HUMAN RIGHTS VIOLATION IN INDIA SINCE 1980
A SELECT ANNOTATED BIBLIOGRAPHY

DISSERTATION
Submitted in partial fulfilment of the requirements for the Award of the Degree of

Master
of
Library & Information Science

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Dedicated
to my uncle
(late). Khelafat Hussain Khan
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ACKNOWLEDGEMENT

The moment I embarked on this dissertation I was not sure whether my endeavour would bear fruit. Had it not been the spiritual blisses of Almighty ALLAH and the support and stewardship of a galaxy of persons, this work would have remained unfinished. I would like to express my gratitude to all of them and a few persons in particular.

My supervisor Mr. S. Mustafa K.Q. Zaidi who steered me through all my academic hurdles and navigated me across trouble waters.

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I would take this opportunity to express my thanks to Prof. Noorul Hasan Khan, University Librarian and Mr. S. Hassan Zammarrud for their filial and elderly affection.

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Last but not the least I should express my immense appreciation to Miss Tabassum and Miss Salma Khan for their love and affection which saw me complete my work.

IMRAN AHMAD KHAN
PART ONE
INTRODUCTION
METHODLOGY

To collect material on the subject secondary sources such as Index India, sociological Abstract were consulted to approach. Primary source which includes periodical, articles and conferences. The little of the periodicals used for compiling the bibliography.

Abstracts are mostly informative based generally on author's abstracts as it is generally assumed that author is the best person to summarize his article.

STRUCTURE OF THE BIBLIOGRAPHY

Descriptive part: This part one deals with the introduction of the topic, includes concept of teach education, types of teacher education, need and significance of preservice in service aspects of teach education and recommendation of various commission regarding teachers and their education.

STANDARD FOLLOWED: The Indian standard recommended for bibliographical references (IS:2301-1963), title of the periodicals are written as it is available in the article and classified catalogue code (CCC) of Dr. S.R. Ranganathan have been followed. In some cases where the said standards become unhelpful I have preferred on judgement (local variation).
ARRANGEMENT:
The items of bibliographical reference for each entry of periodical article are arranged as follows:

a) Serial number
b) Name of the author/Authors
c) A full stop (.)
d) Title of the article including sub-title and alternate title, if any (with its punctuations).
e) Title of the periodical being underlined.
f) A full stop (.)
g) Volume number
h) Issue number
i) A semi colon (;)
j) Year of publication
l) A comma (,)
m) Month of publication
n) A semi colon (;)
o) Inclusive pages of the article
p) A full stop (.)

SPECIMEN ENTRY
Hindustan Times. 71, 250; 1995, September, 8; 11.
EXPLANATION: In the above mentioned entry the article is taken from the newspaper, Hindustan Times, which is entitled as "Promoting Human Rights Awareness". Author is a SEN (Sarkar) Volume of no. 71 issue No. 250 is year of publishing is 1995, Month of September, date of issue is 8, page no. is 11.

INDEXES In the Part III of this work there are three separate indexes namely author index, subject index, and title index have been given in for the convenience of the users. The author index is comprised of the entry. Element of the author's name followed number of entry. Similarly subject index, contents inclusive subject be headings followed by entry No. Likewise index followed by respective entry number.
All of us belong to one family: mankind. Every member of our family has the same fundamental and equal rights. Each of us is entitled to have these rights for all others.

Differences of race, sex, language and colour do not change these rights. Nor do differences of property, social origin, political ideas or religious beliefs. Everyone, regardless of who they are and what they do or think is born with human rights.

Rights are essential to enable every person to lead a good life; they are as necessary as light and air, food and clothing. No wonder people have struggled for recognition of their rights since the dawn of history. The struggle has been carried on against autocratic kings, dictators and other despots who, in their bid to perpetuate their rule, are opposed to the grant of political and other liberties to their subjects.

Human rights are those moral rights which are owed to each man or woman by every man or woman society by reason of being human. Human rights are distinguished from other moral rights in possessing the inherent characteristics of universality, individuality, paramountcy, practicability and enforceability. They are the rights of all people at all time and in all situations. The concept of rights is grounded in and derives much of its support and
colouring from the acceptance of man as a free individual, a being of dignity and worth, endowed with reason and conscience, and capable of moral choice and free activity. Where that value is not accepted there is no place for rights as the right, but only for rights as a concession. Human rights are something of which no one can be deprived without a grave affront to justice. There are certain deeds which never be done, certain freedom which should never be invaded, something are supremely sacred.

Yet every day, in country after country these rights are being violated. People have the right to food; hundreds of thousands are starving. People have the right to work; millions are unemployed. People have the right to freedom of thought; tens of thousands are imprisoned and tortured for their beliefs. People have the right to be free from discrimination; everywhere racial prejudice is rampant, the poor are victimised, minorities are denied access to equal rights.

Each violation of human rights, wherever it occurs, is a threat to the welfare and dignity of the entire human family. The protection of human rights therefore is a worldwide responsibility which transcends all racial, ideological and geographical boundaries. This is the fundamental
belief which has given birth to the international struggle for human rights.

The full enjoyment of human rights by all classes of people, without discrimination of any kind, is closely associated with democracy. Without people's basic rights and freedom, a democracy becomes meaningless. There can be no rule of the people and for the people unless they are ensured all basic rights. The success or failure of a democracy can be judged by the degree of individual freedom it allows and the number of rights it guarantees to the citizens.

Certain rights are widely regarded as "fundamental"; they are supposed to be beyond the vagaries, whims and fancies of the rulers or the shifting majorities in popularly elected legislatures of sovereign countries.

It is normal for everyone to question why perfectly normal uniformed officials behave abnormally and violate the law? Why even in normal conditions they tend to use highly visible excessive force even in offences relating to property. One of the reasons could be greed and corruption, but not all of it is the cause. There are centres
for training of police personnel and armed forces orienting their curriculare to include the topic of how to adhere to the rule of law and respect the rights of citizens. But still the problem remains.

POLICE - UPHOLDER OR VIOLATOR OF LAW

Police and brutality have become synonymous. Common man dreads the very thought of meeting a cop, especially if he is poor. "They behave as if they rule the world. It is the strength of the Khakhi Uniform, says an angry labourer of Delhi.

In modern societies police is the principal agency for the enforcement of law. The policemen symbolize authority and they are the custodian of the interest of the society as well as individual citizens as far as their basic rights are concerned.

The police as a part of bureaucracy is expected to perform its functions in conformity with certain norms. These norms follow from the constitution and statutory frame work of police organisation. Violation of these norms is an excess. Police has two important functions.
First to uphold the dignity of the individual by safeguarding his constitutional and legal rights and second, to safeguard the fabric of society along with security and integrity of the nation. Law in all countries authorises the police to use force under certain circumstances. This authority is, in fact, basic to its role and cannot be questioned. It is a part of policeman's legal mandate. The police have to protect the society from the acts of murderers, armed robbers, habitual criminals, arsonists and terrorists and make it a safe place to live in. Thus apprehension of the gang of decoits, arrest of an accused who violently defies arrest etc, are the situations which call for a measure of counter violence by the police.

But the police has certainly no right to inflict brutality on a helpless person under its custody ignoring every law of the land. In a democratic set-up like India, people and not the police are the real masters as the sovereign power is rested with them. The police is simply the agent of the government which is ultimately accountable to the people. So the police too is accountable to the people for all their acts. Thus if a policeman inflicts
torture on a person under his custody which is unlawful, he is liable to prosecution under the law.

In a democratic set up everyone is governed by the rule of law. The police is under the law and not above it, for he who enforces law must live by the law. The protection of the basic human rights of the people is more important than to secure few convictions by illegal means.

But in India, the police lacks the sense of accountability. There is growing tendency on the part of police to act unlawfully. The result is horrifying cases of brutal custodial torture.

The violation and abuse of human rights by police appear in different forms. They may be in the form of arresting the wrong man or releasing the wrong man, excess use of force against the detenus, fabricating cases in order to implicate innocent persons. The police beatutilies or excesses, which are commonly known as third degree method are the most deplorable form of such violations.

Torture in Police Custody : A typical example of abuse of human rights.

This worst form of human rights violation has become a very serious and alarming problem in third world countries,
especially in India. Torture is a fundamental violation of human rights condemned by the General Assembly of UN as an offence to human dignity and prohibited under national and international law, yet it persists, daily and across the globe.

Death in police custody is a very gruesome and barbarous act committed by the law enforcing agencies. It is perhaps the worst crime in a civilized society governed by the rule of law. This happens inspite of the fact that India is a country governed by the Rule of Law guaranteeing the life and personal liberty to the people under Article 21 of the constitution.

A study relating to custodial death has shown an upward trend. It indicates 149 death in police custody in 1991 as against 112 in 1990. Amnesty International has recently reported as many as 156 custodial deaths in India in the recent years, due to torture and medical neglect. A famous case is of Rajan Pillai, who died only due to medical negligence. According to NHRC, total deaths in police custody from 1.4.94 to 31.3.95 were 171, with the help of Research Department, Amnesty International published two extremely significant volumes (i) Political killings by governments (ii) Torture
and custodial deaths in police custody as well as in jails. These reports would be an eye opener to the prevailing custodial terrorism launched by the rulers in the country.

Selections need no comments. They reveal the barbarity, inhumanity of the rulers claiming to guide the destiny of the largest and youngest democracy of the world.

HUMAN RIGHTS V. NATIONAL SECURITY:

Man can enjoy his rights only in the state where civil and social order exists. A charter of rights has no meaning in a state of anarchy and disorder. People's rights may not last long when the country is in peril. In a word, human rights cannot last long without national security. They are closely linked to each other.

Denial of basic human rights is sometimes justified on the ground of national security. It is argued that government is obliged to ensure national security and integrity whatever the means may be.

But there has been numerous assaults on the individual's rights and liberties by the state in the name of
national security. Such as confiscation of private property; surveillance through wire-tapping and mail opening, arbitrary search and seizure; arbitrary arrest and detention for indefinite period; summary trials and execution; denial of appeals to the judiciary; resort to torture; political internment; concentration camps and even liquidation of suspects/accused persons in custody; so on and so forth.

Violation of basic non-derogable rights in Jammu & Kashmir: An Eye Opener:

Torture by the Indian security forces has become a routine in the state of Jammu and Kashmir since armed conflict erupted there in 1989. The number of Kashiri's who have died in custody as a result has reached alarming proportions. Amnesty International reports in January 1995, there were 715 cases of custodial deaths due to torture by security forces.

There is a tendency for some government to regard any challenge to their authority as a threat to the life of the nation. This is particularly true of regimes which
do not provide any lawful means for the transfer of political power and which in consequence are inclined to regard any criticism of the government as an act subversive of public orders. This is perhaps true in the case of Jammu and Kashmir.

In the name of national security, the government is derogating the "non-derogable" rights such as right to life and freedom from torture in Jammu and Kashmir. The basic question is—how far and how much can the individual's rights be sacrificed to promote national security. The national security should not become an excuse for the denial of the basic and non-derogable rights.

The Indian Government has taken some steps in this regards. The senior officials have publicly condemned the excesses of armed forces in the state. Also the govt. has ensured that allegation of torture and death in custody would be investigated.

Then additional chief secretary for Home affairs, J&K Mr. Mehmoodur Rehman (Presently he is the Vice-Chancellor of AMU) on 6 April 1993, said that "I am against custodial deaths. It is an article of faith with us. After all human life is precious".
The governor of J&K, Krishna Rao, has himself acknowledge that prisoners have died in custody from torture.

"I genuinely feel sad if torture leads to death. I have told the forces to be careful in future. There is no need to kill even a militant if he is defenceless. Custodial deaths will hurt my cause and it will tarnish the image of our country".

**HUMAN RIGHTS AND U.N.**

Interestingly, complaints of violations of human rights started pouring in as soon as the United Nations was constituted, even though no machinery had been established to redress such grievances.

When the United Nations Charter came into effect in 1945, the promotion and protection of human rights took on a new international dimension. The founders of the United Nations were aware of the role that denial of human rights had played in causing the world war II, and it was their conviction that a peaceful world could not be built without the effective international protection of human rights.
The charter proclaimed the principles of equal rights and self determination of Peoples' and of 'universal respect for, and observance of, human rights and fundamental freedom for all'. What these rights and freedoms were had yet to be defined. In 1946, when the Economic and social council of the United Nations laid down the terms of reference for the commission on Human Rights, the preparation of an international Bill of Rights was the first item on the commission's programme. After two years of intensive effort the first part of the bill was completed; this was the Universal Declaration of Human Rights.

The "Universal Declaration of Human Rights" was approved without a dissenting voice by the General Assembly of the United Nations in 1948. For the first time in the history of mankind, it placed human rights and fundamental freedom on a global scale, transcending the laws of sovereign states. It is undoubtedly a significant landmark in the process of evolution of the thoughts and aspirations of the people of the world. The declaration recognised the inherent dignity and equal, inalienable rights of all members of the human family. The work of drafting was mostly
done by RENE CASSIN, who later won the Nobel peace Prize in 1968. The declaration was "a common standard of achievement for all peoples and all nations". It was meant to ensure that human being everywhere could live in dignity and freedom and as equal partners in human society. Although the Universal Declaration is not legally binding in the sense that a treaty or convention is binding upon the parties to it, it has exercised a powerful moral and political influence throughout the world.

Eighteen years later in 1966, the Declaration was given legal form in two covenants on Human Rights the covenant on economic, social and cultural rights and the covenant on civil and political rights. They will be binding on states that have become parties to them and will come into force upon ratification by 35 states. The purpose of these covenants is two-fold: to set out the rights in more precise and legalistic language and secondly, to establish a machinery for implementation and enforcement.

The U.N. Human Rights Commission has its main centre at Geneva. The doctrine of "no-power" was abandoned,
the task was to devise a procedure for the wider mandate. The commission emphasised the importance of entertaining complaints from individuals. The proposition that it was the individual who was the repository of all human rights and the ultimate beneficiary of their observance was thus fully conceded.

The UN has also made several attempts to get a total bar imposed on torture of prisoners which is reported from several countries. In 1984 the U.N. adopted the International covenant Against Torture which has been ratified by 40 countries. India has not yet signed it.

Religious intolerance is another form of denial of the right to pursue any religious creed. On March 12, 1986, the 43-nation U.N. Human Rights Commission expressed concern over the frequent violation of the right to freedom of religion. The commission called for a probe into world wide religious intolerance.

Amnesty International's Role:

Founded in 1961 by a lawyer, the London based
Amnesty International has built up a formidable reputation in the field of human rights work. An international non-governmental organisation with sections in over 50 countries and a 500,000-strong (and still growing) membership, it constitutes the strongest organised international pressure-group for the respect of human rights. Amnesty International sends missions to the countries from where gross violations of human rights are reported.

Amnesty International is a voluntary organisation working for the release of persons imprisoned or otherwise detained by reason of their political, religious or other conscientiously-held beliefs, or on the grounds of their ethnic origin, race, sex or cultural background.

It has been quite active in expounding the cause of democratic rights in India and has generated fairly extensive record of violation of
democratic rights in the country. Amnesty International has also sent a committee to enquire into the conditions prevailing in the country in this regard. The records of violation of democratic rights and struggle to fight against these violations, coming from such a prestigious body, give a harrowing but authentic tale of repression experienced by the majority of the population in the country, unmasking the true brutal anti-democratic face of Indian rulers.

By approaching governments from the angle of their own prior commitments, Amnesty International has a moral leverage through which to press for the release of individuals or the redress of particular injustices. The essential back-up for this moral leverage is that Amnesty has the force of international public opinion behind it. The nature of this support is entirely voluntary.

To counteract varying patterns of political repression, Amnesty uses a range of different techniques. A sustained campaign can be mounted on behalf of a long-term prisoner of conscience. But where prisoners are threatened with torture or death in custody, the first
response must be concentrated on the hours immediately after arrest. An "urgent action" network has been set up to guarantee rapid intervention when lives are feared to be at risk.

The irony is that the growing progress in human rights has been accompanied by persistent abuses. Many governments continually violate their pledges.

In a fine-point programme for all governments, Amnesty has called on the countries of the world to satisfy existing human rights treaties, stop torture and unfair trials and other abuses, and accept international supervision as well as on site inspection of detention centres. It also called on them to make human rights an element of their foreign relations, so that they would not be allowed to expel people to other countries where they risked political arrest, torture and execution, or to send weapons or security technology to countries where they were likely to be used for torture or killings. Finally, it has called on them rights education, and train their military and police in human rights protection.
SETTING UP OF THE NATIONAL HUMAN RIGHTS COMMISSION (NHRC)

Increasing concern over the growing violation of human rights and the international criticism if attracted, the government decided to set up the National Human Rights Commission (NHRC). The government introduced the Human Rights Commission Bill in May 1993. While the Parliamentary standing committee on Home affairs was examining the Bill, the President Promulgated the protection of Human Rights Ordinance on 28 September 1993 setting up a five member NHRC headed by a retired chief Justice of India and similar bodies at the state level along with human rights courts.

Thus the ordinance is a welcome improvement over the Bill as the latter leaves to the state governments to constitute state human rights commissions to look into the violation of human rights under clause 21 (1 and 2). But other Lacunae of the Bill appear in the ordinance. First, there is no change in the composition of the appointing committee under the ordinance. As under clause 4(1) of the Bill it consists of the Prime Minister, the Home Minister, the Speaker, the Deputy Chairman of
the Rajya Sabha and the leaders of the opposition in both the Houses. The exclusion of NGO representation in the appointing committee, would greatly prejudice the commission's independence. Moreover, NHRC is created by the ordinance. It is a constitutional body, instituted by a constitutional amendment, its independence from the executive would be adequately guaranteed. The same constitutional amendment would also provide for the selection of the members, independent of the central or state governments. Further, NHRC has not its own independent investigative machinery. It would have to depend on the Police and CBI, the main culprits of human rights violations, for carrying out investigation against themselves or their colleagues.

Also the ordinance does not authorise the commission to investigate into the violation of human rights committed by the military or para-military forces. The forces, facing the allegations of the worst form of human rights violations in Kashmir and the N-E region, would remain outside the purview of the commission.

Nevertheless the establishment of NHRC, whether inspired by a genuine desire to provide better protection
of human rights, or just to meet the growing international criticism and satisfy the donor countries, is a welcome step.

NHRC can be more effective and meaningful only when it is independent from the government and has its own independent investigating machinery with punitive powers. Otherwise it would also be a futile exercise like setting up many other commissions earlier whose reports simply gather dust in the offices and libraries. Stung by the appalling conditions in prisons all over the country, the National Human Rights Commission (NHRC) has decided to convene a meeting of Home Secretaries and Inspectors General of Police of Prisons of various states and Union Territories in the month of August for giving a push to direly needed jail reforms.

NHRC has observed that—

The issue of human rights and the excesses by police and other security forces often come to the fore when the state imposes restriction on the unbridled rights of citizens. These restrictions are meant for the effective maintenance of Public Order and the overall
development and progress of the country. But sometimes it gives an adverse effect as we see in different parts of the country.

In India, such restrictions have been imposed on the fundamental rights on the grounds like security of state, public order, sovereignty and integrity of the country. Very often the exercise of such powers by the state and the execution of the same by its super structures lead to the isolation of human rights. This trend is more common in countries, where there are various communal, ethnic or linguistic groups with their uncompromising attitudes on the question of their own identity. A recent survey by United States Congress Research Service on India's internal security laws vis-a-vis the incidence of human rights violation has identified that India has significant incidence of human rights abuse, much of which is related to the response of authorities to communal tensions, ethnic conflicts and separatist violence. We can't simply ignore such reports as unfounded allegations by the critics of India to tarnish the international image of the country. The fact that police and administration
have come under sharp criticism for their failure in safeguarding the lives and properties of citizens during communal riots and ethnic conflicts in different parts of the country, give some credence to the findings of various international human rights protection groups, on the human rights issues in the country.

The Indian Government has always played a leading role in raising the issue of human rights whenever they were abused in any part of the world, whether in Palestine, South Africa, Bosnia or elsewhere. But the agony is that the same government is doing nothing within the country. We have instances of visible violation of human rights at several places in several forms, but the government is quite oblivious about it. This is indeed very bad because people are losing faith in the democratic set up like ours. It seems that the government is far from people, instead of being for the people.

In recent years, a neighbouring country of ours, Pakistan has started a campaign, some sort of movement at different international fora to tarnish
the image of our country. No doubt most of the allegations regarding violation of Human Rights have been found baseless on being investigated by Press Council of India. But, of course, it has some truth. They cannot be denied altogether, if we look at them impartially.

National Human Rights Commission, however possesses no punitive power as such and hence it can only bring those instances of human rights violation into the glare of international publicity to shame the errant nation into complying more faithfully to the covenant.

NHRC has always expressed grave concern over the fact that domestic legislation in India is at variance with the principles of the covenant, e.g., Armed forces (special powers) Act, the Terrorist and Disruptive Activities (Prevention) Act (TADA) and National Security Act. National Human Rights Commission has always demanded the repeal of TADA as it is a draconian law.

**IMPLEMENTATION OF HUMAN RIGHTS**

Legislation alone, whether national or international, cannot secure the full observance of, and
respect for human rights. Implementation is more important and obviously a difficult task. When we turn to the field of observance and implementation of these Human Rights, the record is not so bright and satisfactory. All around us the stark reality of disregard for fundamental freedoms and human rights sometimes in a flagrant form and often in a less obtrusive but consistent pattern stares us in the face. Man's inhumanity to man continues to make frequent headlines.
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PART TWO
ANNOTATED BIBLIOGRAPHY
HUMAN RIGHTS


   Human rights, could be boldly defined as those privileges which are claimed or enjoyed by a human being. Violations of Human rights in modern society assume several forms. The first category is connected with political persecution under totalitarian regimes, torture, murder and disappearance in several dictatorships continue to be advertised by idealistic organisations with every little direct effect. Apart from these state violations of Human rights, there is a much bigger, easy to recognise, example of terrorism of whole groups, mostly minorities.

2. -, HUMAN RIGHTS: Grim Scene. *India Backgrounder Service*. 10, 18 (466); 1985, July, 29; 901-9 Editorial.

   One decade after the internal emergency (1975-77), blamed for its "Onslaught on Human rights and subversion of the rule of law", the situation of basic freedoms in the country remains questionable. During the last few years, "repressive laws", caste and communal riots "encounter" with alleged terrorists and Naxalites reported police brutality, deaths of under trials and
other attacks on human rights have become alarming as civil liberties organisations, continue to grapple with these problems despite their highly inadequate resources.

3. -----,

The real struggles for human rights are taking place within national polities at different levels of their functioning. All along the way people's rights are increasingly being threatened. In India fairly lethal blows have already been dealt to the rights of the minorities (highlighted by the destruction of the Babri masjid), the tribals (in Chattisgarh, Narmada, Tehri, Srisailam), Dalits (witness the backlashes first in Gujarat and now in U.P. where they had somehow mobilized the courage challenge the hegemony of the upper castes) and generally the rights of the poor and the oppressed (as shown by the reckless use of the TADA and the manner in which unemployed).

4. -----,

Another dishonest criticism against human rights bodies is that they do not condemn terrorists. PUCL is on record in condemning unreservedly terrorists, tactics of kidnappings, rapes and killing of innocent people in Punjab, and Kashmir, and elsewhere. PUCL demands that
the Govt. of India ratify the convention against torture and other inhuman and degrading punishments, and also sign optional Protocol to Civil and Political Covenants.

5. ----,
SAHU (Anjan K). Human Rights today. Radical Humanist; 45,9; 1981, December; 25 - 6

Protection of fundamental human rights among the members of the human family in recognition of inherent dignity is the basis of natural justice and rule of law. These undesirable and indivisible human rights encompass the whole human race. Hence, every government must agree that human rights have no nationality, religion, colour, ideology or political system. Social and economic evils like castism and exploitation of the under privileged are to be overcome to make human rights a reality - these evils being generated by politicians and the educated class.

6. ----,

Traditionally, human rights circles have opposed as a matter of principle any restriction on freedom of expression and association. The fact that a political group has been classified by the state as extra constitutional or that it does not eschew the use of violence as a political strategy is in itself no basis for human rights groups to oppose it. Even the International convention on Civil and Political Rights, to which our government too is a signatory, recognizes, as a last resort, the legitimacy of rebellion against an unjust
and dictatorial regime.

7. **and CIVIL RIGHTS, VIOLATIONS, VIP SECURITY**

NAGRAJAN (T M) Black Cats and Civil rights. *PUCL Bulletin* 14, 7; 1994, July; 9

Concerned citizens of India are submitting this complain to the National Human Rights Commission about the growing tendency to deploy security personal, including Black cats, at public places causing inconvenience to the people and subjecting them to indignity and wrong. One can understand security measures in the larger interests of the country but they should be commensurate with the human dignity and civil rights of the public. Secondly the security staff should carry identity cards and display them. They should treat the public as responsible citizens of India and not as potential threat to security.

8. **and DEMOCRATIC RIGHTS, effect of EMERGENCY**

RANE (M A) Assault on Civil Liberties and Human Rights. *Radical Humanist.* 57, 3; 1993, June; 24-5

One of the blessings of the Emergency rule was that a large number of young men and women awoke to the need of protecting and promoting human freedoms and democratic rights and of working with the downtrodden, at the grass-roots level. There had been a welcome proliferation of a large number of
human rights Organisations. Wherein young men and women work of Adivasis, unorganised workmen, the urban slum dwellers, the rural poor women, children and other vulnerable sections of our people.

9. ----, and ----, PEOPLE'S VIEW
RAY ( Aswini K ) Democratic rights movement acts as a Watch-dog. Times of India . 153, 152; 1990 June, 4 ; 9

The number of eminently patriotic people in the country who share the view of the human rights groups about the socio-economic, political and administrative roots of political extremism that is often driven to the desperate end of secessionist goals of repression.

10. ----, and FUNDAMENTAL RIGHTS, role of GOVERNMENT
BHARGAVA (G S) Governmental System and Human Rights. PUCL Bulletin . 14, 8 ; 1994, August; 21-42.

The Indian Constitution which came into force in 1950 when India became a republic had enshrined in it the fundamental rights which its citizens would have. The essence of human rights had thus been codified so that the aggrieved could approach the courts for relief. The constitution abolished untouchability and its practise in any form is forbidden. There are many more such laws enshrined in our constitution. But now even after 45 years of independance the poor and the backward do not get their due right owing to the system failure.
11. ----, and MINORITY RIGHTS, UTTAR PRADESH

NOORANI (A G). Minority rights and human rights Economic and Political Weekly. 27, 33; 1992, August, 15; 1717

The BJP government of Uttar Pradesh has abolished the State's minorities commission and appointed in its place a Human Rights Commission. Gopal Singh, be it remembered, was chairman of the High Power Committee on Minorities whose report was such a damning indictment of the violation of minorities's rights that it was suppressed for years until the National Front government published it 1990.

12. ----, CASTE and POLITICS


More painful to observe it that not many of our human rights activists and groups have thought it necessary to place the Centuries old plight of the deprived section on their agenda. How does one otherwise explain the fact that not many of our better known groups have actively joined movement led by Dalits, or that Dalits and minorities who are the worst sufferers of human rights violations do not consider. It worth their while to join HR groups or associate themselves with so called "Progressive" intellectuals and political parties.
Civil liberties and human rights groups and activists have been talking about introducing human rights as a subject of study in schools and colleges, as also for law enforcing agencies, security forces and the army. Some years ago UGC had set up a committee for the purpose. What is the use of such an education where we have not given even enough thought to the question that concern for human rights. Concern for individual freedom is intimately connected with a particular way of life i.e. democratic way of life where the individual is not a mere cog in wheel but is supreme.

Thus we are in a situation where affirmations as well as violations of human rights are on notable increase; where all struggles articulate themselves in the languages of human rights languages represent human hopes in a brutal brutalizing world; they provide arenas/sites for struggles for just national/international legal ordering in relation to child; they mark an unsurrectionary protest against savage/barbaric practises of power in the state and civil society.
Any serious programme of human rights education shall have to start by grappling with the basic problem that "rights" involve - a complex cluster of modern ideas, values, attitudes and styles of conduct which are virtually alien to the way and beliefs of traditional societies. The Declaration of independence, written by Tomas Jafferson and adopted by the Continental Congress on July 4, 1776, clearly stated: We hold these truths to be self evident that all men are created equal, that they were endowed by their creator with certain inalienable Rights that among these are Life, Liberty and the pursuit of Happiness.

In considering "Human Rights education" (HRE) in India it is necessary to place it in its wider social and political context. Whatever role we envisage for the National Human Rights Commission (NHRC). It has to be part of a larger vision for transformation of Indian society into more humane moulds. Too often we act on the assumption that there are good reasons for "the people" to be contumacious and violent without limits. The other side of this picture, however, is that - for a large part of our civilization -
this public disorder justifies the violence by the police and other agencies of the state, compounding the common tendency of force to be trigger happy.

17. ----, --,
SEN (Sarkar). Promoting Human rights awareness, Hindustan Times. 71, 250; 1995, September, 8; 11.

The first sentence of the Universal Declaration of Human Rights (1948) states that respect for human rights is the "foundation of freedom, peace and justice in the world". Indeed, the denial of human rights is not only an individual or personal tragedy, but also creates conditions of social and political unrest and sows seeds of conflict within and between societies and nations. However, for proper implementation of human rights norms it is necessary for everyone to know about his or her own rights. There is indeed always a close relationship between legislation, implementation and education. The Bar Council of India has now decided to introduce 'Human Rights' as our optional subject in the law course. However, besides formal education of human rights, non-formal education is also equally necessary to bring about changes in basic institutions like the family, school and work place.

18. ----, --, and MEDIA

A world wide awareness to the need to observe human rights can be, to an extent, created through education by
generating the requisite understanding among students. Rightly, therefore, Chairman of India's national human rights commission, Rangnath Mishra has urged the inclusion of human rights in the core academic curricula at all levels of education in the country. The media have also often played us extreme injustices done to the common people such as gross violation of one's basic rights in the form of arbitrary arrests, continued detention without trial, death in custody, extra-judicial, high-handed acts of authorities, and so forth. The media have always been in the lead to crave the indulgence of the powers that be towards the denial of civil, political, social educational, cultural, economic and even emotional rights of the people.

19. FUTURE

WILSON (Kothapallic), New Vision and a new future - The Right to be Human. *PUCL Bulletin.* 14, 1; 1994, January; 6

By ratifying the covenant on civil and political rights a government pledges, as a matter of law, to refrain from subjecting its own people to arbitrary imprisonment or to cruel or degrading treatment. By ratifying the other covenant on economic, social and cultural rights a government commits itself best efforts to secure for its citizens the basic standards of material existence, social justice and cultural opportunity. To realize the right to be human and celebrate
the excellence of life as human beings as the end of Indian Dalithized sections.

20. **----, INDIAN PEOPLE, HUMAN RIGHTS COMMISSION.**

D'MELLO (Bernard). *Indian People's Human Rights Commission.* Economic and Political Weekly. 22, 4; 1987, January, 24; 121

The commission has set up the Indian People's Human Rights Tribunal which will "investigate and adjudicate upon cases of gross, systematic and significant violation of human rights by the state." Contrast this with what happened at Arwal in April, 1986 where 22 poor and landless peasants were killed by the police. Without warning and unprovoked, the police indiscrimination while firing on a peaceful meeting of poor and landless peasants. These laws are in violation of "the provisions of the Universal Declaration of Human Rights."

21. **----, in relation to POLITICS**


It write about India's democratic political structure with a free press, civilian controlled military, independent judiciary, holding of periodical elections, changes of leadership at all levels, a democratic constitution which protects freedom of speech and press, investigative reports and allegations of government wrong doing being published, working of independent human rights organisations. All the violations that have been mentioned in the report were
earlier published in Indian newspapers or in reports brought out by human rights groups in India, in many cases in greater details.

22. ----, NATIONAL HUMAN RIGHTS COMMISSION.
SAHAY ( S ). NHRC's good work. Hindustan Times, 70, 246;1994, September, 5; 13.

National Human Rights Commission, must be complimented for being a catalyst to the welcome change in the altitude of the Central and the State Governments towards the misuse of the Terrorist and Disruptive Practices Act. It is well-known that the Human Rights Commission Ordinance and subsequently the Act were initiated mainly under foreign compulsions. Watchdog bodies like the Human Rights Commission must assert themselves more and more to prevent misuse of extraordinary laws. There has to be a better accountability be of the political executive, the bureaucracy and the police to Parliament, the State Legislative and, above all, to the people.

23. ----, ----,
SATHE ( S P ). Towards an Effective Human Rights Commission. Economic and Political weekly, 27, 40; 1992, October, 3; 2155-56.

A human rights commission will be of some consequence only if the government institutes much-needed reforms in the system of justice and administration. Without such reforms it will be a cosmetic outfit useful to the government for
obtaining a favourable testimonial on human rights.

24. ----, ----, EVALUATION


The National Human Rights Commission was set up in 1994 in view of much criticism of India in the U.S.A and other western countries about the alleged large scale violation of human rights in our country particularly in Kashmir and earlier in Punjab too. The Commission did some good job. One was in relation to a very shocking incident in the valley. The Commission indicted the security forces after holding an enquiry. We are not aware of the efforts the Commission may have made to ensure that with the restoration of peace extra legal powers given to police to be able to deal with terrorism are withdrawn; that normal relationship between civil magistracy and police is restored; that effective steps are taken to put an end to the use of third degree methods by introducing scientific methods of investigations etc. Perhaps a convention to discuss the achievements and failures of the National Commission for Human Rights and working of the Act under which it was set up would be useful.
25. ----, ----, EVALUATION

The Protection Human Rights Ordinance, 1993 issued by the President of India defines human rights as "the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of India or embodied in the international covenants and enforceable in India". This change indicates the stand of human rights organisations on the issue. At the operational level, violation of human rights comprise criminal acts like torture, mayhan, rape and murder.

26. ----, ----, in relation to LAWS, TADA

Scepticism greeted the establishment of the National Human Rights Commission it was pointed out that the commission was being set up under pressure from foreign funding agencies. The Commission with the help of the Law Commission of India has been persuing the question of bringing about changes in custodial laws. In this context it was some consolation that the commission is very unhappy with the recent supreme court judgement upholding TADA - provisions of TADA and human rights
are contradiction in terms, it was said. With the submission of its first annual report it is on test before the bar of public opinion.

27. ----, ----, WORKSHOP


The National Human Rights Commission (NHRC) held a workshop on 3 April, 1995 on the subjects: Role of UN principles in monitoring national human rights practices; Rights of the Child; and ways to Improve Social and Economic Rights of women. Mr. Joseph Gathia, centre of concern for child labour suggested a standard format for reporting of human rights violations and incorporation of a right to information. Some participants pointed that accountability has to be national and at the most regional.

28. ----, PEOPLE'S UNION FOR CIVIL LIBERTIES

ANSARI ( Iqbal ). Human Rights Movement in India. PUCL Bulletin. 14, 1; 1994, January; 17-8

Let us take the case of the People's Union for Civil Liberties (PUCL), the premier Indian Human Rights Group. Its constitution enumerates police reform, prison reform and judicial reform to rake up issues of oppression of scheduled castes, tribes, among others as its objectives. If human
group devoted their energy to disabling the police from firing the bullets on our unarmed mob howsoever unruly, even this single reform world bring about a sea-change in the functioning of the police.

29. **role of SECURITY FORCES**

KHANDURI (Chandra B.) *Security forces & human rights.* 
*Hindustan Times.* 71, 222; 1995, August, 11; 11.

Human rights has two-dimensional implications for the security forces, one, as a member of the force assigned to be the custodian of the security of the nation; and two, as an individual. The security forces have been deployed extensively since independence. But specially their employment in operation Blue Star, the continuing insurgency in the North East and now against a proxy war in Kashmir needs to be recalled for a correct perspective. Abberrations of the use of excessive force and unbecoming behaviour have to be prevented at all costs. Fortunately, the forces have realised the need of the time. The Army, for example, has a human rights cell to oversee and deal with such cases.

30. **SECURITY FORCES, ARMY**

AVINASH SINGH. *Indian army's 'rights record' good.* 

The world community is quite well aware of the human right records of the country which has institutionalised repression and torture through official means and where minority communities like Hindus, Christians, Zikris and the Muslim section of Ahmadiyas have been charges under
blasphemy laws. The complaints on human rights violation were received from agencies like the Amnesty International, Asia watch and the Human Rights Commission.

31. ----, VIOLATIONS

The real point of course is behind this failure to even take typical human rights issues lies a complete confusion of what the human rights agenda needs to be a non-western, pluralist, highly eclectic, civilization like India. The human rights movement in India may well be on its way of becoming irrelevant to the real issues plaguing this unfortunate country in which the state is proving unable to stop communities declaring war at each other or even stopping its own agents joining in the resulting communal frenzy.

32. ----, VIOLATIONS

Human Rights Violations can be broadly divided into two categories- the visible and the invisible. Under the visible category would come instances like excessive use of force by the security forces while dealing with the situation resulting in large casualties of non-combattants
use of rapes and disrespect of women as a method of intimidation etc. Such invisible violations do occur even in areas not affected by terrorism or insurgency, but tend to assume disturbing proportions in areas affected by terrorism or insurgency where our security forces have faced allegations of violations of human rights in the past also during their counter-in-surgency operations in the North-East Baptist Missionaries.

33. ----, --,

India which has also launched the liberalisation process will be an interesting case study to watch whether the system would be able to protect the rights of citizens or sacrifice them for the sake of the new economic model. Moreover, the so-called 'Creeping authoritarianism' witnessed in the post-emergency era has become more pervasive. Another possibility is the approach of conveniently 'dispersing authoritarianism' to the states and the Central Government remaining silent or even voicing inability to deal with the violations of human rights. It will be not surprising if some of the arguments put forward by dictators like Marcos for violation of human
rights are advanced by the Chief Minister of different States of India.

34. ----, --, AMNESTY INTERNATIONAL, REPORT, 1988


Amnesty International Report 1988 has been prepared from the point of view of the human rights violations simpliciter. It makes no value judgement. Nevertheless, it presents a bird's eye view of the human rights situation all over the world. The most widespread allegations of ' encounters ' have also come from Punjab. The A I Report quotes as Indian press report of December 10, 1987 in which a senior superintendent of police said that "terrorists who have committed five or more than five murders were killed by the police after they were caught." Inquiries into police excesses are seldom ordered. When they are ordered, those allegedly responsible often fail to co-operate.

35. ----, --, ---, CRITICAL EVALUATION

UNFAIR INDICTMENT. Times of India 1994, July, 8; 8 Editorial.

The Amnesty International's charge that scores of people in India die of torture in police and military custody
and that many also simply disappear torture or "Disappearances" represent a failure of the system in a democracy in contrast to being an integral part of state policy in a country ruled by an autocrat who is answerable to no one. India may be guilty of keeping "tens of thousands." behind bars and on the other human rights abuses mentioned by the Amnesty, but it still remains a qualitatively different place from a totalitarian country. It has been chosen to ignore the distinctions between the good, the bad and the ugly. Mercifully, the Amnesty nowa days atleast notes that the terrorists also indulge in human rights violations and that India has to cope with several insurgencies fomented by a country where the military does not always seem to be under the control of the elected government.

36. ----, and LAWS, NORTH-EAST


The occasion to go into the details but this much is clear that both human rights and the rule of law have been conducted in this part of the country. I hope this initiative would be the precursor of many more similar initiatives. The North-East of India needs a new wind to blow through its somewhat tangled and politically surcharged situation.
An Asia Watch report on Kashmir, published in 1993, is marked by its adroit mixture of fact and fiction, mix-up of politics with human rights and provocative conclusions. The Asia Watch with the reputation of a human rights organisation and recognition by U.N. agencies need to be taken more seriously. Estimates of insurgents strength are a widely used yardstick to assess the security situation in a state or a region. One feels concerned when an entirely political issue clouds the outlook and approach of human rights champions who are expected not to mix up human rights with politics.

Violations of human rights are no more a news. State everywhere behaves like a monolith out to trample and crush individual civil liberties. The security forces burning down over so residential premises and admittedly killing almost that many, if not more in Sopore is just the tip of the proverbial iceberg of what the security forces are capable of "achieving" in the name of misplaced nationalism.
39. ----, --, BRUTALITY, POLICE, SUPREME COURT

LATHI RAJ. Indian Express. 62, 85; 1994, January; 27; 8 Editorial.

Strong condemnation of police cruelty from time to time has not had the desired impact as yet. The other day the Chief Justice of India himself took a serious view of such police misconduct. The bench pertinently deplored "The degeneration of the rule of law and human dignity and human rights" symbolised by the beating incident within the court precincts. This incident took place soon after another caste woman has been reported from Dauna village in Allahabad.

40. ----, --, CASTE

RAMENDRA. Human rights and the Caste system. PUCL Bulletin. 13, 1; 1993, January, 8 - 10.

To give legal form to the provisions of the declaration the UN have adopted two international covenants which are legally binding upon every nation, which becomes a party to them: The International covenant on economic, social and cultural Rights and the International covenant on Civil and Political Rights. Thus, human rights include civil and political rights as well as economic, social and cultural rights.
41. ---, ---, CASTE VIOLENCE, STUDENTS, U.P. VARANASI


Upper Caste students beat up a large number of lower caste students on 7 February in a college in Varanasi. The upper caste students protested against the killings of three persons earlier; they burnt government vehicles. The district has been without a District Magistrate and a Senior Supdt. of Police.

42. ---, ---, CITIZENSHIP RIGHTS, CHAKMAS, ARUNACHAL PRADESH

CHHIBBAR (Y P). Citizenship rights of Chakmas of Arunachal Pradesh is sitting on a three day hunger strike at Jantar Mantar to protest against continued denial of citizenship rights to 66,000 Chakma and Hajong migrant in Arunachal Pradesh. The State Government banned employment rights of the Chakmas and Hajong in 1980. On the other hand the Assam Government has issued a shoot-at-sight orders against anyone entering the district of Tinsukia in upper Assam, which borders Changlang and Tirap district of Arunachal Pradesh. This is a very serious human rights crisis and I urge you to take up this matter urgently.
More generally, during a communal riot persons belonging to one religious group attack persons belonging to another religious group and vice-versa. Human beings are killed, women are raped, just before because they belong to a particular religious group and for no other reason. Right to life is the most fundamental human right. If a person is killed arbitrarily and extra-judicially by security forces, his or her right to life is violated. Similarly, if a person is killed by riots simply because of his religion, not only his right to life but his religious freedom as well as violated. If a woman is sexually assaulted or raped, this too is a blatant violation of her human rights. According to Article-5 of the Universal Declaration, "No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment."

The J. Ranganath Misra Commission found that the 1984 riots occurred broadly, on account of so far as Delhi was concerned, the total passivity, callousness and indifference
of the police in the matter of controlling the situation and protecting the people of the Sikh community (p. 73). It further commented, 'when the incidents started taking place and the police remained passive leading to generation of the feeling that if the Sikhs were harassed no action would be taken, the situation deteriorated fast and the anti-socals got into the fray and gave the lead after taking over the situation.' (p. 30). The Commission further adds, 'Several instances have come to be narrated where police personnel in uniform were found marching behind or mingled with the crowd.'

45. ----, --., WOMEN, REPORT
MAZUMDAR (Vina). Powerless Women: In the time of communal riots. Frontline. 10, 9; 1993, April-May, 24-7; 60-4.

Being a woman in a traditional, patriarchal, male-dominated society means almost constant exposure to discrimination, sexual abuse and different forms of violence. Mass level assertion of economic, male majority dominance renders her totally powerless - powerless to prevent the cold-blooded murder of her husband, son or father before her eyes and the destruction of the family's source of livelihood; powerless to resist the sexual atrocities of the rampaging rioters. The powerlessness of women in a riot situation, especially those of the minority community has been brought out in all its
dimensions by the report of a joint delegation of our national women's organisations after visiting some of the worst hit areas in Bhopal, Surat and Ahmadabad from February 16 to 19. In the attacks women of both communities were deeply affected and the sense of grief, fear and insecurity was common. However, violence and sexual atrocities - stripping, rape and burning, verbal abuse and so on - were more on women of the minority community.

46. ---, ---, COMMUNALISM AND POLITICS
SACHAR (Rajindar). Mix-up pf Religion & Politics leads to Human rights violations. PUCL Bulletin 14, 10; 1994, October, 5.

This mixing of religion with what is essentially a political matter poses a serious danger, and as we all know, it has contributed considerably in the past, and does now, to the violation of human rights of people, by people, more often with the active assistance of law-enforcing agencies.

47. ---, ---, COMMUNALISM ÀYÔDHYA

There has been violation of all standards of morality justice and freedom; everything has been done in the name of faith meaning divine sanctions. Acts of barbarism and violence have been committed and justified in the name of faith, thus placing premium on ignorance and making the masses easy of
exploitation. Religious sentiment has come very handy. Ayodhya has left us with hardly any trace of rights and justice of law and order—these have been trodden under feet.

48. ----, --, CONCIOUSNESS, SOCIAL


The needs and interest of individuals forming a society necessarily demand a social coordination to minimise conflicts to facilitate fulfilments. In order to understand and protect human rights social coordination deserves our close attention. Once the limit is crossed black laws will have to be enacted and a dominant percentage of total energy will have to be spent just to maintain social coordination. Human rights violations dominates during this phase.

49. ----,--. CHILDREN labour

SINHA (Roopashri). Violation of Child Rights. Economic and Political weekly. 29, 41; 1994, October, 8; 2647-49.

The rights guaranteed to children under the constitution remains only on paper. Hundreds of children work under atrocities conditions everywhere—exploited by their employers and tortured by the police. A case that recently brought public wrath was that of Satish Kumar, a 13 year old child labourer, who was accused of stealing and was beaten to death in police custody. On June 12, the newspapers carried a report
with photographs of irate residents of Kapali, Thottam protesting in front of the E.I. police station, Mylapore, Madras, falling death of Satish Kumar.

50. ----, --, DALITS

They have also forbidden men from free thinking and reasoning and forcing them to accept blindly whatever is purported to have come down from God. Freedom to think is a basic and important human right and denial of that right is a very serious violation of human rights. In that sense God is instrumental in the violation of human rights. The Human Rights Commission must realise that the problems of the SC/ST must receive top priority consideration of them. This should be so because atrocities and HR violations committed against the SC/ST are done with utter contempt, hatred, subhuman considerations and humiliations.

51. ----, --, DALITS, GUJRAT
THAKER (Gautam). Atrocities committed on dalits in Gujrat. PUCL Bulletin, 15, 8; 1995, August; 7-8.

The most painful and condemnable facts in Modi violence is the reported presence and involvement of the State Minister, Shri Nitin Patel inciting the mob for arson and assault on Dalit life and belongings. Since the term
of reference includes enquiry in the alleged involvement of the Minister. We demand Mr. Nitin Patel must resign immediately for the sake of maintaining high values in public life and also to ensure just and fair enquiry. We also demand to grant immediate relief and compensation to those injured and whose property has been destroyed.

52. ----, --, DALITS, KARNATAKA


The complaint of atrocities committed on Dalits was sent by Ambedkar Centre for justice and peace on 24 sept.'94 to NHRC - this refers to atrocities on Dalits in Gulbarga in Karnataka investigated by Karnataka PUCL. Activists deserve to know what action has been taken by NHRC in these matters. If no action has yet been taken by NHRC, I hope the PUCL will send reminders to NHRC. We believe that the PUCL is in a unique position to play a very important role in protection of human rights and civil liberties of the disadvantaged section of India by dismantling.

53. ----, --, DISAPPEARANCE, CUSTODIAL, ROLE OF HIGH COURTS, PUNJAB AND HARYANA


The Punjab and Haryana High Courts and the Supreme
Court, are receiving a surge of petitions relating to the countless people who allegedly disappeared from police custody during the war on terrorism in the state. Hardly a day passes without a habeas corpus petition being moved either by the aggrieved families or as public interest litigation by human rights bodies. The disappearance of Mohinder Kaur, mother of the KCF chief Paramjit Singh Panjwar, is a case in point. The 60 year old woman reportedly went missing after being picked up by the police two years ago. While Kaur's family had all but given up the search for her, the Punjab Human Rights Organisation recently filed a writ petition in the High Court which ordered a CBI probe. Some officers are lobbying the Government to prevail on the judiciary to observe a "self-imposed code" more sympathetic to security forces.

54. ----, DISPLACEMENT, TERRITORIAL NARMADA BACHO ANDOLAN, M.P.

MOHANTY (Manoranjan) and KALRA (CS). Drowning of Manibeli. PUCL Bulletin, 13, 7; 1993, July; 8 - 11.

The Human Rights Campaign on Narmada is a joint effort by organizations and individuals concerned with the issue of human rights violations by the State and its agencies in the Narmada Valley and to raise public and official awareness of such violations. This concern has been raised in the specific context of the prevailing human rights situation in the valley and the impending submergence of an estimated 18 villages this
monsoon from June 10th to September 10th, 1993 and Narmada Bachao Andolan's determined resolve to continue their struggle.

55. —, —, TERRITORIAL DISPLACEMENT


Does a government have the right to displace entire communities forcibly? Forced eviction a "gross violation of Human rights", displacement can take place in various ways. For instance, with a large dam such as the Sardar Sarover, apart from the 100,000 people who will be directly affected by submergence, 700,000 to 800,000 more will be affected by the massive canal network, and a few thousand more by associated works— the stock colony, power house and so on. The Narmada Valley Project shows up merely the tip of the iceberg of project-related displacement in India. Many more insidious processes of uprooting people have prevailed in India. The resolution adopted by the Human Rights Commission also observes that "the practice of forced evictions involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and inadequate housing and living condition ", and that "forced evictions and homelessness
intensify social conflict and inequality and invariably affect the poorest most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society.

56. ----, --, TERRITORIAL DISPLACEMENT PROJECT, GUJRAT


The PUCL's major concern has been civil liberties and human rights in a variety of issues in the public domain. The PUCL team therefore tried a view of the situation of the oustees from a human rights perspective and to see whether their condition could be alleviated by proper implementation of the R & R (resettlement and Rehabilitation) policy measures announced by the government of Gujrat.

57. ----, --, POLICE FIRING, VIJAYANAGARAM, ANDHRA PRADESH


The police firing on workers of Nellimarla Jute Mill at Vijayanagaram in Andhra Pradesh in which five workers died and several others including the General Secretary of Indian Federation of trade Union (I.F.T.U) received severe injuries. This incident once again exposed the nexus between industrialists and government. Even though the lock-out announced by the employer had been declared illegal seven months ago, no action
has been taken by the government. PUCL demands a judicial probe in the whole incidents, adequate compensation to the kin of dead and injured persons and that the mill should be reopened immediately.

58. ---, ---, FIRING UTTARKHAND, U.P.

On 1st of September, 1994, when the procession started from the Bamlila ground. The civilians were surrounded by the Ex-army men, who had full control over the procession. Till this time the situation was peaceful. However, on its return, as the procession reached the police station, Khatima at around 11.15 A.M. the trouble began. The firing on an unarmed peaceful procession comprising women and children was absolutely uncalled for. Apart from the regular bullets with which quite a few persons were hit and killed, some persons were hit by pellets of country made pistols.

59. ---, ---, GOVT. AMNESTY INTERNATIONAL

There is something fundamentally, congenitally wrong about the Rajiv Gandhi government's stance on Amnesty International for the very simple reason that its outlook, on human rights itself suffers from these very deformities. 1.
1988 Amnesty submitted as many as four substantial reports concerning India—an unprecedented record. One in March, concerned allegations of torture of tribal leaders in Rajasthan. Yet another in September on the 324 Jodhpur detenus who had been languishing for four years; and the last in November, on human rights violations in Bihar.

60. ----, --, GOVERNMENT COMPARED WITH TERRORISM


I take up other forms of violence, rocking the so-called Hindi heartland and other areas, it is relevant here to say a few words about the role of human rights organisations regarding the violation of civil liberties, democratic and human rights of the people in a situation of terrorism and state-terrorism. In different states of India, there are locally based human rights and civil liberties organisations which highlight acts of commission and Commission of the Govt. concerned. The anti-sikh riots in 1984 and prepared a Report in which the names of more than two dozen people including some top congress leader. The Amnesty International which keeps a record of violation of Human Rights allover the world. The Government of India has recently appointed its own National Human Rights Commission\textit{INHRCI}. 
61. ----, --, GOVERNMENT COMPARED TO TERRORISM


I must join issue with you when you seem to suggest that there may have been some explanation for giving the immunity to the policemen for custodial torture, exortion in 1992. I am afraid such relativity in rule of law is not permissible. Rule of Law cannot be permitted to be diluted on the ground of expediency. If so permitted it would be a recipe for the lawless acts of the police and security agencies that we are witnessing today. Andhra Pradesh being the most glaring example, where recently a Human Rights Body has given instances of 496 killings in false encounters.

62. ----,--,-,

TARKUNDE (V M). Putting the spotlight on armed opposition group. PUCL Bulletin. 14, 10; 1994, October; 19.

Amnesty International's Campaign throws a spotlight on political killings and "disappearances" by agents of state. But frequently, variations of these tactics of death and fear are employed by armed opposition groups. The abuses committed by these rivals to governmental power, whether weak or powerful, may be isolated occurrences— but often they can be systematic and reach great proportions. Even a small
opposition group can commit political killings of defenceless people - without ever confronting or harming an 'enemy' soldier or the security establishment.

63. ---, --. GOVT., EFFECT OF TERRORISTS, KASHMIR


In their efforts to crush the insurgency, Indian forces in Kashmir - both paramilitary forces like Border Security Force and the Central Reserve Police Force, and the Indian army - have engaged in extra-judicial executions, rape, torture and deliberate assaults on health care workers. Armed militant groups, some enjoying the support of Pakistani government, have murdered Hindu and Muslims civilians. Summarily executed persons in their custody and have committed rape, assault, kidnapping and discriminate attacks, which have injured and killed civilians. The seriousness of these acts has, compelled our organization along with many human rights groups in India including the peoples union for civil liberties to make Kashmir and institutional priority.

64. ---, --, GOVERNMENT, PUNJAB

CHHIBBAR (Y P)Punjab government and human rights. PUCL Bulletin. 15, 8; 1995, August; 6-7.

The record of human rights in the state is very
dismal and disappointing and corruption in all spheres of state and public life have reached its peak. The last one decade of terrorism and state repression has made the situation all the worse. Those who fight against corruption and for human rights and civil liberties have to pay a heavy price. Dr. Vineeta Gupta since her eight years of service in the health department of the state has been raising her voice against rampant corruption and the violation of human rights in the state. Dowery murders, false medico-legal reports by corrupt doctors atrocities upon poor and Dalit women by the police etc. came under her field of work.

---, ---, HARRASSMENT, ACTIVITS, JUDICIAL ENQUIRY.


They threatened Kamdar and when he demanded to see their identity cards, they refused. Some of the constables who accompanied the officials were armed with rifles. The late night knock on Kamdar's door created panic in the locality. The police officers among other things also enquired from Kamdar whether any person by the name of Raghumani from Manipur had contacted Kamdar or had attended the conference. " Taking into consideration the social standing of the petitioner and his clear record, it was not
proper on the part of the police officials to visit Kamdar's residence at mid night. The police officials should not treat each and every citizen as a criminal and visit the residence late at mid night", the judges said.

The protest was against the death due to medical negligence of a 28 year old aid's patient Deepak Biswas, in Calcutta last October. There was no slogan shouting and the demonstrators observed two minutes' silence in memory of Deepak, displaying placards, which said: 'Fight AIDS not AIDS patients', 'AIDS patients have human rights and wake up, National Human Rights Commission. The Calcutta report raises some critical questions related to health care and human rights aspects of AIDS. The report gives a list of recommendations which deserve serious attention from the NHRC and the Medical Establishment.

The rule of law is supreme and thus every opporunity is provided to citizens to defend themselves against injustice of any kind, including violation of human rights. It is, necessary and expedient to draw a line of distinction between
the organised violation of human rights as a state policy and individual aberrations on the part of either army personnel or the police. The move for assigning primacy to human rights follows international pressure on India as well as many human rights organisations. In the past one year, representatives of the Amnesty International and the International Committee of the Red Cross, besides a hundred foreign journalists, visited Jammu and Kashmir.

---, --- INTERNATIONAL REACTIONS, U.S.A.


Let us examine the charges of violation of human rights. We have pluralistic and free society, pledged to democracy. Our constitution guarantees all basic human rights and fundamental freedoms. Human rights in India are secured and enforced by the effective organs of the state, such as an independent judiciary, a democratically elected legislature, a responsive Executive, with the press being very vocal and active.

---, --- JAILS DETENTION, POLICE, DELHI


According to the Delhi Police version, Purshottam completed his conviction on 12 August. But he was handed over to them by the Central Jail authority on August 27 for the
above noted case. As per the version of Purshottam, he had never committed any crime offence at Silliguri and this was his first visit to Silliguri. He further said that he had already completed the imprisonment and this is a conspiracy to hold him further only to harrass him and to prolong punishment beyond the sentence. The local human rights activists have condemned the violation of human rights for illegal detention of Purshottam.

70. ——, ——, JAILS, PRISONERS


The report is very valuable as a work of reference for social workers and civil libertarians interested in prison conditions and their improvement in order to accord with the human right. The Global Report on Prisons of the Human Rights Watch Organisati on, which contains a section in India, is a very valuable work of reference for Social workers and Civil libertarians interested in conditions in our prisons and their improvement to accord with human rights. Torture during remand is commonplace; women held by the police frequently complain of rape and other forms of sexual abuse; and each year, hundreds of deaths are reported in police custody nationwide.
PILLAI (K Ramiah) and CHAITANYA (K Kranthi). Pitiable condition of prisoners in Chittor jails. PUCL Bulletin. 14, 6; 1994, June; 18 – 22.

According to a survey over 12,000 people are imprisoned in local jails out of which 9,000 are under-trial who are living a life of acute misery. The police usually tend to pick up anyone who is moving about unusually or on whom they suspect. Several innocent people have also been caught in the times of Communal disturbances. They usually end up as under-trials along with regular and real offenders of law. The NHRC has looked into the matter and ordered immediate trials so that the innocents get their part of justice.


This is a brief guide to the detenu or, for that matter any prisoner about his rights in prison. The Supreme Court proceeded to consider the scope of the rights to 'life' and to 'personal liberty'. It held, "We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessaries of life".
73. ----, --, JAILS, UNDERTRIALS


Twenty eight women, haggard and emaciated, with sunken eyes and distraught faces, clad in white cotton saris, huddled on the lawns of the inner courtyard of the Lucknow Bench of Allahabad High Court. All of them were convicts, sentenced to life. They had all come to Court No: 5, which had already ordered that these women should be produced before it. While responding to a petition seeking their release under the provisions of Criminal Procedure Code and the Probation Act, the appeals for the release of at least 10 of the 33 women had been struck down on the ground that the women have no guardians. Human rights activists and counsel for the women, I.B. Singh, argues that any further confinement of them is most inhuman and unjust.

74. ----, --, JAILS UNDERTRIALS, BIHAR


The Bhagalpur blindings cases (the Khatri cases). The Court ruled that the right to free legal services is an essential ingredient of a reasonable, fair and just procedure and the right accrues from the stage of production before the
magistrate regardless of request by the accused. The very concept of 'speedy trial', a Fundamental Right would be defeated. A number of accused were remanded to custody on the plea that investigations were pending and often bail was refused. It is not difficult to appreciate that such cases raise vital issues of human rights.

75. ----, --, -, -


One of the greatest injustices of the criminal system relates to the undertrial prisoner. We found that at many places more than half and in some places more than 3/4 th of the inmates of Jails were undertrial for a long time. When one of our judges, Mr. Krishna Iyer, had gone to a place in Bihar, he found that there was one prisoner who was there for seven to eight years as an undertrial prisoner. This way we might still be able to do what no third world country has been able to do. We might still be able to save democracy.

76. ----, --, -, MILITANTS, KASHMIR, PUNJAB


Kashmiri militants lock up in high security Central Jail at Sangrur (Punjab), a place about one thousand miles away from their homes, spend night-marish day under sub-human conditions. During hot summer days, power and water
supply is purposely cut off time to time. An humble plea for medicine by any one of them attracts five or six whips of heavy belts on their backs. Any serious complaint by any detainee about mismanagement or misbehaviour with them is replied by physical punishment in front of other Jailmates simply teach them a lesson. Human Rights Violations are a rule not our exception in some jails in the State.

77. ----, --, KASHMIR

ANSARI (Iqbal A). Ends and means in Kashmir. Indian Express 1995, September, 7; 8

The callous attitude of these otherwise peace-loving people whose moral sensitivities seemed to have been blunted by the excesses of the army and the paramilitary forces like the firing on the funeral procession in Khaiyar in May and in Chhota Bazar (Srinagar) on June, 11 1991. During subsequent years atrocities had been reported from Sopore and Bejbehara. Under international pressure the Government of India established the National Human Rights Commission in 1993. Most of the human rights organisations and activists have consistently condemned the violation of humanitarian laws by militants. For example, the much maligned 'Report on Kashmir situation' by Messrs. V.M. Tarkunde, Rajindar Sachar, Amerik Singh, Inder Mohan and Balraj Puri and other unequivocally condemned the cruelty and violation of on the part of the militants in the valley.
The report pointed out that the violent activities of the militants in the valley were not only depriving the innocent person of their basic rights.

78. ----, --, KASHMIR TERRORISM, SUPPORT OF PAKISTAN


Active military and financial resistance to militants by Pakistan helps none. It is because of this type of inculcation that activists in India who are seriously concerned about security forces violating and abusing human rights in Kashmir, are marginalised. It becomes difficult to think that the so-called activists and those who expose law enforcing agencies are anti-national and unpatriotic. Let the prestigious organisations like human rights watch and Amnesty International take into account those who protest and stand up against violations and those are in a minority all over the world; and therefore their task should not be made more difficult.

79. ----, --, RECOMMENDATIONS, BIJBEHARA


On December, 1993, the Commission received a letter from the Ministry of Home Affairs submitting its report. Enclosed with the letter was a copy of the report of the Magisterial Enquiry and a summary of the findings of the
staff court of Enquiry." The Commission would expect to be informed by the Central Government of the action taken on its recommendations, as envisaged under section 19 (2) of the Act. It would also like to be kept duly informed of the proceedings now underway, or contemplated, against those identified in the Magisterial Inquiry and the staff court of Inquiry.

80. ----, --, --, ROLE OF PAKISTAN


Pakistan has once more raked up the Kashmir, issue in the UN, alleging violations of the human rights of the Kashmiris by India, the world should consider Pakistan's own record in Kashmir. Recent assertions of Pakistani leaders confirm their lack of sincerity about human rights in Kashmir.

81. ----, --, --, ROLE OF U.S.A.


Among the issues mentioned by John Mallot was Kashmir about which he set out American Objectives as seeing the end of outside support for the militants an almost explicit allusion to Pakistani's role. At the same time, he said India shoul safeguard human rights fully, grant genuine
access to Kashmir for International human rights groups and pursue a meaningful dialogue with the Kashmiris.
India has to thank itself for the observations especially when the Government has brought forward legislation to set up a human rights commission partly to assuage international opinion on the subject, it is counterproductive to display verbal belligerence towards critics.

82. ----, --, KILLINGS, MUZAFFARPUR, BIHAR, COMPENSATION

Sinha (Prabhakar). Killings of six persons in Muzaffarpur. PUCL Bulletin. 15, 9; 1993, September; 17 - 20

The unjustified and illegal killings, legal action including prosecution of the responsible policemen should be initiated. Though the loss of human life cannot be compensated for with money, a sum of Rs. Two lakhs should be paid to the families of the deceased. The State government should issue instruction to ensure that there is no killings in fake encounters, police custody and police firings on filmsy grounds. An enquiry by a judicial officer not below the rank of an Additional District Judge should be made mandatory. The NHRC should also be approached to investigate the incident and take suitable action.

83. ----, --, KILLINGS, CASTE WAR BIHAR

Das (Ram Chandra Lal). Brutal killing of scheduled castes in Jagdishpur. PUCL Bulletin. 13, 6; 1993, June; 18 - 9

On 12 September, 1992 some people of Jagdishpur village, about 4 kms. away from Buxar town, forcibly dragged
away Loha Mushar, Suresh Mushar and Harihar Mushar, and brought before the Chaukidar Shiv Nandan Pandey (village official) of the village. It was reported that all these people belonging to scheduled caste—all of them landless and poor were brutally beaten to death, by Surendra Koeri, Bubneshwar Koeri, Saraiya Dusadh, Shiv Muni Dusadh and some others. This brutal killing of poor schedule caste labourers was reported in local and Patna newspapers.

84. ----, KILLINGS COMMUNAL RIOTS DELHI, DATA

The number of persons killed and injured in communal riots in recent years will give some idea of the tremendous human suffering inflicted besides the social and economic disruption. 1988—killed 259, injured—3102; 1989—killed-802, injured—3871; 1990—Killed—124, injured—3913; 1991—killed 877, injured—6370; 1992—killed 1972, injured—13,571; 1993—killed 960, injured 4496. My own experience is that detachments of the police in which different communities are represented are steadier and exhibit high morale in different situations. In the 1984 riots in Delhi the Justice Ranganath Mishra Commission found that the riot occurred broadly on account of "the total passivity, callousness and indifferences of the police in the matter of controlling
The situation and protecting the people of the Sikh community."

---, --_, SIKH RIOTS.

TAVLEEN SINGH. You can't cover up rights abuse with abracadabra. Indian Express. 62, 88; 1994, January, 30; 8

Our government has an interesting way of dealing with human rights problems. However, the Ministry of External Affairs choose a particularly bad day to tell Bill Clinton that our commitment to human rights and democracy was "axiomatic" with India's existence. On the day that we "rejected US remark on Sikh rights", Chief Justice M.N. Venkatachaliah was warning a group of Delhi policemen that he would consider summary trials in cases of human rights violation. Our officials are, nevertheless, proud of our human rights record. They proudly speak of how Sikh rights are protected, just like those of other Indians, although even they should know that not a single one of the killers who roamed the Delhi streets in November, 1984, massacring more than 3,000 Sikhs in two days, has ever been brought to trial.

---, --_, KILLINGS, CUSTODIAL

CUSTODY AS KILLER. Hindustan Times. 71, 247; 1995, September, 5; 10 Editorial.

As in many other similar fields, the national capital
has bagged the dubious distinction of topping in the murder of custodial deaths recorded in the country during 1994-95. The figures released by the National Human Rights Commission (NHRC) show that Delhi accounted for as many as 38 custodial deaths, way ahead of second-placed Assam (18 deaths) and third-placed Bihar (17 deaths). Marginally behind were West Bengal (15), Punjab (12) and Madhya Pradesh (11).

The NHRC report discloses that out of the 171 custodial deaths, 111 had occurred in police custody, 51 in judicial custody and nine in the custody of other security forces. Most deaths in police custody appear to have been the result of torture inflicted on the detainees during interrogation as the NHRC recorded as many as 497 cases of police excesses and 114 cases of illegal detention.

The government of India responded to Amnesty International's report (of March, 1992) on torture, rape and custodial deaths by stating that 145 of the more than 400 allegations of human rights violations made by AI "have not been substantiated". The government has however accepted that in 85 cases there was prima facie evidence of torturing and killing in police custody. AI issued a statement on April, 93 giving an account of the cases and
pointing out that government denials lacked credibility.

88. ----, TORTURE KASHMIR

The Indian Government has taken some steps towards acknowledging and dealing with the human rights violations its forces are committing in Jammu & Kashmir. Government ministers and other senior officials have publicly condemned some human rights violations, they have taken initiatives to raise awareness of human rights standards in the security forces; they have released some detainees; and they stated that allegations of torture and deaths in custody would be investigated. There have been a handful of prosecution with incidents of rape. However, these efforts bear no relation whatsoever to the gravity and persistence of the human rights violation in the State.

89. ----, KILLINGS CUSTODIAL, ANDHRA PRADESH
CHANDRA SEKHAR (B). Custodial deaths in Guntur District of Andhra Pradesh. *PUCL Bulletin*. 14, 5; 1994, May; 21

In October, 1993 about 350 prisoners were kept in and at present the number is about 225. About 90% of the prisoners are under trial prisoners. There is no space in cells to move within. The prisoners could only sleep in sitting positions. In some cases the prisoners who were tortured by police before being landed in the contact
deceased easily in the above atmosphere of jail. Dozens of prisoners in this jail have been suffering from Jaundice, nerve weakness and skin diseases. There is swelling in the legs and faces of dozens of prisoners in this District Jail. Prisoners who died since December 30th, 1993 died with complaints of vomiting, pain in stomach, weakness of legs and swelling of face and legs coupled with Jaundice.

90. ---, ---, ASSAM

KOTISWAR SINGH(N). Custodial deaths in Assam. PUCL Bulletin 15, 5; 1995, May; 15 – 6

Official figures given by Ministers in the Assam Legislative Assembly in its last session indicate that there has been an alarming rise in custodial deaths since the present chief minister, Hiteshwar Saikia came to power in 1991. The figures are given below: 49 persons died in custody during the period 1991 to Feb. 1995. Dassang district accounted for 10 such deaths. 11 (out of these 49) died in custody of army. 21 (out of these 49) died in hospitals—obviously after torture. That persons arrested by the police are tortured has been proved by these deaths.

91. ---, ---, NAUBATPUR BIHAR

SINHA (Prabakar) and DAS (Kishori). Death in police custody in Naubatpur. PUCL Bulletin 14, 8; 1994 August; 19-20

There were allegations about the death of Purshottam
Kumar alias Punnu by the district police in the Naubatpur Police station in Patna district. The father of one of the deceased was also subjected to brutal beating alongwith the two. The policemen accused of crime faced nothing but transfer. The civilian eye-witness say that they were innocent and were beaten up mercilessly in public merely on the basis of suspicion. But the police allege that they were dreaded criminals. Whatever may be the case NHRC has ordered enquiry into the matter.

92. ----, --, --, DELHI

CHHIBBAR (Y P). Custodial deaths in Delhi. PUCL Bulletin. 14, 7; 1994, July; 14

Custodial death of Shri Madan Lal on 29 November '93 highlighted the case of custodial deaths. The Commission (NHRC) suo motu took cognizance of the incident and called for a report from the chief secretary. The Chief secretary in his report said that it was not clear under which circumstances the incident took place but ordered thorough investigation in the matter. Custodial deaths are the basic violations of the human rights.

93. ----, --, --, INTERNATIONAL REACTION

PAL (R M). Tyranny and oppression of another kind. PUCL Bulletin. 15, 3; 1995, March; 2-3

Human rights groups, here and abroad as also unattached activists have done a good job in exposing Govt. lies regarding custodial deaths, rape and torture indulged in by law enforcing agencies like the police and other
security forces including armed forces personnel. But they do not seem to be equally sensitive to other kinds of violations of rights and liberties of the people, like for example, oppression and cruelty to the poor and depressed, religious intolerance resulting in killing, arson, pillage, rape and intolerance based on caste resulting in tyranny and torture. The human rights groups do not seem to feel that "society can practise tyranny and oppression against an individual in far greater degree than a Government can".

94. ----, --,--, JAILS

CHHIBBAR ( Y P ). Response from NHRC. PUCL Bulletin. 15, 9 ; 1995, September; 5

The National Human Rights Commission to look into the death of Shri Gurdeep Singh, an inmate of Tihar Jail, in the in-house hospital of Jail no: 3, allegedly due to the negligence of the medical officers on duty, on May, 30 1995. The General Secretary had also written to the commission to look into the circumstances of the death of Shri Rajan Pillai in Tihar Jail.

95. ----,--,-, TIHAR, NEW DELHI

SAH GAL ( Priya ). Behind the bars. Sunday. 22, 41; 1995, October, 15-21; 38 - 9

Kiran Bedi may have renamed it ' Tihar Ashram ' but
the jail is hardly famous for its congenial hospitality. Quite the reverse in fact. Last week, a survey conducted by the National Human Rights Commission (NHRC) showed that Delhi recorded the largest number of deaths in custody during the April 1994 to June 1995 period. The report states that out of 75 deaths in Judicial custody recorded all over India 46 took place in Delhi alone. Kiran Bedi says, "I can only recall one or two deaths due to beatings or torture by jail officials during the two years that I was in Tihar. These are currently under investigation. And I had tried to make the system as transparent and open as possible".

GOPINATH (Vrinda). Shocking death and a web of cases. Pioneer. 5, 277; 1995, October, 8; 8

Three months after Rajan Pillai died in custody in Tihar Jail, the various cases are caught in a mire of enquiries and legal tangles. The cases connected with Pillai's death seem to be caught in a mire of enquiries and legal tangles. If the pace at which things have progressed is an indication there is reason to believe that justice is a long way off.

MANSOOR HASAN. Custodial death in Pilibhit Jail. PUCL Bulletin: 15, 1; 1995, January; 9

First it happened on 9 November, 1993 when four undertrial sikhs were brutally killed by jail guards
in the death of night in Pilibhit jail in the state of U.P. It is still not known if the guilty guards have been punished. This incident could not be hushed up because the inmates (prisoners) of the jail left their meals and demonstrated against the authorities. It is learnt that the jail guard has been arrested.

98. ----, ---, --, KARNATAKA

SUBRAHMANYAM (V). Lock-up deaths. PUCL Bulletin. 13, 4; 1993, April; 14-16.

On 3rd January 1993, three buses were looted on the national highway between Nellore and Bombay lying within the Atmakur police circle of Nellore district. In this case Koliki Chenna Krishnaiah of Chaklikonda village was arrested on 19 December, 1992. On information given by him the police took Narayana into custody. They used to torture him every night after 8.30 p.m. Then the police shifted the dead body to the government hospital and spread the lie that they admitted Narayana into the hospital as he complained of chest pain and he died there.

99. ----, ---, --, KASHMIR.


India will remain the loser unless the fact that it prevents to the people of Kashmir Valley is humane,
compassionate and understanding. The arbitrary way in which innocent citizens are picked up by the security forces, taken to the interrogation centres and tortured leads to further alienation. He was picked up by the security forces, against the protest of the Pundit family and tortured during interrogation and released after five days. He was of course totally innocent. This resentment is heightened by the sensitive response of the administration to all such violations.

100. ----, ---, --,-


A couple of weeks before assassination the victim met in Delhi on 23.11.1992 while giving me a good deal of information about this current situation in the valley. He handed over to me several lists of innocent persons who were reportedly killed, while in custody or otherwise by the security forces during the month of July, August, Sept. October and part of November, 1992.

101. ----, ---, --, -, PRESS REPORTS.


New York Times is an editorial and an article on its
opinion page by a film maker and a human rights activist recalled an incident in Srinagar last October and used it as a peg to question the accession of Kashmir and presented the existing situation in the state as an unbridled assault on the democratic rights of the people. This is not belittle or condone the excesses of the BSF like the killing spree at Bijbehara in October 1993 which has rightly made the NHRC pursue the matter to the just conclusion of court martial and conviction of 14 personnel and recommendations of compensation for the families of the victims.

102. ----, ---, ---, , NATIONAL H R COMMISSION TARKUNDE (VM). Custodial crimes and ways to curb them. Radical Humanist. 57, 8; 1993, November; 22-7

Offences committed by arresting persons and keeping them in custody, some of which has been mentioned above, would be tried in the usual course by magistrates, sessions courts and the higher judiciary. Even violation of human rights which would be investigated by the Human Rights Commission will result in criminal trials in the ordinary way. The main defect in the ordinance is that it prevents the Human Rights Commission from investigating into violations of human rights allegedly committed by the army and the para-military forces of the Union such as the
BSF and the CRPF. It is hoped that members of Parliament will take notice of these and other defects in the ordinance before it becomes a Central Act.

103. ----, ---, --, PUNJAB & KASHMIR

It may be recalled that Punjab militancy took birth when political aspirations expressed through peaceful means were brutally suppressed with the help of Punjab police. We can get a look of it from the Harjit Singh case. Objection has also been raised to publicising his case. It would be in order if the Punjab government discloses his whereabouts or admits that he has been killed. If he has escaped, as the Punjab police maintains, then it should tell us from where and when he escaped and what action was taken against people who were responsible for his custody. At the same time the Punjab Government should also disclose whose ashes were taken to Harjit Singh's father as evidence of his son's death.

104. ----, ---, --, THIRD WORLD

Custodial torture is virtually a world-wide
phenomenon inflicted upon individuals regardless of sex, age or state of health. The worst form of human rights violation has become a very serious and alarming problem in third world countries like India. Brutal atrocities perpetuated by the police, jail authorities, armed forces and other law enforcing agencies on the suspects/accused persons and prisoners are menacingly on the increase day by day. Custodial torture is not confined to violent people like sabotiers, terrorists, dacoits and other hardened criminals as certain police officers would like to make out.

105. ----, ----, --, TRIBALS, BHANDARA
INDER MOHAN. 14 Tribals missing or killed? PUCL Bulletin. 14, 3; 1994, March; 12.

Ten months ago 14 tribals from two villages in Bhandara district were picked up by the police. It was suspected by the police that they were sympathisers of Naxalites. Since their whereabouts were not known police say that they were released. Activists believe that they have been killed by the police.

106. ----, ----, --, U.P., SAHARANPUR.

Strong protests and agitation by over two thousand
people of Khan-Alampura at Saharanpur were organized on 10th August, 1994, against the brutal third degree measures inflicted by SHO Sanjeev Lochan Tyagi of Janakpuri Police Station, Saharanpur, on an old man of about eighty years inside the thana. Higher officials reached the scene and tried to control the situation. The authorities have suspended SHO Tyagi and have agreed to proceed against him under Cr. P.C. 304/342. It has also been agreed that an impartial inquiry into his death will be conducted.

107. ----, ---, --, WEST BENGAL

PAL (RM). Death of Rupesh Singh in custody. PUCL Bulletin. 13, 8; 1993, August; 11-2

On 11 May he was severely tortured in the custody of New Township P.S. Durgapur. Rupesh was tied to a lamp post in front of the police station and then subjected to severe physical torture. He was beaten, booted and lathi charged. Rupesh, already battered was forced to stand on heated metal plate and the charger was switched on with his feet being burnt. Rupesh was groaning in pain. Rupesh died in S.D. hospital, Asansol on 16th evening. The case draws West Bengal Police in criminal profile and as usual the leftist government of West Bengal in helping the criminal police officers both legally and morally.
The Andhra Pradesh Civil Liberties Committee (APCLC) has sent a well documented report that gives detailed information for the period January 1991 to December 1993. The report says that in the name of encounter, police is simply killing many innocents. It makes the point that whoever uses violence should be tried and punished only in accordance with a procedure laid down by the law of the land and cannot be subjected to torture or extra judicial execution by the state. A political movement which has a Naxalite base should never be treated merely as problem of 'law and order' rather it should be seen as an expression of deep-rooted oppression in society and consequent frustration.

A landmark judgement from the Andhra Pradesh High Court on an oral presentation in connection with the killing of T. Madhusudan Raj Yadav in an alleged encounter with the police at Ashok Nagar in Hyderabad on the night of July 26,
1995. A Division Bench of the High Court consisting of Chief Justice P.S. Mishra and Justice C.V.N. Sastri directed the Central Bureau of Investigation to investigate the killing and ruled on Monday the 14th August, 1995, that in every such case the police must register a case of homicide death.

110. ----, ---, --, BIHAR, GAYA.

Reports appeared in press that 11 members of outlaws MCC were shot dead in police encounter in Gaya district of Bihar. Later the claim of police was contradicted by a number of organizations and people. It was claimed that 11 persons were shot dead in cold blood and the version of police was wholly concocted. It was in this context that Bihar Peoples Union for Civil Liberties decided to enquire into the matter.

111. ----, ---, --, PUNJAB.

After covering a few kilometers, they asked the driver to stop the jeep near the canal bridge of Manianwala village, a site notorious for many fake encounters earlier by the police. According to our investigation, ASI Karamsingh
took the 12 bore double barrel gun from another accused Gurdiyalsingh and fired straight at the driver Gurcharan Singh. Gurcharan Singh fell dead on the spot. The accused Karamsingh and the others very cunningly got a news item published in a local newspaper under the heading, "Went hunting but got hunted", to mislead the people and the law enforcing agencies.

2. ----, ----, --, PUNJAB POLICE WEST BENGAL

Several human rights groups cite the Tiljala incident butlress their allegations of the Punjab police blatantly violating human right. As an activitsist points out, "If the Punjab Police can act in such a manner outside Punjab one can well imagine how it would be behaviour in the State which has given them special powers. Indeed, the use of extra-judicial methods seems to have become a habit with the Punjab Police.

3. ----, ----, --, POLICE ENCOUNTERS U.P.

After the B.J.P. Govt. took over in U.P. there was an unfortunate incident near Pilibhit where 10 Sikhs were killed by the police. There is strong reason to believe that most of them were innocent pilgrims and were rounded up
by the police and dare to death in the barb of an encounter. No action against the concerned police officers was taken. Instead the government appointed a judicial Enquiry Committee which has yet to report. Meanwhile the Supreme Court directed the state of U.P. to pay some compensations to the families of the victims.

114. ----, ---, --, -, U.P. , 1982, PUCL Bulletin - Award NOORANI (AG). Murder by government. Economic and Political Weekly. 18, 14; 1983, April, 2; 526

On March 22, in Bombay, Chaitanya Kalbagh was awarded the 'PUCL - India Today's Journalism for Human Rights Award' for 1982 for his authoritative reportage in India Today of killing of 299 innocent people by the police in fake encounter in U.P. On that very day, co-incidentaly, Amnesty International published its 131 page report entitled 'Political Killings by Government'. Secrecy is an ally of repression. No 'encounter' should be allowed to escape unpublishes and uncondemned. The Indian Section of Amnesty International and specially its former chair person, Malti Singh deserve high praise for their role in Amnesty International campaign against political killings by governments.

Some clear cases of human rights violation by the revenue and police officials of Chengai, MGR district in the Karanai incident. Indiscriminate and unprovoked police firing on the masses is a clear case of human rights abuse. No warning was given to the public which included a large number of village women. Fifty two rounds were fired. Two persons were killed and 14 persons, including 11 women received bullet injuries.

116. ----, ---, --, MAHARASHTRA

SEBASTIAN (PA). Armed forces and rule of law. Economic and Political Weekly. 29, 9; 1994, February, 26; 477-78.

Between April 22 and 29, 1993, the Maharashtra police took 14 men into custody from two neighbouring hamlets, Mange Jhari and Pandharwni in Deori taluqa of Bhandara district in Maharashtra. The police also picked up several of the relatives, mainly women of these men during the same period, who were released after investigation, interrogation and incarceration for two weeks. But the 14 men seem to have vanished from the earth. Increasingly, police torture, rape, unlawful detention and extra judicial execution are being justified as legitimate means to maintain law and order and the status quo in society.

117. ----, ---, --, SECURITY FORCES

DEWAN (RITU). 'Humsheera', 'Hamsaya'; sister, neighbours;
Economic and Political Weekly. 29, 41; 1994, October, 8; 2654-58.

The people of Kashmir have faced the terror of security forces and lived with violence since their movement for 'azaadi' took to armed struggle in 1989. In Bundipura town, tehsil and district Baramulla, we visited amongst many others, the family of Aiyaz Ahmad Mir Shahri, killed in custody on November 8, 1991. He was severely tortured, as was evident in the photograph of his body - wounds, cuts, holes, electric shocks on his eyes, head, throat, tongue, chest, arms, abdomen, private parts and legs. His body was thrown into a ditch from where it was picked up by the villagers. His family has been continuously harassed even after his murder, his house raided innumerable times, his father taken for interrogation and tortured 18 times.

118. ----, ----, --, --, ARMY KASHMIR
IMROZE (P) and GEELANI (SM). Case of army atrocity in Kashmir. PUCL Bulletin. 14, 10; 1994, October; 21-2

Army personnel at the Khrew headquarters stated that Abdul Rashid Lone had killed himself and they were not responsible for it. The villagers told the Srinagar PUCL team that Major Salman was responsible not only for this inhuman killing but had done such things in the past also.
There are many instances where innocent persons after being picked up and tortured mention the names of other people or even admit their involvement just to end their torture. This type of false indictment or confession to escape torture is not uncommon.

119. ----, ---, --, -, ARMY ASSAM

The Guwahati High Court has ordered the Director General of the Central Bureau of Investigation to conduct an enquiry into the deaths of five young men in an alleged encounter with the security forces in the Dooom Doooma region of upper Assam in February last year. Dozens of youths have been killed by the army in fake encounters in Assam and the people have lost all faith in the eyewash inquiries conducted by the state administration into these killings.

120. ----, ---, --, -, KASHMIR

Due to passing of convoys carrying military and paramilitary forces on the national highway and militants attack on them, the town of Bijbehra has already suffered at the hands of security forces including a case of raping of a bride on the wedding day. Their belief is that holding
of these so-called inquiries is just to hoodwink the people and neutralize the campaign of the human rights activists. The state police has filed an FIR under the No. 90/93 against the 74-BattalHon, B.S.F. responsible for the massacre.

121. ----, --, --, --, KASHMIR


In the last four years since militancy erupted in Kashmir, the number of persons killed by Indian security forces, especially the Border Security Forces (BSF) in their shoot to kill policy numbers a good few thousands. In their efforts to crush the militant separatists movement in Kashmir, Indian government forces have systematically violated international human rights and humanitarian law. Among the worst of these violations have been the summary executions of hundreds of detainees in the custody of the security forces in Kashmir. Such killings are carried out as a matter of policy. More than any other phenomenon, these deliberate killings reveal the magnitude of human rights crisis in Kashmir. Officials in Kashmir admit privately that the government is pursuing a 'catch and kill' campaign. May be it is because the jails are full - or they want to frighten the people.
A team visited the place of incident at Tera Keithal on 19.9.1993 where the CRPF personnel fired at civilians on 24.8.1993 resulting in the death of 4 civilians and injuries to a number of persons. The most distressing aspect of the incident is that it seems to be clearly a killing in retaliation by the CRPF for the shooting of two of them which is not only illegal but gross violation of human rights and which seriously erodes the confidence of the local people towards the law enforcing agencies.

Personnel of the newly raised Rashtriya Rifles opened indiscriminate fire on March 5, 1995, when a convoy of theirs was passing through the streets of Kohima, resulting in deaths of a number of civilians. They met a number of witnesses, the injured in the hospitals, the Director General of Police, Sri Chaman Lal and Sri E.L. Reddy, D.C. Kohima. The PUCL will file a writ petition in the Supreme Court after the report of their investigation is complete.
The Peoples Union for Civil Liberties is shocked at the beheading of Mr. Hans, Christian Ostre, a tourist from Norway, who had been kidnapped by an extremist group in Jammu & Kashmir about five weeks ago. The PUCL considers abductions and killings of abducted persons as an attack on human rights of the people.

The field of battle in which democracy and human rights are tested is the administration of criminal justice, which encompasses all practices and processes by which a State effects, curtails, or removes basic rights. It is now recognized that traditional sovereignty based arguments against the recognition or application of internationally protected human rights are no longer valid. Therefore, human rights law can penetrate into areas that have been formerly thought to be within the realm of domestic law. In Indian context, what is happening in Kashmir should be transparent to all.
For any violation of human rights, government is responsible towards international community.

126. ----, ---, --, IMPLEMENTATION
MANSOOR SYED. One law for one, Another for another. PUCL Bulletin. 15, 2; 1995, February; 1

In the case of the culprits in the brutal massacres of Sikhs in Delhi in 1984 and Muslims in Bombay in 1992; in many other communal riots and massacres of Dalits, there particularly in Garwah in Bihar recently when upper caste unas killed Dalits, there is no punishment for the perpetrators of the dastardly acts. Clearly we are governed by one law for one, another for another. In the Garwah district case—police presence was not noticed at all when heavily armed members of the Sunlight Sena formed by the upper caste gentry, dressed in military uniforms attacked the Dalit village and brutally killed them. The NHRC will not worth its salt if it does not take up the issue. Among different types of human right violations in our country contempt for the rule of law, and one law for one, another for another, are most reprehensible.

127. ----, ---, --, TADA
KRISHNA PRASAD. Anatomy of TADA. Mainstream.32, 42, 1994, September, 3; 11-15

A law which works on the principle of Jail, not bail and whose nine year existence has been largely marked by
skewed, partisan and discriminate application for ordinary situation. A law which human rights groups say negates the fundamental rights of citizens. On Monday, August 22, chief Secretaries and Directors- General of Police of all the states sat down before the National Human Rights Commission in New Delhi to review all TADA cases. TADA is being abused and misused in the name of law and order- despite pious protestation to the country- was common knowledge among civil libertarians. Punjab militants, outraged by the Indira Gandhi Government's decision to send the army into the Golden Temple in Amritsar and the anti-sikh program following her assassination the previous year, went on the rampage in the capital.

128. ----, ---, --, TADA MISUSE

AMRIK SINGH. Human rights and the rule of Law. Mainstream. 33, 22; 1995, April, 22; 7 - 14

There is so much more that can be said on the subject but most of us are familiar with the excesses committed under TADA. According to the figures made public in 1994, since 1985 over 65,000 people have been arrested under TADA and around 15,000 in one state, the state of Gujrat. The ugly truth is that the police took it as the easy way out for dealing with any kind of crime and it is this approach to things which bring us to the related issues of human
rights. Several months had gone by since the organised killings of the Sikhs in October-November, 1984. It was not any kind of rioting that had taken place.

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**MISUSE OF TADA. Hindustan Times: 71, 14; 1995, January, 14; 13. Editorial.**

The battering that TADA has been receiving from various groups and sections, including the human rights activists makes it imperative that the government should take a fresh look at the draconian provisions of this law. The fact that the National Human Rights Commission too has taken exception to the sweeping powers of this law places in the hands of the police and politician.

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**PAL ( R M ). TADA - A blot on civilised way of governance. PUCL Bulletin. 14, 10; 1994, October; 6**

Facts and figures of detention and torture of innocent people have been given by various human rights groups, and also by the NHRC; these figures have not been contradicted by the government. There has been some noise about the misuse of TADA, about how innocent people are being put to torture under TADA, particularly in Gujrat, Maharashtra, Rajasthan and Assam, about how the Muslims in some states are being victimised, so on and so forth.
TADA represents in the Statute book a potent weapon in the fight against terrorism. In practice, it has turned out to be an instrument that affords free play to the whims of law enforcement personnel. Further, it has contributed to the undermining of civil and judicial institutions, which in turn detracts from a targeted and even-handed approach to the problem of terrorism. Misapplication and abuse of TADA have become the norm. See the same motives into A.R. Antulay's exertions, though he is more transparently impelled by the need to speak out for Bombay's Muslim community in its hour of extreme trial. Antulay has sent a complaint to the National Human Rights Commission (NHRC), detailing the specific instance of an entire Muslim family that was falsely accused of complicity in the Bombay blasts, detained and tortured.

Of the 67,509 detained, all supposed to have been
arrested for terrorist and disruptive activities, most are booked for charges that are covered by the IPC. Among them is 12 year old Paresh Babita of Assam, charged with "inciting trouble" against the state; another 12-year old boy of Baroda who was found in a mosque when a blast took place. Of the 228 TADA cases registered in Rajasthan, 101 are against Muslim, 96 against Sikhs and only three against Hindus. In Punjab TADA is being used to settle landlord tenant disputes. The first TADA case in Kerala—it was introduced there only in January this year—were registered against CPI (M) and RSS activist when the law is clearly meant for terrorist and disruptive activities.

According to the government's own figures they have managed to get nos. more than 626 convictions out of 44487 cases registered since 1986. So, all that TADA really does is give the police a licence to be even more brutal, even more barbaric. The Indian Human Rights Commission has demanded that TADA be repealed. It (must) demand in an even louder voice.
134. ---, ---, ---, ROLE OF NHRC

AMRIK SINGH. TADA—Absence of the rule of law: Civil & Military Law journal. 31, 1+2; 1995, Jan - Mar; April-june, 50 - 3

Following the intervention of the Human Rights Commission (NHRC), the abuse of TADA was minimised in various states and the number of persons booked under the Act reduced considerably. However, Justice Mishra its Chairman is of the view that the law offered sufficient scope for violation of human rights. Mr. M. Farooqui, national executive committee member of the Communist Party of India, said TADA had been grossly abused by the law enforcing authorities, defeating the very purpose for which it has been enacted.

135. ---, ---, ---, INTELLECTUALS TAMIL NADU

MANOHARAN (K). Detention of noted scholar and poet under TADA in Tamil Nadu. PUCL Bulletin. 13, 8; 1993, August; 12

More recently academics and scholars are reported to have been arrested in Tamil Nadu for alleged anti-national writing and speeches. We are particularly concerned about Mr. Perunchitranar, a noted Tamil scholar and poet who has been detained under TADA since February, 93. We have heard that this scholar, who is past sixty years now, has been arrested for airing certain opinions he has...
held all his adult life and that to our knowledge this has not led to any disruption of peace or routine life in Tamil Nadu. We urge to you to seriously consider Mr. Peruchitranar's detention under TADA and facilitate his early release.

136. ——, ——, ——, MUSLIMS

MUSLIM INDIANS Terrorists and ISI Agents ? Is India a Police State ? Muslim India. 12, 141; 1994; September, 386 - 7

But the TADA is and act od state, and forms part of the law of the land even if it be the blackest of the black laws. Since its enactment it has been systematically used allover the country, particularly in Gujrat, Maharashtra, Tamil Nadu, Rajasthan and U.P., to terrorise the weaker sections, particularly the Muslim community. Old and young men and women, have been detained under TADA for years without redress without trial. Under pressure from the Human Rights Movement, in the country and abroad, the central government finally has woken up to its resposibility. It has conceded that the TADA had been massively misused by the state governments and that there is need for regular review of all TADA cases. The Supreme Court has spoken out against some extra-ordinarily features of the TADA, the National Minorities Commission has demanded its repeal.
The Human Rights Commission has asked for its comprehensive review. Several political parties including the ruling party and the national press, have joined in the demand.

137. ----, ---, --, RAJASTHAN, DATA

VED MAHENDRA. Communalise TADA and damn it. Hindustan Times. 71, 29; 1995, January, 29;13

The NHRC also wants community-wise figures. Thus, in Rajasthan, for instance, of the 432 detenus till September 1994, 409 are Muslims. In Maharashtra as of June 1994, 807 out of 2969 were Muslims. In U.P. 519 were Sikhs and Muslims. The authority is locked in several areas of low intensity, conflict against its own citizens who may be armed to the teeth with ultra-sophisticated weapons.

138. ----, ---, --, REVIEW, SUPREME COURT

KUTTICKATTU (R G JAMES). TADA needs amendments. Mainstream. 33, 13; 1995, February, 18; 14 - 8

Civilised democratic societies all over the world do submit to the Rule of Law to maintain equilibrium on individual liberty in order to protect not only men and women, but also the State. Severe strictures passed by the apex court bench headed by the Chief Justice against the inhuman allous attitude of the Punjab DGP, for failure
to trace the seven missing men taken into custody by the police in January 1992 despite the court's numerous directives, will not even be justified by those who plead for a 'bullet for bullet' policy. The conclusion one could safely derive from these isolated pronouncements is that our Supreme Court has not totally shut its eyes to State terrorism which many a volatile critic of our human rights record abroad has failed to note.

139. ----, ----, ----, REVIEW, SUPREME COURT

SACHAR (Rajinder). Supreme Court judgement on TADA unfortunate. PUCL Bulletin. 14, 6; 1994, June; 3

Though TADA has been upheld by the Supreme Court in a recent judgement on technicalities. The most important ground on which the constitutionality of TADA can be challenged relates to Section 15 by which confessions to a police officer of the rank of Superintendant of police were made admissible as against the general law of evidence. Another serious challenge was to Section 16 of the Act, which permitted the court not to disclose the names and identity of witnesses for the prosecution. The criticism of human rights organisations that TADA was being grossly misused has found echo in the judgement wherein judges commented that on many occasions they have come across cases where the prosecution unjustifiably invoke the
provisions of TADA with an oblique motive.

140. ----, ---, --, --, ---, ---, ---, ---
SAHAY (S) TADA cup for state. Hindustan Times. 70, 263; 1994, September, 22; 13

But may one humbly point out that the state were not galvanised into action simply because the court laid down the guidelines but because the Human Rights Commission threatened to seek a review of the Kartar Singh judgement because of the gross abuse of TADA by some states. After the two judgements the Human Rights Commission may have to think twice before moving the court.

141. ----, ---, --, --, ---, ---, ---, ---

But the abuse of the law is so extensive that there are over 30,000 detenues all over the country. The states which have TADA prisoners face problems of terrorism. Now that the Supreme Court has implicitly conceded the fact of abuse of TADA - the National Human Rights Commission is conceived of it - the real safeguard has to come not from the courts but from the government.
142. ----, ---, --, -, MAHARASHTRA

PAL (RM). TADA: Little relief and be grateful for small mercies!  
PUCL Bulletin. 14, 4, 1994; April; 1-3.

The Supreme Court delivered the judgement in the case of Baba Ajaib Singh who was held under TADA in 1990 in Nanded in Maharashtra for his alleged involvement in terrorist activities since the designated court in Maharashtra could not commence the trial of Baba Ajaib Singh and that for no fault on his part, he approached the court for bail. The court rejected his plea for bail on 3rd December, 1990. The National Human Rights Commission in a meeting with the Law Commission of India in February desired the latter to examine TADA, NSA and Armed Forces Special Powers Act.

143. ----, ---, --, UNDER TRIALS TADA

PILLAI (Ramiah) and CHAITANYA (Kranti). Condition of under trial prisoners. PUCL Bulletin. 14, 7; 1994, July; 15-6

An analysis of the period of stay of under trial prisoners in various sub-jails of the district shows that 304 prisoners have in remand for more than one year and many more for over six months. For petty crimes one may consider any period beyond three months as serious and for more than six months needs serious scrutiny. These figures were brought under the notice of NHRC which in turn directed
the Chief Secretary to intervene. On investigation it was found that most of them were put under the draconian laws of TADA and NSA.

144. ****, ---, --, ---, JAILS, PROTEST, DELHI


Three hundred and thirtyfive TADA undertrials in the Tihar Jail, Delhi, are on hunger strikes since 14.11.1994. They have submitted a memorandum to the National Human Rights Commission protesting against indefinite delay in the trial of TADA cases. The hunger strikers have made a number of suggestions in this regard to the National Human Rights Commission. They say that persons who have been under detention for a period of six months should be given atleast two dates in a week. The basic contention of the undertrials is that their cases should be expedited.

145. ****, ---, MADHYA PRADESH


The concern for deterioration in human rights situation in Madhya Pradesh ruled by BJP is justified. Even social and political activists known for their commitment to democratic and peaceful methods to bring about changes in society are not spared. The ghastly murder of Comrade Shankar
Guha Niyogi and the recent ugly incident involving Dr. B.D. Sharma former Commissioner of Scheduled Castes and Tribes when he was stripped and paraded for almost three hours through the streets of Jagdalpur (Bastar) for his opposition to the setting up of a steel mill are but a few highlights of such a sorry state of affairs in M.P.

146. ----, ---, MANIPUR
VIJAYLAKSHMI (N) and SINGH (N) Koteshwar. Alarming situation in Manipur. PUCL Bulletin. 13, 4; 1993, April; 5-7.

People in Manipur are reluctant to critically discuss the political situation which is permeated with violent incidents. There is linking of fears in the minds of the people at large, and they do not express opinions openly against the violent incidents, both excesses committed by the state agencies and those committed by the insurgents. The arrogant and highhanded attitude of the para military forces and the army not only alienated the populace but drove many youngsters to the fold of the insurgents.

147. ----, ---, NAGA PEOPLE'S MOVEMENT FOR HUMAN RIGHTS

This affidavit is an annexure to an eight page letter written by the Naga People's movement for human rights (NPMHR) to Justice Chinnappa Reddy. This letter is an
impassioned appeal to the Supreme Court for justice. It is with profound grief and anger that we are writing to you on the mass atrocities which are being committed on our ordinary Naga people by the armed forces of the Govt. of India. Genocide, rape, illegal detention, desecration of our churches, educational institutions, insult and torture of our respected elected and religious leaders, women and youths, collective forced labour, looting of villages have been going on over the last thirty years. The number of villagers who have been 'abducted by the army without reason and detained or confined in unknown places'.

148. ----, ---, NATIONAL H.R. COMMISSION
KANNABIRAN (KG). Why a human rights commission?
Economic and Political Weekly. 27, 39; 1992, September, 26; 2092-94.

The government is seriously considering setting up of a human rights commission to look into the human rights violations. The government on demonstrating that it does view human rights violations seriously. The setting up of a human rights commission as a response to criticism of the governments human rights record will at best be a formal act. This will not reduce human rights violations, but may be used to cover up such violations.
149. ----, ---, NATIONAL HUMAN RIGHTS COMMISSION


Human rights and their violations in our country such as custodial deaths, 'encounter' deaths, torture in police custody, rape, have been talked about particularly voluntary organizations from abroad to such an extent that a government of India had to introduce a Bill in the Parliament to set up a Human Rights Commission. Indian H.R. groups and activists have also been fairly active in exposing such violations and in holding seminars, workshops, discussions and discourses.

150. ----, ---, --,

WHITHER Rights. Economic Times. 33, 211; 1993, October, 1; 6 Editorial.

The ordinance setting up a Human Rights Commission is a step forward, but in a country where the whole system of criminal justice is collapsing, it would be futile to think that setting up another commission can solve the problem. Judicial inaction on killers of Sikhs in the 1984 Delhi massacre. It shows that this routine is not too promising. On the positive side, the commission may provide an independent perception of human rights that can take into account local social and political conditions.
The protection of human rights act came into force on 28 September, 1993, when the act was thought about by the government there was a sense of urgency. Neither TADA nor this act has led to any appreciable reduction either in state or any private violence. Unless we close our eyes to state violence we cannot justify the shockingly discriminately procedure evolved by the protection of the human rights act. This Act, is in reality, sanctions impunity to the state forces.

The National Human Rights Commission was set up, we have pleaded, despite many reservations in some of the human rights groups in India, that it should be given a trial. Some of its actions viz., suo motto cognizence of Bijbehara enquiries and demand for repeal of TADA - are certainly to be appreciated. The Commission must play its own part in improving its credibility in the vital state of Jammu & Kashmir on which its own prestige depends, nationally and internationally.
Reports of custodial deaths, use of illegal and brutal violence against the have-nots by the police and their rude behaviour with the public appear with sickening regularity in the Press. All these, being violations of human rights, attract the attention of international community and media, thereby tarnishing the image of our country. At present, the police totally ignore the public in identifying the needs of the community and their operations evoke little public interest or cooperation. A liberal democracy stands for freedom, dignity, respect for human life and rights, privacy of individuals and the Rule of Law and equality before law. The Police Act of 1861 should be scrapped and the role of police should be redefined to give them a positive role in the development of our democracy.

The behaviour of the Gurgaon jail superintendent who has been accused of branding his name on the back of an under trial is appalling. Whoever decided on branding as a mode of teaching the under trial a lesson must
have been inspired by the example set by some Punjab policemen who branded the face of women who were arrested on suspicion of being pickpockets. Recently, the New Delhi court sentenced a station house officer for two years rigorous imprisonment for a custodian death. In West Bengal alone 23 custodian deaths have been reported this year.

155. ---, ---, --, SEMINAR

NAYAR (Kuldip). Seminar of human rights organised by police. 

NUCL Bulletin. 14, 1; 1994, January; 5

Punjab police chief K.P.S. Gill arranged in Chandigarh a seminar on Human Rights and the Indian Police, and invited some of those who have found fault with Punjab Police. Mr. Gill listened to them. The excesses by police are, in essence, violations of human rights; they explain how a certain situation was accentuated. They also explain the resistance that is building up among the people against the authorities. There is no peaceful way to get their problems sorted out. Equally, their sufferings have been endless.

156. ---, ---, POOR ROLE OF LAWS

SACHAR (Rajindar). Change evidence law. Civil and Military Law Journal. 31, 1+2; 1995, Jan-Mar; April-June, 40 – 1

It is universally accepted that the ability of the state to protect human rights is an important indicator of the quality of life enjoyed by citizens in any country.
This was the principle on which the UN General Assembly adopted and proclaimed the Universal Declaration of Human Rights on December 10, 1948. It is a matter of anguish that notwithstanding continuation of this evil, public response is muted and indifferent, mainly because these victims of police infamy belong to the poorer strata of society - hardly a tribute to our public conscience.

157. ----, ---, POPULATION, POLICIES

TOTASEWSKI (Katarina). Human rights in population policies. 
PUCL Bulletin. 14, 7; 1994, July; 9 - 10

Population policies may subject the most private individual behaviour to direct governmental intervention and thus counterpoise individual freedom and the government's right to intervene. The main purpose of human rights is to restrict the power of the government over their population and thus safeguard the abuse of the power. All basic human rights and fundamental freedoms ought to be applied in population policies as in other areas. Human rights require people to take responsibility for their unproductive lives and this they cannot do unless they are free to do so.
In Punjab most abused relate to the period up to 1992, when the fight was at its height, with almost 5,000 militants eliminated in three years. More recent cases reflect a new trend: complaints increasingly relate to extortion, harassment or intervention of civil disputes. In a sense, this is inevitable: a police force transformed into the sole representative of the state is suffering from the state's malice. What indications does this have for the human rights debate? This first is that a meaningful distinction leads to be made between incidents of human rights violations before and after 1992 and that the motivations of specific actions are important. The second is that the notion of rights cannot be discussed in an ahistorical way.

Some members and officials of the National Human Rights Commission visited Punjab - Chandigarh, Ludhiana, Jalandhar and Amritsar - in April, 1994. Though the
commission did not express any opinion about the state of affairs regarding human rights in the state, a few comments guarded though, made by some members should indicate that no responsible person much less the commission could be happy with the situation that obtains in Punjab. Back in heydays of terrorism (in Punjab) there was atleast an explanation if not a justification for guaranteeing such immunity to policemen engaged in fighting the nation's battle against separatist militancy.

160. ----, ---, RAPE CHILDREN


The incidence of rape in Delhi is the highest among minors. 311 cases of rape were reported in 1993. Out of these 187 were from the age group upto 16. According to a police officer, 90 percent of child victims, after being raped, are killed by the rapists.

161. ----, ---, --, CUSTODIAL POLICE DELHI

CHHIBBAR(YP). Case of police atrocity sent to NHRC. PUCL Bulletin. 14, 7; 1994, June; 9 - 10

An eleven year old girl named Hamida was raped and gang-raped by police personnel and others in Delhi. The concerned police officials were hesitant to register the
F.I.R because 5 police personnel were involved. After the registration of F.I.R a constable identified by the victim absconded. This news was suppressed. Next day some police personnel were arrested. The victim identified some other officials who were involved but they were not arrested. But now the matter has been sent to the NHRC.

162. ----, ----, RAPE, CUSTODIAL, POLICE, DELHI

MCHD. WASEEM ALI. Human rights and custodial violence. Civil and Military Law Journal. 31, 1+2; 1995, Jan.- March; April- June, 42-7

Every crime is a violation of human rights irrespective of its nature and motive behind it. As such violations of human rights is a universal phenomenon, against which all civilised countries, including are waging a relentless war. The rape of the women in police custody is common occurrence. Nothing could be more reprehensible than the two recent tragic incidents involving guardians of law turned criminals. Who allegedly raped as 11 year old girl in Seemapuri, Delhi and criminally assaulted 26 year old woman in Rohini in North Delhi. These reported incidents have not only shaken the people but, by and large citizens have begun to question credibility of police
who day in and day out proclaim "with you, for you, always". The police force being significantly and responsible part of the Indian bureaucracy must perform its functions and duties with the strict adherence to the rule of law. The little deviation from it brings a bad name not only to the institution itself but to the entire democratic structure.

163. ----, ----, --, DALITS, POLICE, TAMIL NADU.

CHHIBBAR (Y P). Tamil Nadu dalit girl's rape case.
PUCL Bulletin. 14, 10; 1994, October; 21

A scheduled caste girl, student of a college in Chunkanakadal, Kanyakumari District of Tamil Nadu, was abducted while on her way to the college on January 20, 1992 by a constable of the Tamil Nadu Special Police and his brother. The girl was taken to Madras and was brutally raped. The mother sent a complaint to the Chief Minister through the Principal of the college. Ultimately, the girl was found in a brothel in Madras. Under pressure from some women's organisations the brother of the constable promised to marry the girl. The constable is threatening to kill the mother, the father and their eldest daughter. He is also threatening according to the mother, to kidnap the two younger school going daughters.
164. ****, ***, **, RAPE, SECURITY FORCES, ARMY, ASSAM

GUPTA (Ashish). Human rights violations in Assam. PUCL Bulletin. 14, 1; 1994, January; 13

The knowars along with other village women lodged a case at KHowang Police Station. The two soldiers were also physically identified before a senior army officer and the district collector of the district. The government officials had assured the villagers that they would be prosecuted under section 448/376/34 of the Indian Penal Code. But till date no action has been taken against the guilty soldiers. These two soldiers before raping Binita Konwar had tried to rape another woman of the same village named Moromi Dihingia. But she bit one of them and could manage to escape.

165. ****, ***, role of GOVERNMENTS.

BHARGAVA (G S). Governmental system and human rights. PUCL Bulletin. 14, 7; 1994, July, 17 - 18

Western system of government by itself is no guarantee of human rights as the examples of Nazi Germany and fascist Italy have shown. Most western champions of human rights like Amnesty International and Asia Watch consider Nazi and fascist brutally in Europe as a sorry chapter which should be overlooked completely. But we see a rapid growth of Neo-Nazism and fascism in the west today. Whatever
be the governmental system the human rights are being violated irrespective of that. The democratic system that we have here in India is no exception to the trend although the power mainly lies in the hands of the masses.

166. ---, ---, role of POLICE, REFORMS

PURI (K.K.). People and police: Lack of political will to introduce proposed reforms. *Indian Express*. 62, 79; 1994, January, 21; 8

Increasing crime, rising population, violent outbursts, growing terrorism and religious fantacism have added new dimensions to the role of police. There is hardly any consideration of legality in Law enforcement or protecting the human rights of the citizen. This does not mean that police should not adopt a firm policy towards anti-social or anti-national elements. Many governments have come and gone but apart from implementing some of the recommendations relating to recruits, training, welfare and modernisation, major recommendations fundamental to police administration like those relating to setting up of State Security Commission in each State and revision of the Police Act of 1861. A lot of problems of socio-political nature which beset our country can be effectively tackled if the police is insulated from unwarranted political and bureaucratic interference by
bringing in democratic control over its working.

167. ----, ---, role of POLITICS LEFT and NON-GOVERNMENTAL ORGANISATIONS.

ROY (Ajit). Human rights issue and the left. Economic and Political weekly. 29, 10; 1994, March, 5; 530

The mainstream Left does not seem to be overly concerned with the human rights situation. It is the civil liberties organisations, generally associated with the Naxalites and/or tribals along with the non-political or non-party mass movements led by the so-called NGOs, that are seen to be generally active in this field. Witness the shameful fact that it took nearly 16 years and the intervention of the highest court of the land to reopen the trial of the police officer allegedly involved in the most brutal torture of Archana Guha, a case watched by the entire world with indignation and interest.

168. ----, ---, RURAL AREAS

DESHMUKH (S B). Need for human rights work in rural areas. PUCL Bulletin. 14, 7; 1994, July; 4-5

The need for human rights activity in rural areas is as great as its absence is shocking. Human rights are trampled on many counts—social, economic and political.
Those who are at the lowest rung of ladder in the social hierarchy are the most victims. Their social status combined with poverty makes their status more pitiable. Even after 45 years of independence, human rights of the socially backward have remained only on paper. The economic independence of these socially backward classes are even more vulnerable. The criminalization of Politics have only added to their woes. The state is becoming more and more intolerant and repressive. The police and district administration which are engaged in maintenance of law and order are generally obvious of human rights.

169. ----, ----, SECURITY FORCES.

PILLAI (R V). Human rights in insergency areas. PUCL Bulletin. 14, 7; 1994, July; 13

Areas where terrorism has shown a decline have witnessed allegations of high-handedness and blatant human rights violations by security forces. They have been in the form of partisan conduct, illegal detentions, torture and disappearances, intervention in property disputes, dis-possesion of people from their properties and unauthorised occupation of such properties by personnel of the police forces. The NHRC has emerged as a catalyst in their task of spreading and upholding the basic human rights that are being denied to people of insergency areas.
170. ----, --, ASSAM RIFLES, ASSAM

ARIBAM GAUTAM. Assam Rifles- A major threat. PUCL Bulletin 14, 5; 1994, May; 9

Recent unprovoked and indiscriminate firing on 17th March by the personnel of the 30 AR on the innocent people in the Singhjamei area. The PUCL condemn such unprovoked and unwarranted firing by the armed forces on innocent civilian and demand immediate withdrawal of these draconian laws which imperil the precious lives of innocent people. The armed forces who are supposed to protect the people have instead become a major threat to the lives of the people of Manipur.

171. ----, --, BSF, JAMMU and KASHMIR, DATA

SAXENA ( Rajiv ). Human rights violations by BSF in J & K. Muslim India. 13, 149; 1995, May; 225

247 cases have been registered against the Border Security Force personnel operating in J & K for human rights violations from 1990 till date. A complete list of all cases till 1994, indicating action taken against errant BSF personnel in each of them, has been received by the National Human Rights Commission. The list indicates the date and place of the incident, name of the accused,
allegations against person concerned, charges framed and the punishment awarded. In the incident in Kistwar on 26.6.1993, 3 officilas of the J & K primary health department were allegedly shot dead near a tourist bungalow. The record of evidence in this case has been completed and is under legal scrutiny.

172. ----, ----, ---- EVALUATION

SARDESHPANDE (S C). Use of state force: Army has to integrate and optimise abilities of the police. Indian Express. 45, 71; 1993, October, 20; 12

Internal violence is spreading wildly to new areas, in increasing frequency and over even minor issues, inexorably engulfing large parts of the country in a low-intensity civil war. In the struggle for survival as a nation state it is increasingly the state which is holding the nation together by using force. Repeated employment of military force tends to become thoughtless more and more coercive and violative of human rights, and begets yet more violence. The army can only contribute thus far and no further in maintenance of internal security in the face of violence, even in the last resort.

A case of army atrocities in a village in Churachandpur district of Manipur. The chief of Army staff, General B.C. Joshi, quoting from his message to Army officers and Jawan at the time of assuming charge that they should give more importance to respecting human rights and should fully understand the intricate nuances of human rights. We have urged upon General B.C. Joshi to investigate the case and take necessary action.

N. VIJAYA LAKSHMI. Blast and firing in Imphal market. *PUCL Bulletin.* 15, 8; 1995, August; 8

There was a bomb/ hand grenade blast in the NAGAMPAL area of the main market in Imphal, Manipur on June 30, 1995 at around 9.15 a.m. Immediately the security personnel posted in the area and also in far flung areas, whereas the sound of the blast could be heard, started firing in the air. It covered areas like Samumakhong, B.T. Road, Khujathong, Imphal post office M.G. Avenue, and Lamphelpat. This type of indiscriminate firing is a pattern by the security forces in Manipur.
The condition of the ordinary Naga citizens in the Naga-inhibited areas of the states of Nagaland and Manipur in India, the NSCN leaders referred to the numerous cases of atrocities in Indian troops on Nagas. The NNC also reappeared in limelight recently when two British nationals—David Ward and Steven Hillman—were apprehended by the security forces in Nagaland in January this year. They were reportedly being taken around by NNC armed escorts concerned about human rights violation in Nagaland.

The total disregard for human rights by the army in the insurgency affected regions of India and the murder of civilians, not to talk of fake encounters, torture of innocent young men, custodial deaths are nothing new. The ferocity and frequency of such human rights violations has
shot up to gignatic proportions. Even as the National Human Right Commission was investigating the incident another person was killed and two minors injured in an army firing at AKuluto, a small township.

177. ----, ---,--.NATIONAL SECURITY ACT, LAWS, ASSAM

K C Assam: Invoking NSA to stifle human rights. Economic and political Weekly. 27, 33; 1992, August, 15; 1723 -24

(MASS) Manab Adhikar Sangram Samity had accumulated incontrovertible evidence of army atrocities and flagrant violations of human rights by the armed forces during operation Rhino. It had sent three groups fully equipped with audio and video gadgets to three zones of the state to compile cases of army atrocities. Braving seven restraints imposed by the army and civil authorities, these groups had succeeded in recording cases of arrest, torture, molestation, rape, killings and so.

178. ----, ---, --, for NORTH-EAST

RAY (Tapas). On the rampage: Another violent bout in the North-East. Frontline. 12, 7; 1995, March-April, 25 - 7; 41 - 42.

The security forces have committed atrocities on civilians which some observers see as either the result of inadequate training or sighs of strain. Karly in the
afternoon of March 5, a column of the relatively new and supposedly elit 16 Rashtriya Rifles went on a two-hour long frenzy of shooting, grenade-throwing and mortar shelling in and around the Boc point area in the heart of Kohima, capital of Nagaland.

The incident was condemned by Chief Minister, S.C. Jamir and his council of ministers, as well as opposition leader Vamuzo, who demanded that the National Human Rights Commission (NHRC) probe the matter. Another case of irresponsible behaviour by the security forces, which probably exceeded the other two in brutality, was the gunning down of nine young men, including a medical student by Central Reserve Police Force (CRPF) men at the Regional Medical College in Imphal, capital of Manipur, on January 7. The incident had focussed attention on the human rights abuses committed by the forces in their fight against insurgency.

179. ---, ---, --, POLICE, M.P., BASTAR


"The immediate cause of police harassment! Non-implementation of development projects is at the root of all problems. The People's War Group killed 10 policemen in
November, 1993. The police turned its wrath on the Adivasi villagers of North Bastar. Investigations have revealed that the authorities committed excesses on a scale that is unparalleled. "It is fact that the police misbehaved with the locals and the Adivasis. Though it can be understood that the police operating in the Naxalite-prone area of Bastar is under severe stress, it still does not call for such attack on the Adivasis".

180. ----, ---, --, -, PUNJAB


People living outside Punjab can never imagine the extent of brutality and barbarism with which the Punjab police have been dealing with innocent men, women, and even children. In case of cold blooded murder of a young man by a trigger happy police constable in village Chak Saido Key in Ferozepore district of Punjab. This case has been investigated by Punjab PUCL after visiting the place of incident and interviewing a good number of eye-witnesses.
VIJAYALAKSHMI (N). Impressive and massive protest at Ukhrul and operation cover-up. PULL Bulletin; 14, 8; 1994; 13

The demonstration by students association at Ukhrul to protest against the excesses perpetrated by 20 Assam rifles on Civilians of the town in relation against the killing of two of its officers by unidentified killers. The Assam Rifles top brass started what can be called 'operation cover up' right after the incident had occurred but in the usual crude manner. It spread a sort of made up story that showed that a mass organisation was behind firing on them and tried to justify their excesses. Retaliation and vengeance against common masses would not benefit anyone but would spread discontentment in the masses.

ANSARI (Iqbal A). Use of force to be humanised. PUCL Bulletin; 14, 9; 1994, September; 7-8

All humanitarian laws governing conflicts distinguish between combatants and treat right to life and freedom from torture as non derogable rights in all situations of hostility. Civilised world's insistence on observance of human rights and humanitarian laws during armed hostilities is based on the realisation. Police in India routinely uses
lethal weapons to control unarmed mobs even in ordinary civil situations. Outside law the involvement of the police in torturing of suspects, custodial illtreatment causing death, and gang rape is not very rare.


The protestors are now called militants and their ranks are swelled by criminals, toughs and lumpen, who then set about terrorising the local population to extract money, food, refuge etc. It is thus that the local population, whether they support the protest or not, get trapped both physically and politically between the regime and the militants. This is precisely the breeding ground for Human Rights Violation. Their restraint and patience can and does snap without warning—result: beatings which do not stop and end in death; molestation; rape; theft; manhandling; invasion of privacy; injury; insult etc. all of which are undoubtedly Human Rights Violations.


Army, Para-military forces and other forces collectively
termed as security forces have been unleashing a reign of terror in this tiny state. They are shielded by various draconian laws the most notorious being the armed forces (special powers) Act of 1956, which enables even a non-commissioned officer in a disturbed area to shoot or kill any one merely on suspicion of contravening any law or order for the time being in force! TADA, NSA, are of course, some of other draconian laws which the people of rest of India are familiar with. Constant appeals, numerous public interest litigation have not made any impact on the authorities.

185. ----, ---, TERRORISM, BOMB BLAST, JAMMU.


The blasts in Jammu during the Republic Day celebrations are a signal that the main battlefield is shifting to the winter capital of the state. While the proxy war in the valley may continue and Pakistan may bank on lapses on the part of the Indian security forces and fragility of the administration. The Republic Day incident was preceded by a series of blasts in buses and Hindu localities in and around Jammu city. The events in Kashmir, too affected the two communities of Jammu differently. Though Muslims of the region were by and large initially involved. It
was the carnage at Sopure on January 6, 1993, by the security forces against which they protested for the first time by closing their shops. However, the work of human rights activists based in Jammu and the condemnation of Muslims leaders including those of militant outfits of the innocent killings in bomb blasts in Jammu.


Thanks to the government refusing to learn its lesson from Hazrat Bal 16 months ago, we have once again been drawn into a confrontation with militants hold up in place of worship in Srinagar valley. The Hazratbal crisis should have come as a warning. But the administration chose to ignore the loud alarms at Charare Sharif. As usual a smoke-screen obfuscates ground reality. In order to escape the security forces and the severest winter in two decades, Mastgul and about 20 to 30 Hizbuls hide in the shrine. Their mission was to stage, manage a confrontation with the security forces coinciding with the human rights commission meeting at Geneva on March 4. They were said to allege that troops were threatening to blow up the shrine.

Ostro was kidnapped on July 8 by a group fighting for Kashmir's separation from India. After his death, Ostro's captors carved into the flesh of his abdomen the name of their shadowy, brutal group: Al-Faran. I condemn this inhumane barbaric act. This is against the people of Kashmir. Al-Faran wanted 15 guerrillas associated with Kashmir's separatists movement released from jails. The Indian government was firm "there is no question of releasing militants", said Rajesh Pilot, the Internal Security Minister. "If such hard-core militants are released, it would damage the morale of our security forces". Al-Faran's brutality has temporarily taken attention away from the systematic human rights abuses attributed to Indian counter-insurgency forces.


During the day of 10th May there was again exchange of fire between the militants and the army on the night of 11th May at about 2.00 a.m. there was heavy mortar shelling by the army on the militants. A few residents there claimed
that they had stayed back alleged that they saw the shrine and the Khangah mosque were on fire. Authorities alleged that the militants in that area had planned I.E. mines. In any case the shrine was destroyed. The Major according to him assured if the shrine and the mosque are destroyed in the army operations, we will reconstruct it in the same manner as we reconstructed the Golden Temple.

189. ----, ---, --, -, role of Human Rights Commission.

"MILITANTS are more responsible than the security forces for the human rights violations in Kashmir granted that the statute confers on the HRC jurisdiction in respect of specific violations of human rights by terrorists. The commission spent a mere two days in the Kashmir valley on June 5 and 6. It received nearly 20 complaints of human rights abuses including custodial killings and reports of missing persons", according to Mishra.

190. ----, ---, --, -, UN, GENEVA.
IMAGE AND REALITY. Times of India. 158, 28; 1995, February, 2; 10. Editorial.

Amnesty International's efforts to indict the Indian
government for human rights violations in Jammu and Kashmir at the ongoing UN Human Rights Commission at Geneva. A case of point is its condemnation of the seige of the Hazratbal shrine, entirely ignoring the fact that armed militants were indulging in gross misuse of a place of worship. The terrorist war is not exclusively with the security forces, which in the view of Amnesty's US counterpart human rights watch, are "legitimate targets". Most of the times they carry out their operations in areas populated by innocent civilians with the intention of inviting retaliation on the population. The Indian government's estimate of over 10,000 civilian deaths in Kashmir between 1990-1994 in terrorist-related violence finds no mention in any of Amnesty's reports. The government has done well to pursue a policy of transparency on Kashmir by allowing foreign diplomats, visiting delegations and Heads of diplomatic missions access to the state.

There has been an emergence of many new but important peripheral issues. It has strengthened Pakistan position
so much so that Islamabad has been encouraged to ask the Human Rights Commission to send a fact finding mission to Kashmir to investigate the violation of human rights by the Indian army and the para-military forces in the valley. The composition of the newly established Human Rights commission could be strengthened further, in order to avoid some criticisms, and the commission could be asked to deal firmly and fairly with every case of human rights violation and atrocities. Human rights groups and other interested groups and individuals who wish to visit Kashmir should be allowed to go there freely and see things for themselves. If Pakistan has been sending men and arms in huge quantities across the border, visits to the valley by international observers and human rights groups can easily bring out this phenomenon.

192. ---, ---, --, NAGALAND


Blood, it would seem never ceases to flow in fair Manipur, there has been a spurt in August in ethnic violence between Kuki and Naga tribesmen, even as ambushes on the security forces continue with grim regularity. An ethnic
flare up in March had left nearly 40 dead, most of them defenceless Kuki villagers massacred not by Naga neighbours but Gueirillas of the Isaac Mwah faction of the National Socialist Council of Nagaland (NSCN T-M), armed with sophisticated weapons. Scores of villages were burnt down. It seems the government has no clue to find a solution. Pilot came after the March massacre of Kukis, after the Hindu Muslim riots in May, after the June 29, ambush, and again after the ethnic killings in August - nothing seems to have come of these visits. Apart from military and political measures, diplomatic action is also necessary. For the NSCN has reportedly received a hearing on India's "subjugation" of Nagas from the United Nations Committee on Indigenous Peoples and Human Rights, and sooner than Delhi probably expects this issue may become a source of irritation at international forums much like Kashmir, in the absence of a prompt diplomatic initiative.

193. -----, ---, --, -, GROUPS AL-FARAN, KASHMIR

The recent spate of abductions of foreigners as well as Indians in Kashmir is both a sign of desperation among the militants. A new militant outfit, Al-Faran, has owned up the responsibility for taking hostage two Americans and
two British nationals. When terrorists concentrate on soft targets it is a signal they are admitting defeat and are unwilling to engage the security forces in combat. And this situation arises when local secessionists being to lose the support of the populace. The government must not wilt under the blackmailing pressure of rented patriots. Human rights are applicable only to the citizens of Kashmir. Mercenaries from abroad deserve no human treatment.


The diffusion of advanced small arms and light weapons insurgents, commonly known as "militants" in Kashmir and Punjab has seriously exacerbated the human rights crisis there. Many of those weapons have resurfaced in the hand of militants in Kashmir and Punjab, where they have led to serious violations of international laws of war, including direct attacks on unarmed civilians, indiscriminate attacks, summary executions and kidnappings. The human rights record of the Indian government in Punjab and Kashmir appealing and that abuses in Kashmir are on the rise. India is accelerating its arms purchases from foreign sources at a time when its human rights record is deteriorating.
The voices of protest from the Third World against the violations of human rights against torture, starvation and discrimination are rising in an increasing crescendo. India has a record of flagrant violations of rights at every level. From a situation of lawlessness created by the state through the undemocratic legislation to arbitrary acts of both policy and intention, successive governments have attempted to maintain policy that deny to a majority of citizens the rights to a civilized human existence. Illegal detentions, tortures, killings by encounters, arbitrarily declaring organizations illegal and persons unlawful are situations which find regular mention in Amnesty International Reports.

A report on human rights violation and state terrorism in Assam during operation Rhino of September, 1991. "During houses search, all male members were dragged out, some even
from bed, and were manhandled and beaten up at home itself. Women folk were abused, some were slapped, some even hit by rifle and even there were many cases of sexual molestation. "Journalists who expose human rights violations have also been detained and ill-treated. Threats against journalists and assaults on them are frequently reported. In July 1989, Brahmadeo Singh Sharma, 84 year old editor of Awaz-e-Hind newspaper in Bihar was dragged from his house by police and forced to remain standing for several hours. This occurred after he wrote an editorial condemning the police administration for failing to punish officers who had publicly stripped and beaten unconscious Malti Manjiyan, a tribal teenage girl.

197. ----, ---, --, POLICE, BOMBAY
KAMDAR ( Yogesh ). Bombay's police station- torture chamber.
PUCL Bulletin. 13, 6; 1993, June; 4

Those arrested said the lock-up was literally turned into a torture chamber with over 100 persons packed into a small room. The interrogations, they said, would begin after midnight and the policemen were merciless. "They would abuse us, tell us to go back to Pakistan. People were looking for. Those who went to the station to enquire about their detained relatives were either not entertained or worse, thrown into the lock-up.
"In what can be called a blatant display of the worst kind of human rights violations the police in East Singhbhum district have of late been resorting to torture of the undertrials in custody. The unusual third degree methods used to extract "confessional statements" from the accused seem to have now been replaced by the crude process of administering electric shocks." Writes the Statesman correspondent from Jamshedpur. Half a dozen such cases have been reported from the Bistupur police station alone during the last fortnight.

The fact-finding committee found that the local police and the Q Branch police have been indulging in extensive terrorising of villagers in these taluks. There are regularly nightly raids, vulgar abuses on women, beating of people and destruction of household utensils and other belongings, widespread arrests of both men and women, prolonged illegal detention which in some cases extends to
three weeks severe torture in police custody and implication in false cases. The courts have not bothered to record the statements of people produced before them even when it was obvious they had been tortured.

Ms Archana Guha was taken to police custody on suspicion of being a Naxalite in 1974, and was tortured by Calcutta police. She filed a private complaint in a Magistrate's court in Calcutta in 1977 against five police officers alleging that they have tortured her at Lalbagh Police Headquarters. Methods of subterfuge adopted by the accused and their counsels have managed to see that justice is denied.
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