza, which fall on the other side of the fence. On that day, the posted Subedar (In Charge) of Out Post Number -3 of Harudanga BSF Camp restricted his entry to his own land. The BSF personnel asked for the documents of his land and commanded him to submit the same to visit his land, and that too, he informed according to directive from central government. Mr. Najrul Islam was surprised by his diktat and a verbal argument was broke, resulted the said Subedar threatens him and said 'I will arrest you'. The Subedar said nobody will be permitted to visit their fields without handing over their land documents at the Out Post. During this melee, many villagers were present there. The locale populace is anxious about their standing crops BSF personnel resisting bordering populace to harvest and irrigate their crops and land. The standing crops are being grazed by Bangladeshi cattle and the land became a grazing field. The villagers informed that nearly 300 to 400 acres of agrarian land became unattended by their owners because of BSF's recent decree and affecting a large number of agrarian labourer, who used to get employment by the owners.

In this regard a mass petition has been submitted to District Magistrate of Murshidabad and Deputy Inspector General of Border Security Force; Roshanbagh. Similar memorandum was submitted to Block

Development Officer of Raninagar II Block by nearly hundreds of villagers of Char Majherdiar, Char Durgapur and Char Harudanga villages on 18.01.2013. The Block Development Officer accepted the fact about BSF highhandedness and assured for a talk between BSF and administration but the scenario has not changed yet. The local panchayet members also accepted the fact that BSF is whimsically acting without any serious concern about the rights of the people.

In this given situation we found that the very constitutional validity of fundamental right to life and livelihood of bordering people under stake. Our continuous complaint on infringement of rights of the people and demand for protection of their rights are unheeded.

We demand for immediate restoration of fundamental rights and freedoms of the bordering people must be guaranteed.

I am providing you a list of persons, their land details and name of the villages; restricted from visiting their land for agrarian purposes and submitted a memorandum before the Block Development Officer; Raninagar II Block (See Table)

Sincerely Yours

Kirity Roy

Secretary

Banglar Manabdhikar Suraksha Mancha (MASUM)

&

National Convenor

Programme Against Custodial Torture & Impunity (PACTI)

NAME	VILLAGE	DAG NO.
Najrul Islam	Uttar Char Majherdiar	314, 78
Jan Mohammad	Do	314
Nirajan Mondal	Do	314
Rudal Sarkar	Do	314
Abdul Bari	Do	314
Atahar Seikh	Do	314
Abdul Kalam	Do	314,206, 207
Anawaruddin Seikh	Do	314, 1112
Bablu Seikh	Do	314
Taimuddin Seikh	Do	314,597,598,205,229,222,209
Mojahar Seikh	Do	314,597,598,205,229,222,209
Piarul Seikh	Do	314,597,598,205,229,222,209
Mustakim Seikh	Do	223,224
Badar Molla	Do	223
Mintu Seikh	Do	314
Hasan Seikh	Do	314
Muluk Chand Sarkar	Do	224, 229,227
Md. Safikul Islam	Do	314
Najimuddin	Do	314
Sajahan	Do	314
Imdadul Seikh	Do	309
Hujur Ali	Do	312, 314
Khorshed	Do	1112, 314
Iar Mohammad	Do	1112, 314
Garban Seikh	Do	82,83,79,314,1112
Tajjul Seikh	Do	314
Salam Seikh	Do	1112,284
Abu Bakar Seikh	Do	597, 598, 205,227,222,209
Krishna Chandra-		
Mondal	Char Durgapur	1104
Bishnupada Mondal	Do	1104
Nimai Chandra Mondal	Do	1104
Sarbesh Mondal	Do	1082, 1073
Dwijen Mondal	Do	1082, 173
Riten Mondal	Do	1112
Rekha Mondal	Do	1112
Ram Chandra Mondal	Do	644
Satrughna Mondal	Do	644
Arup Kumar Mondal	Do	1112
Sudarshan Mondal	Do	1112
Babu Lal Mondal	Do	654
And many others		

On Serial Blasts in Hyderabad

STATEMENT OF PUCL

PUCL strongly condemns the serial blasts in Hyderabad on 21.02.2013 which has resulted in loss of life and grievous injuries to many. PUCL extends its sympathies to the families of all those who lost relatives and hopes that the injured recover speedily.

PUCL re-iterates its stand that all organizations – whether State or non- state players - functioning for the people and in the public arena are accountable and answerable for their acts. PUCL appeals to all organizations to refrain from acts of mindless violence, especially when they endanger innocent persons. Violence can never offer a solution to any issue however genuine it may be.

In the past such blasts have invariably been followed by motivated targeting and illegal detention by the police of scores of educated and young members of the minority community, physical and mental torture, prosecution under as many draconian sections and laws as possible and repeated implication of the same persons in multiple cases thereby stigmatising a section of the population of the minority community who live for years with the shame of being a “terrorist”. The stigma is never erased even when prolonged trials end in acquittal the acquitted persons and their families forever live devastated lives, ostracized and feared by their own community. Such unlawful motivated police action has ended up in immense alienation and disaffection of an already

traumatized community.

PUCL reiterates that the State and Central police and various intelligence agencies inquiring into the incidents should uphold the principles of fair, independent and unbiased investigation. This will strengthen rule of law and ensure investigations and interrogations in a civilized manner. Only such conduct of investigating agencies will reinforce established and accepted norms of fair and lawful investigation. We caution the police not to indulge in baselessly targeting of persons belonging to any particular community, especially those from the minority communities.

PUCL is apprehensive that the current events provide fodder for partisan politics and use of the tragedy to score political points. It is crucial that political parties respond with sensitivity and work to create a sense of confidence and amity amongst different social sections.

PUCL is concerned over some sections of the media indulging in speculative reporting and alluding to the alleged involvement of some groups, even when investigation is still underway. Such competitive posturing and motivated reporting fans communal hatred, creates mass paranoia and vitiates communal harmony.

In this time of tragedy and disturbance PUCL appeals to citizens, be they in media, political parties or state agencies, not to fall prey to rumours inciting reprisal by fanning enmity between communities.

Those guilty of this ghastly incident should be expeditiously

brought to book. The situation demands that we, as a nation, should remain calm, restrained and peaceful.

Sd./-

(Dr. V. Suresh)

National General Secretary, PUCL
Delhi / 23rd February, 2013

CONDEMN THE HYDERABAD BLASTS PROTEST ATTACKS ON LIFE AND LIBERTY

PUDR strongly condemns the indiscriminate killing and maiming of civilians, and damaging of lives and livelihoods in the twin bomb blasts on 21st February 2013 in a crowded area in Dilkushnagar in Hyderabad city. As per latest news reports, as many as 16 persons including a woman have been killed and over 115 people have been injured. Killing of unarmed civilians is deeply wrong and wholly counterproductive. PUDR appeals to all concerned organisations and the state to desist from spreading the politics of terror. We believe that the answers lie in political solutions and dialogue, based on a respect for life, freedom and justice, and not in mindless acts of terror. In the light of the above, PUDR calls upon all democratically minded people to collectively appeal for the same.

D. Manjit
Asish Gupta

(Secretaries, PUDR)
23rd Feb 2013

Joint Press Statement on Police Violence in Delhi University

We, the undersigned organizations, strongly and unequivocally condemn the brutal and unprovoked action on the part of the Delhi Police, on 6 February 2013. This totally uncalled for and unjustified action was carried out on students and teachers participating in a completely peaceful protest organized in Delhi University, against the visit of Narendra Modi, Chief Minister of Gujarat, to the University Campus. Hundreds of students and teachers were brutally and repeatedly lathi-charged by the police. The water cannon was used on two occasions with no provocation whatsoever. Many female students and several female teachers were molested, manhandled and abused with the crudest sexual language and gestures, by the same police personnel. Despite repeated requests to the police, by several of the teachers and students present, that they should exercise restraint, and not use such excess force, the police remained unrestrained and even openly belligerent. Moreover, the unabashedly open collusion of the police with goons of ABVP reached its peak when one member of the ABVP mounted on the police's water cannon vehicle with impunity.

Even more shockingly, in a brazen attempt to cover up this shameful and outrageous conduct, the police has now lodged FIRs against nine of the protestors (5 students from JNU, 3 students from DU and one teacher from DU), under sections 147 (rioting, armed with deadly weapon), 148 (rioting, every member of unlawful assembly guilty of offence committed), 186 (obstruction of public servant), 332 (voluntarily causing hurt to public servant) and 353 (assault or criminal force on public servant). The last two are non-bailable offences. This happened precisely because complaints were lodged against the police as well as against goons of the ABVP who had also assaulted the protestors, by the very same people currently being charged with the above sections by the police. It is particularly significant that the police decided to file these FIRs only after it became clear that the Medico-Legal Complaint (MLCs) of the injured protestors confirmed the assault on them. Such brazenly vindictive and arm-twisting tactics are condemnable in the strongest terms, and must be immediately reversed.

We demand that the Delhi Police immediately withdraw the FIRs lodged against the nine protestors, and apologize unconditionally for their conduct. We also strongly condemn the silence of the University administration, which is morally and legally responsible for the safety and security of its teachers and students. It is shocking that the University administration should have allowed such a heavy police deployment against its own teachers and students in the first place. We therefore also demand that the University administration immediately intervene, condemn the police action, take steps to ensure that the FIRs against the protestors are withdrawn and that the strongest disciplinary action is taken against the errant police personnel. The University should henceforth not invite the police to enter the University campus, and certainly not permit the use of such measures on its students and teachers.

All India Students' Association (AISA); Campus Front of India (CFI); Common Teacher's Forum (CTF); Democratic Students' Union (DSU); Krantikari Yuva Sangathan (KYS); New Socialist Initiative (NSI); Students' Islamic Organisation (SIO); Democratic Teachers' Front (DTF)

Delhi
February 8, 2013

CDRO MEMBERS

ACRA (West Bengal)
ADR (Punjab)
APCLC
APDR)
BMC (West Bengal)
COHR, Manipur
CPD (Manipur)
CPDR, Mumbai
HRF, Andhra Pradesh
LHS, Maharashtra
MASS, Assam
NPMHR
OPDR, Andhra Pradesh
PCHR, Jammu and Kashmir
PDF, Karnataka
PUCL, Chhattisgarh
PUCL, Jharkhand
PUCL, Nagpur
PUCL, Rajasthan
PUCR, Haryana
PUDR, Delhi

Statement from Shahri Mahila Kaamgaar Union

Invisible World of Domestic Workers Exposed at the Public Hearing Domestic Workers Demand Their Due Share and Labour Rights

New Delhi, February 11: The hand that feeds, cares for children, keeps the house clean and shining is often left unattended, uncared for and at times bruised and beaten. That's the world of domestic workers working in lakhs of Delhi homes, striving to earn a dignified living and raising a family in 21st century rising India. Domestic work, an increasing necessity in this era of globalisation, expanding horizons for women, opening up opportunities but also creating a class of working slaves in mills, offices and homes. The emerging reality is contradictory like capitalism itself where a certain class of women have gained prominence, access to diversified jobs and equality in jobs and pay but on the other hand, the women in domestic work and in the unorganised and unprotected sector have to strive for basic facilities, from minimum wages, fixed hours of work, holidays, to bonus and most importantly value of their work, respect and recognition, something which workers of the world struggled to achieve in the 20th century. These issues were raised by nearly 30 women who deposed before a panel comprising of Kalyani Menon Sen, Kalpana Mehta, Subhash Lomte, Bilas Bhongade, Tarun Kanti Bose, Aneema and Neelima in a public hearing on the theme 'Women in the Unorganised (Unprotected) Sector in the Era of Globalization' organised by Shahri Mahila Kaamgaar Union, an affiliate of National Alliance of People's Movements at Indian Social Institute.

The hearing was attended by nearly 250 domestic workers from Gautampuri, Rohini, Faridabad, and other colonies of Delhi and some others from Maharashtra and Uttar Pradesh.

"I have been working for 28 years and only get Rs. 1200. When I fell sick, my employers did not give me leave to go to a doctor. I am close to 50 years and find it difficult to continue doing this work. I do not get any medical benefits nor pension. What will happen to me I wonder? How will I survive?" asks a disillusioned Asha, one of the deposers in the gathering.

Anita who is now part of the Shahri Mahila Kaamgaar Union narrated how she was brought to the city by a placement agent. "I come from a poor family. In 2011, a placement agent convinced my parents to send me to Delhi for a better life. I was only 14 years and had to leave school. I did not want to do this work but had no option. Many times I wanted to leave but the agent forced me to continue working. Finally, I was rescued by the Union"

From the panelists, Subhash Lomte throwing light on how young girls are brought from villages to city with the promise of a better life and education said that "we must continue to fight for equal wages and pension". The minimum wage should be adjusted to inflation and the pension amount should be atleast Rs. 2000. The age for women pensioners should be 50 years and for men it should be 55 years. The pension amount for women should get directly transferred to her bank account so that it is not misused by her husband. He urged the domestic workers from Delhi to all gather at Jantar Mantar on 6th March and raise the issue of a 'minimum wage' with the government.

"We all have to sell our labour but we cannot sell our labour without your labour" said Kalpana Mehta, a panelist from Indore as she addressed the gathering. "Always remember that the work you do is extremely important without which other homes will not function" she was quoted saying while stressing the need to give value and respect to domestic work.

The gathering passed the following resolutions at the end of the hearing:

- * A uniform law needs to be made for the welfare of domestic workers. Until then Minimum Wages Act and other Labour laws must be applied to this category of workers too.

- * A body comprising of representatives from the government and domestic workers needs to be set up to monitor their real situation.

- * The minimum wages, working hours and time of remuneration should be fixed for Domestic Workers. Strict measures should be taken against those who flaunt it.

- * Complete profiles of all urban workers, their employers and all organizations linked to them should be done. A government agency should be set up for this purpose.

- * Other than weekly, monthly, yearly and sick leave, provisions should be made for emergency leave also for domestic workers. Pregnant workers should be given special leave of three months. All these leaves should be paid.

- * Strict punishment should be given to all those employers,

placement agents and police personnel who subject domestic workers to physical, sexual and other kinds of abuse.

* Other than financial aid, the government should provide other kinds of human support to those domestic workers who are crisis-struck.

* All kind of middlemen and contractors should be removed between domestic workers and their employers.

* To ensure security of livelihood, domestic workers and their families should be given insurance by the government

* Along with an annual bonus and future investment options, annual wage increase adjusted with inflation should be given to these workers.

Shahri Mahila Kaamgaar Union also resolved to continue their struggle for decent work and ensure rights of the working women and take forward the recommendations of the public hearing to the authorities concerned.

Anita Kapoor, Poonam, Madeena Begum, Mudra, Lakshmi, Asha, Seela Manswanee on Behalf of Shahri Mahila Kaamgaar Union

Open Letter to Delhi Police and Other Authorities Demanding Action Against the Police for Sexual Abuse, Violence and Intimidation

8th February 2013

To,
Shri Neeraj Kumar, Commissioner of Police, Delhi,

We, the undersigned individuals and organizations, are shocked by the reports of sexual harassment and sexual violence perpetrated by the police (in tacit association with some Modi-supporters), through its words, gestures and actions, on students who were protesting outside Shri Ram College of Commerce and at Maurice Nagar Police Station on February 6, 2013.

We are also dismayed by the vindictive, undemocratic and preemptive manner in which the police have filed 'rioting' and other criminal cases on February 7, 2013, against the protestors and victims of sexual harassment after they had filed FIRs against police harassment, while allowing the errant police personnel and others involved in taunting and beating up the protesting students to go scot free. The charges are sections 147 (rioting), 148 (rioting, armed with deadly weapon), 149 (every member of unlawful assembly guilty of offence committed), 186 (obstruction of public servant), 332 (voluntarily causing hurt to public servant) and 353 (assault or criminal force on public servant). The last two are non-bailable offences. The FIR is clearly meant to intimidate the students and frighten them into silence so that they do not file any further complaints against the criminal conduct of the police and Modi supporters. With the threat of criminal charges over their heads if they so much as admit to being present at the protest even though they were guilty of no wrongdoing, students will be scared to complain against the ghastly sexual harassment.

On 6th of February, there was a large protest outside SRCC, Delhi University, against the invitation of and talk by Mr Modi by SRCC Students Union. The protest was organised by various students' groups and individuals. The road in front of SRCC had 3 rows of barricades on each side, some of which were subsequently broken. Not only was the Delhi police extremely vicious in their handling of the situation, their actions were also highly sexist and communal. They passed lewd remarks about women standing near the barricade. Some made kissing gestures and noises, asked women to come closer and talk to them. They also very openly stared and laughed at women in a way that was clearly sexist and disgusting, whistling and winking at and even groping the female students and beating them (and the boys) up sadistically with lathis. In addition water cannons were also used against them. They used the choicest abuses, with 'kuttia' (bitch) being among the mildest. When a woman student demanded that women police officers be present at the barricade as well to confront women students, she was told 'aap aurat kahaan se hain' (in what way are you a

woman?). Women were also told repeatedly to give up as they were too weak to break barricades.

In all this harassment, students supporting Mr Modi and the police seemed to be in connivance with each other, and literally amusing themselves in their harassment of the female protestors. Some students (apparently from the ABVP) who were supporting Mr. Modi seemed to have the approval and indulgence of the police. They were allowed on the other side of the barricade. A few even climbed on to the police water cannons and danced on them as they were aimed at the protestors. Some openly threatened female students with Gujarat-like consequences - “Jo Gujarat mein huya vaise tujh me ghusa doonga” (Will thrust into you, as was done in Gujarat), while brandishing a lathi and similar objects. But none of these people was picked up by the police or detained. Instead, after lathi charging students, laughing and joking as they did so, the police engaged in picking up some of the anti-Modi protestors (including young women) and pushing them into a crowd of pro-Modi youth who then beat them in full view of the police. Some anti-Modi protestors were picked up and taken to the police station, and beaten up on the way (including on the head and groin with lathis). These included some students who had not crossed any barricades and were only shouting slogans and then protesting at the police behaviour. At the police station, women students who had come to enquire about others who had been picked up by the police were groped and felt up by the police when they tried to enter. (See a few eyewitness accounts attached)

We are outraged at this brazen use of sexually abusive and violent behaviour by men in uniform, which clearly has no relation whatsoever to discharge of the ‘law and order’ duties of police. This behaviour is offensive and unacceptable, especially coming from those entrusted with the task of “protecting” the citizens and is compounded manifold by the police actually aiding lumpen elements in sexual harassment of young women.

Coming in the wake of the recent horrific gang rape in Delhi, this raises crucial questions and concerns about the safety of women in Delhi. How can young students ever have the confidence to approach the police to register complaints about sexual violence when policemen themselves indulge in this kind of sexual abuse and permit sexual intimidation in their very presence?

In the evening, when some of us learnt these details, we called up Ms. Sindhu Pillai DCP/North and spoke to her on the phone. She was in complete denial, extremely hostile and blamed the students themselves. Our concerns were simply dismissed with a response that we should “file a complaint”, with justification of the actions of the police. However, in the light of subsequent events, the real intent behind this advice was possibly to identify more protestors so that the police could file criminal cases against the students. Whom should victims of police sexual violence turn to when even senior women officers of DCP rank harbour notions that girls should be “controlled” and should not be out protesting on the streets? What is it if not a reflection of the mindset that girls invite trouble upon themselves

by simply being out?

It is an extremely grave and worrisome reflection on the administration of the police force that nothing seems to have changed on the ground, even after tens of thousands protested on the streets of Delhi barely a month ago. How many more crimes will it take, how many more girls will have to suffer harassment and violence, and die gruesome deaths, before the police reforms itself, and imbibes gender sensitivity, discipline and a sense of duty and responsibility towards the common citizens of this country? How can we ensure that the police just does its job?

The lack of accountability of the police is one of the significant reasons for the rampant sexual violence in the city and country. If there is any political will to stop this, it must manifest itself through:

* An immediate withdrawal of the vindictive and intimidatory police FIR which will deter any student from coming forward to complain against sexual harassment;

* Suspension of errant officers (the concerned SHOs, ACP and DCP) pending enquiry and transparent inquiry by officers who inspire public confidence.

Prompt and strict action alone can end this impunity. We demand that the state and central governments demonstrate their intent and sincerity to make Delhi a safe place.

Sd/-

Dr. Mukul Priyadarshini, Delhi University; Prof. Malini Bhattacharya, Director, Indian School of Women’s Studies and

Development; Dr Dwijendra Nath Kalia, Delhi University; Prof Utsa Patnaik, JNU; Vrinda Grover, Advocate; Brinda Karat, Former MP, Rajya Sabha; Dr Sumangala Damodaran, Delhi University; Arindam Banerjee, Ambedkar University, Delhi; Prof SS Jodhka, JNU; Sehba Faruqui, AIDWA; Nandini Rao; Prof. CP Chandrashekar, JNU; Dr Saumyajit Bhattacharya, Delhi University; Prof Ayesha Kidwai, JNU; Smita Gupta, AIDWA; Prof Mary E John, Centre for Women's Studies and Development; Jagmati Sangwan, AIDWA; Prof Satish Deshpande, Delhi University; Seema Mustafa, Centre for Policy Analysis; Prof Prabhat Patnaik, JNU; Dr Pragati Mahapatra, Delhi University; Shabnam Hashmi, Anhad; Akhila Singh, Indian School of Women's Studies and Development; Ram Rahman, SAHMAT; Prof. G Arunima, JNU; Sadhna Arya, Kalpana Mehta, Saheli; Harsh Kapoor, South Asia Citizens Web; Prof Jayati Ghosh, Indira Chakravarthi; Prof. K J Mukherjee, JNU; Prof. Praveen Jha, JNU; Shalini Gera, Justin Burrett (BCL); Mamata Dash, WSS, Delhi

Copy to:

* Shri Sushil Kumar Shinde, Home Minister of India

* Shri Tejinder Khanna, Lt Governor, Delhi.

* Smt. Sheila Dikshit, Chief Minister, Delhi.

* Smt. Mamta Sharma, Chairperson, National Commission for Women.

* Ms. Sindhu Pillai DCP, North Delhi.

Is India on the Path to Become a Land of Serial Executions?

The PUCL strongly condemns the rejection by the President of India of the commutation petitions of Simon, Meesakara Mathayan, Bilavendran and Gnanaprakasam. Equally condemnable is the action of the Prison Authorities of Belgaum Central Prison, Karnataka who in the morning of 13.2.2013 merely intimated orally to the convicts of the rejection of their mercy petitions without giving them the written orders of rejection. In sharp contrast, signed acknowledgements of receipt have been obtained from all 4 convicts!

PUCL is extremely concerned at the repeat pattern of the deliberate and surreptitious manner in which rejection of commutation petitions has been communicated in all the 4 cases which the present President has rejected - viz., Kasab, Afzal Guru, Saibanna and the current 4 convicts. In Afzal Guru's case the Union Home Minister is on record to state that they did not intimate immediately to the wife of Afzal so as to prevent them from approaching the High or Supreme Court. Even in Saibanna's case the rejection was only orally intimated but acknowledgement obtained from the prisoner. It is very clear that the Union Government and the State Governments all seem to be acting in a manner totally against the spirit of the Indian Constitution and rule of law by consciously and deliberately sabotaging and subverting established procedures and has to be strongly condemned as unbecoming of constitutional authorities.

The rejection by the President of India of the commutation petitions in the case of these 4 convicts seems to be based on a wholly unacceptable, erroneous and unwarranted appreciation of the powers of commutation provided by Article 72 of the Indian Constitution. The commutation or 'pardoning' power of President of India, is better described as 'unfettered power' not subject to any constitutional or judicial restraints.

The power of the President under Art. 72 in the nature of a 'constitutional and executive' power as contrasted to the Courts Statutory and judicial powers, and is actually in the nature of 'Residual Sovereign Power' untrammelled by the decision of the courts, including the Supreme Court; the President is thus empowered to go beyond the evidence on record and come to a different conclusion than that recorded by the Court.

It is most unfortunate that the President, advised by the cabinet, seem to be under the false impression that what the Supreme Court has said is the final word beyond which the executive cannot go. There is no other way to understand the string of Presidential rejections of commutation petitions coming in rapid fashion.

At the current rate of rejections India can look forward to a continuous string of serial hangings in this year itself.

The rejection by the President of the commutation petitions of these 4 convicts is wholly unconstitutional, unfair and arbitrary. The President, advised by the Council of Ministers, seem to have missed the point that the Designated TADA Court did not feel compelled to impose death penalty because "it is not the case of the prosecution that the accused had started their careers as criminals and attained notoriety". They were

inhabitants of the local area who were compelled to fall in line. In other words while they were gang members of Veerappan's gang, they were not the main leaders. The trial court therefore convicted them but imposed only life sentence.

The Supreme Court which enhanced the punishment to death sentence seemed to have given greater importance to the issue of violence in the area as a result of the clash between Veerappan's gang and the STF and police forces. The SC opined that that theirs was an onerous duty of "self preservation" which impelled the SC to impose death penalty.

Whatever the rationale of the SC's ruling, the power of the Council of Ministers of the Central Government is much wider and in exercising their pardoning powers the Government is duty bound to look at the conduct of the prisoners post-conviction, as also other

personal factors. It is also relevant to point out Veerappan himself was eliminated in an encounter by the Tamil Nadu Police in 2004 and his entire gang liquidated.

All the 4 convicts are senior citizens aged above 60 years, which Meesakara Mathayan aged nearly 72 years, Beelavendan and Gnanaprakash aged about 65 - 67 years and Simon being over 60 years. They have all been in jail for the last 18 years.

None of them have any other criminal cases against them. In fact the same SC bench has acquitted them in other TADA cases which were part of the same set of cases in which they got death sentence.

The conduct of the convicts has been exemplary and they have not got involved in any prison offences in the last 18 years.

The basis of criminal jurisprudence system in India is the possibility of reform of prisoners;

not retributive justice.

Is the Government of India so scared of 60 and 70 year old men? Do they constitute after 18 years in prison, such a major threat to society that the only solution is by hanging them?

It is indeed a sad day for democracy that the UPA Government in Delhi seems bent on laying the record for serial hangings, in a manner never before witnessed in Independent India. Political brownie points cannot be scored by the union government over the lives of death row convicts; it is the worst form of democratic degeneration of any country.

(Dr. V. Suresh)
National General Secretary
People's Union for Civil Liberties

Chennai: 14 February 2013

Movement Against Delhi-Mumbai Industrial Corridor

"DMIC PE HALLA BOL ABHIYAN" (ALONG DELHI-MUMBAI INDUSTRIAL CORRIDORE, MARCH 8-19, 2013)

Friends, Comrades and Saathis !
Zindabaad !

As Indians, or if not all, then many within government and outside government, seem to love BIG. Big Dams. Big Malls. Big Cities. Or anything Big, Gigantic, Humongous, Megalomaniac !

The Delhi Mumbai Industrial Corridor Project is such a humongous, megalomaniac, ambitious State-Sponsored Industrial Development Project spanning 1483 km in length across six states in India. It is a joint venture between India and Japan, both having contributed equally to the initial Rs. 1000 crore (\$ 182 million) fund. The 'dream' is to ramp up the size to \$ 100 billion (Rs. 5.5 lakh crore). DMIC is supposed to pass through six states, namely, U.P, NCR of Delhi, Haryana, Rajasthan, Gujarat and Maharashtra, with end terminals at Dadri in the National Capital Region of Delhi and Jawaharlal Nehru Port near Mumbai.

Along with the environmental and material disaster it will have an impact on 14% population of the country, as per official documents. This is being done ignoring the displacement and immense suffering of the people in various projects. What could not be achieved through the Special Economic Zone Act is now being planned through this. The new Bill on land acquisition and resettlement and rehabilitation is being tailor made to this project, and no wonder if this turns out to be the biggest disaster for people in coming years.

Key features of the project

* will affect a band of 150km to 200km on both sides of the

Dedicated Freight Corridor

- * incorporates nine mega industrial zones of about 200-250 sq. km each

- * approximately 180 million people, 14 percent of India's population will be affected

- * nine junction stations including Vasai (near Mumbai), Gothangan (near Surat), Makarpura (near Baroda), Amli (near Ahmedabad), Palanpur, Marwar, Phulera, Rewari, Tughlakabad

Big Dreams : The stated goals of this monstrously big dream are to:

- * double employment potential in five years

- * triple industrial output in five years

- * quadruple exports from the region in five years

But what is the reality !

DMIC is just one more link in the long chain of fantasies pursued by the corporate-politician-bureaucrat-technocrat-land shark nexus of vested interests who foist projects to benefit themselves at the cost of the toiling majority of our country. The clique of vested interests masquerades as 'development magicians' who will make India shine. Technocrats are fascinated by what is big. In their view all that is 'mega' is in the interest the country. Whimsical ideas are floated first, feasibility examined as an afterthought and justification drummed around like it is divine decree. Kalpasar, River linking, SEZs, SIRs, DMIC etc. are part of a long history of mammoth fanciful projects with dubious promises, unfulfilled and unfulfill-able benefits.

And what is wrong with this megalomania ?

Experience shows that investment jamborees across the country do not deliver. At best only 20 to 30 % of the promised investments come good. The record of new employment generated is even worse. Every new job typically requires a capital of between Rs. 80 lakh to Rs. 1 crore. Whether it is SEZs, SIRs or infrastructure projects they are land scams and routes to avoid taxes.

- * There is absolutely no mention of the human or environmental impacts of the humongous DMIC project.

- * The kind of projects pursued currently are massively resource-intensive. There is no thought spared for where water and power will be available from.

- * Even a small project has to be examined for its feasibility, economic costs and benefits, environmental and social impact assessment. No such exercise is known to have been undertaken.

- * When something on such a scale is envisioned one cannot look at individual projects, one has to look at the combined impact.

- * The real cost of 'development' is displacement, dispossession, dis-employment and dehumanisation.

- * Ask the toiling majority of women, farmers, farm labourers, Dalits, Adivasis, fish workers; India is not shining, India is declining. Only the Tatas, Ambanis, Adanis, Mittals, Birlas & Jindals are shining. They will soon be joined by Walmart, Ikea, Carrefour.

Will we let this all happen ?

Projects have already started at many of the places and so have the resistance by people. To bring all these struggles together, to reach out to people on the route,

spread out information and to be with them in solidarity we have undertaken this yatra from Mumbai to Delhi, culminating in Delhi on March 23, Shahid Bhagat Singh's martyrdom day. Join us in this yatra, come and be part of an effort to save precious natural resources for future generations, for a people friendly sustainable development planning and stand in solidarity with people struggling for a dignified living.

Why Abhiyan?

- * NAPM believes in citizens right to development planning and a model of development which is self sufficient, labour intensive and emerging from the bottom, rather than the top down monstrous ideas imposed in the name of public interest. Our fight is not against this or that project, we are challenging the development paradigm itself;

- * DMIC is a monstrosity that must be exposed, it's undemocratic, bypasses constitutional rights of citizens, environmentally destructive and a tool for unprecedented resource grab by corporations;

- * In the history of struggles for reclaiming our rightful share in development planning and ensuring livelihood to the majority, urgent need to intervene lest it circumvents all the legal, political, financial and environmental safeguards in the country;

We believe working classes must reclaim their right for people-centred planning and assert their right to determine the path or paradigm of development. Hence, this yatra to link up, to reach out to farmers, peasants, workers, adivasis, dalits, petty traders and others across the six states that will be swept by

the humongous DMIC. NAPM affiliated movements in each of the states have already been working on these issues for sometime now and it is time to link these all up and take the next step forward.

Proposed dates and plan for the yatra is following :

Maharashtra (Suniti S R-09423571784)	March 8-9-10-11
Gujarat (Krishnakant-09427849310)	March 12-13-14-15
Madhya Pradesh	March 15-16
Rajasthan (Swai Singh 09413200044)	March 16-17

* Meeting for future planing on 18th or 19th March in Delhi.

Delhi * 18 March Big Dharna and on 19 March Special session of Jan Sansad on DMIC At Jantar-Mantar, New Delhi

We invite you all to join us in this yatra, wherever you can also support the yatra in various ways. Block dates in you calender, book your train tickets, involve your activist circle, your friends and raise resources for the same.

If you plan to join us from Mumbai till the end then let us know accordingly and plan to reach on March 8th in Mumbai. We are attaching detail maps of the DMIC project. Information can be seen on <http://www.dmic.co.in/>

Help us with contacts in these states, write about it, spread the information about it, blog about it, support with resources, come and travel with us.

Looking forward

Coordination Committee:

Medha Patkar, Suniti S R, Ulka Mahajan, Prafulla Samantara, Krishnakant, Anand Mazgaonkar, Sawai Singh, Kailash Meena, Anil Trivedi, Tapan Bhattacharya, J. P. Singh, Manish Gupta, Bhupender Singh Rawat, Madhuresh Kumar, Seela Mahapatra and Vimalbhai

for details call : Vimalbhai-09718479517 , Madhuresh-9818905316, Seela-9212587159

**INVITATION
FROM SHARMILA
SCHOLARSHIP**

The Irom Sharmila Scholarship, set up in honour of Irom Sharmila's fight for democracy and constitutional values, is open to any post-graduate student studying in any university/college in Delhi in any subject who comes from an area with internal armed conflict. Preference will be given to those who come from AFSPA affected areas, have suffered under AFSPA or similar laws or can demonstrate financial need. The scholarship is a lump sum of Rs. 50,000, awarded once a year. The scholarship jury will comprise of faculty from different universities in Delhi. Interested candidates may send a detailed covering letter explaining why they should be considered, and a copy of their cv to: iromsharmilascholarship@gmail.com. Applications must reach by March 14, 2013, which is Irom Sharmila's birthday.

Resolution Adopted at CDRO Meeting Held at Amritsar

Forty six delegates of member organisation of Coordination of Democratic Rights Organizations (CDRO) met in Amritsar on 26th January 2013. The meeting was hosted by newly reinvigorated Association for Democratic Rights (AFDR) in Punjab at Virsa Vihar Auditorium, a place created in the memory of revolutionary and progressive poets and other artists of Punjab. The meeting was legendary theatre personlaity of Punjab - Bhaji Gursharan Singh and Er. Partap Singh, who also happened to be the founder members of AFDR.

The main agenda of this meeting was to discuss the various resolutions and arrive on a consensus on these resolutions so that CDRO could clear its position for the struggling masses of India. The meeting started at 2 PM and was chaired by Professor Jagmohan Singh, President Association for Democratic Rights, Punjab. Various points contained in the resolution were read by CDRO coordinator Ashish Gupta (PUDR). A welcome speech was delivered was Prof. Parminder Singh of Amritsar unit of AFDR. After discussing point, following resolution were passed.

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.

Coordination of Democratic Rights Organizations (CDRO) 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. **CDRO demands 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, basic things which support the lives of the millions of

peasants and forest dwellers. Through laws and coercion 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. **CDRO demands that 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 CDRO demands 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. **CDRO demands 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. **CDRO demands 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. **CDRO demands 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 pretence 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. *CDRO, therefore, demands the abolition of death penalty.*

10. Release of Political Prisoners: Political dissent and right to opposition to various state policies are fundamental to democratic governance and transparency. Yet

several thousand people are languishing in jails and other detention centres, or being in criminal cases all over the country year after years for their beliefs, for opposing state policies, for participating in movements seeking redress of their grievances or for striving for an egalitarian society based on their political ideologies. Among the arrested and prosecuted are a large number of people held or convicted under concocted charges – only to teach the people of certain areas a lesson. CDRO unequivocally calls for the release of all the prisoner arrested for their political beliefs or for opposing various state policies or for participating in political movements. In this concern CDRO also decided to hold a convention in Kolkata on 13th February 2013 to be hosted by three constituent organisations of CDRO – Assansole Civil Rights Association (ACRA), Association for Protection of Democratic Rights (APDR) and Bandi Mukti Committee (BMC). A spate resolution will be place before the convention for deliberation and adoption by the participants in the program.

11. Revamping of CDRO: In order to smoothen the coordination among various member organisation of CDRO and its effective functioning, the participant organisations and its members selected five coordinators, who will be responsible for the functioning of CDRO. They include Paramjeet Singh of Peoples Union for Democratic Rights (PUDR) Delhi, Prof. Parminder Singh of Association for Democratic Rights (AFDR), Tapas Charaborty of Association for Protection of Democratic Rights (APDR), Kranthi Chaitanya of Andhra Pradesh Civil Liberties Committee (APCLC) and Phulindro Konsam of Coordination for Human Rights (COHR) COHR, Manipur. It was also decided that various fact finding to be under taken organised at the regional level will be coordinated by the respective regional organisation.

At the end of the end of the meeting, it was decided to hold the next CDRO meeting at Srinagar (Jammu & Kashmir) on 19th April 2013.

Amritsar: 26th January 2013

Report of the AFDR Convention in Amritsar

As a culmination of the CDRO meeting, a convention on the state of democratic rights in different parts of India and repression let loose on the people of India was held on January 27, 2013 at Amritsar. This convention was dedicated to the memory of Bhaji Gursharan Singh and Er. Partap Singh, founder members of AFDR. In this convention four speakers viz. Sujata Bhadra of Bandi Mukti Committee West Bengal, Shashi Bhushan Pathak of PUCL Jharkhand, Kartik and Parvez Imroz Coalition of Civil Society, J&K were the speakers. Mr. Sujata Bhadra spoke in detail about the imprisonment of political and democratic rights activists and described it a repressive measure used by the Indian State for gagging any voice of dissent. In this connection he dilated upon the work done by a number of Human rights and democratic rights activists like Mr. Jaswant Khalra from Punjab who did commendable job, even at a risk to their lives, of exposing these draconian acts of the State. Mr. Bhadra characterized these incarcerated activists as

prisoners of conscience and termed the demand of immediate release as a democratic demand needed to be raised by the Democratic Rights organizations. He also talked about the need to give the status of political prisoners to these imprisoned persons. He also dwelled at length upon the resolution of CDRO asking for the release of political prisoners.

Mr. Shashi Bhushan Pathak spoke about the repression upon the common tribal people by the security forces in the ongoing Operation

Green Hunt in the name of eradicating what the Indian State calls “Maoist Menace”. Mr. Pathak connected convincingly this repression upon the common people with the current Neo-Liberal policies of the State under which the natural resources like water, land and forests are being thrown open to be grabbed by the multi-national corporations. In this way, he said, the repression upon the people is a consequence of these policies meant only for depriving the people of their subsisting sources of livelihood and, thus, reducing them to destitution. The context of the interrelationship between the current economic policies of the State and repression upon the people makes the right of the people to protest and struggle against them a legitimate right. Mr. Shashi Bhushan Pathak explained this legitimacy by bringing in references from the folklore of his region.

Mr. Kartik and Mr. Parvez Imroz spoke about different kinds of repression that the people of Kashmir have to undergo during the past two decades. Their talk was primarily based upon recent report entitled Alleged Perpetrators brought out by the coalition of Civil Society

in J&K. In this report, they informed the audience, names of the officials allegedly responsible for killing and torturing the people of Kashmir has been made public. They said that the long duration of repression upon the people of Kashmir makes it imperative to name these officials so that repressive measures come out of a state of anonymity and real culprits should not only be recognized but

should ultimately be booked and punished.

The convention was jointly presided over by Amarjit Singh Bai and Yashpal Jhabal, President and Secretary, AFDR Amritsar unit respectively. Dr. Parminder Singh conducted the proceeding of the convention.

27th January 2013

FEBRUARY 2013 CONTENTS

CDRO Tribute on the Untimely Death of Three Civil and Democratic Rights Activists, CDRO	1
People’s Union for Democratic Rights Suggestions to the Verma Commission	3
NAPM Condemns Brutal Lathi Charge by Police on Farmers Protesting Land Acquisition in Ghaziabad for Wave City Project	5
Manipur Killing: Amnesty International Public Statement	6
Report from Poso Pratirodh Sangram Samiti (PPSS) on Police Repression as On.	7
Bestial Deeds of the Two Warring Sides in Latehar district of Jharkhand, PUDR	8
APDR Letter to Mamata Banerjee on threats to Environmental Activists in Chandpara	9
APDR statement on deteriorating condition of electoral democracy in West Bengal	9
Demolition of EWS quarters and the Eviction of Residents in Bangalore, PUCL & PDF	10
Chhattisgarh: HRF Note on Abduction of Adivasi Women by Police	11
From Nonadanga to Ejjipura: The Urban Battleground, Partho Sarathi Ray	12
Report of the PUDR Meeting on “Impunity for Alleged Perpetrators and Quest for Justice in Jammu and Kashmir	16
Haryana - MSWU Press Statement Regarding State Repression on ‘Justice Rally’	16
Statement of Protest and Demand for withdrawal of Meritorious Service award to SRP Kalluri	17
POSCO Pratirodh Sangram Samiti (PPSS) Commenced Resistance Struggle.	19
PUDR Statement Upholding the Maruti Workers’ Right to Protest.	20