APDR Statement Against Political Censorship at Kolkata Book Fair

Guild’s Political Censorship at Book Fair
APDR condemns the withdrawal of permission by the Kolkata Book Fair authorities to release the book ‘Parijayee Nari’ written by Jashodhara Bagchi at the fair. The so-called technical reasons provided by the Guild for the cancellation does not hold much water. The booking of the venue was done by a fair participant, SEARCH, for the release of the book published by Setu Prakashani, while the function was organised by a women’s forum, Nari Nirjatan Pratirodh Mancha. There are many instances in the past where books published by one publisher have been released by others. In fact, this is quite in line with the celebration of the free spirit of the world of books which the Kolkata Book Fair stands for. It is the Guild authorities who have violated it.

We also note with grave concern that a shadow of virtual censorship is looming large over the Kolkata Book Fair. While the Guild authorities maintain that the fair should be “free from politics”, it is they who are playing politics by guarding the interests of the ruling party. The fact is clear from the Guild general secretary’s statement that the discussion at the book release function could have annoyed the state government. And why should a discussion on oppression of women annoy anyone after all, other than those who want to perpetuate this crime?

We demand that the fair authorities make amends immediately and let the book release function be held at the same venue.

Dhiraj Sengupta,
General Secretary.
APDR
Kolkata
February 5, 2014

“Say NO to Death Penalty!”

The assembled representatives of human rights organisations and individuals called on all political parties to come out clearly against the death penalty and declare so clearly in their manifestos ahead of the upcoming parliamentary elections. It is time that political parties played a leading role in educating public opinion in taking a civilisational perspective on this issue and rise above narrow considerations of retribution and move towards complete abolition of the death penalty, thereby joining the ranks of more than 140 countries that have done so.

In this context, they called on political parties to prevail upon the Indian government to become a signatory to the UN general assembly resolution calling for the abolition of the death penalty.

The activists note that the decision of the Supreme Court in
January, 2014 in the ‘Shatrughan Chauhan vs Union of India’ case is historic in-as-much as it commuted the death sentences of 15 prisoners to life imprisonment thereby providing a fillip to the anti-death penalty movement in the country.

The court held that inordinate and unreasonable delay in the execution of death sentence amounts to torture which amounts to violation of right to life under article 21 and hence a ground for commutation of the sentence. Another significant observation was that mental health is an important ground for consideration of commutation of the death penalty. The court held that when a mercy petition goes before the Governor or the President, the decision should not be limited by the legalities of the case and should look into other facts which are not part of the criminal case. In fact, the Supreme Court reiterated, that the power of the President or Governor under Articles 72 or 161 of the Constitution is “a constitutional responsibility of great significance” and it is open to the President to “scrutinise the evidence on record of the criminal case and come to a different conclusion from that recorded by court in regard of the guilt of, and sentence imposed on the accused”.

The Shatrughan Chauhan judgment also gives us scope for looking at the issue beyond the accused as a legal subject, and towards restoring the humanity of the accused. After all even an accused on death row has human rights.

Women’s groups have been saying that the death penalty makes no difference to the victim’s family, that it makes the streets no safer. After the December 2012 New Delhi gang rape, women’s groups have come out more vociferously against the death penalty.

The activists felt that there was an urgent need to revisit the “rarest of rare” provision set out in the Bachan Singh case on the death penalty, which has been subsequently applied by various courts in very subjective terms, reflecting the social ideology of the bench. This has resulted in inconsistent judgments following trials during which the accused coming from poorer sections of society had no recourse to competent legal counsel and were hanged to death unjustly.

In the meeting there was consensus that death penalty has become utterly unjust and has become a tool in the hands of certain political groups. It’s being used like other laws, like the laws of sedition.

The activists resolved to conduct further extensive research and gather information on the way death sentences were being pronounced and the condition of people on death row, to set up a

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repository of information on the death penalty and to carry out educational programmes in schools and colleges.

Participants felt that the movement against the death penalty should be inclusive of all groups and sections of society. There is need to sensitise judges, civil society, especially youngsters, with creative literature. Activists resolved to come out with new and innovative material which can be put online, to reach a wider audience, as well as to get cartoonists, filmmakers and musicians to enter the anti-death penalty movement.

Dr. V. Suresh, PUCL.
Paramjeet Singh, PUDR, Delhi.
Sujato Bhadre, BMC (WB).
Chandrakehkar, Lakshman,
Sriman Narayan, Civil
Liberties Committee, AP.
Ramesh and Ramasamy,
Progressive Democratic
Forum, Karnataka.
Ramdas Rao, PUC, Karnataka.
Kavita Srivastava, PUC, Rajahstan.
G. Saraswati, TSS Mani, K.
Saravanand, Sankaralingam,
Veerabahu and others,
PUC, TN

Jayaraman, Independent
Journalist, Bangaluru.
Suhrith Parthasarathy, Advocate.
and others.

**Note:** The meeting was organised as a working group meet to follow-up the decision made at the end of the All India Convention Against Death Penalty organised by PUDR and CDRO held in Delhi on 1st February, 2014, to re-launch the All India Campaign Against Death Penalty.

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**Maharashtra – Letter from Undertrial Prisoners on Hunger Strike at Nagpur Central Prison**

**Update as of Feb 6:** The strike has been called off yesterday. Several prisoners including Sudhir Dhawale were hospitalized.

*Indefinite Hunger Strike from 30th January onwards*

Dear Friends,

We request your support for the indefinite hunger strike that will commence on 30th January onwards at Nagpur Central Prison, Nagpur, Maharashtra. At least 177 under trial prisoners, including 7 women, (arrested under UAPA, MCOCA, and murder cases) are going to participate in the strike.

It is the settled principle of law and directive of the Apex court of this country that “Bail is the rule and Jail is an exception”.

Despite the repeated directives of the said Supreme Court to grant bail at the earliest, irrespective of the gravity of the charge, bail applications for these prisoners are continually rejected or postponed. They are deprived of their legal and constitutional right to bail; physical attendance in courts; bail in lingering, procrastinated trials; reasonably quicker judgments; in short, fair and speedy trials. The move towards camera trials distances these prisoners further from their lawyers, the court, their ability to present their own case. It will only continue their sequestration in prisons. As a result, under trial prisoners continue to languish in jail and the prison population is ever increasing. In the meantime, their families and friends continue with their futile anxious wait outside.

A petition highlighting the conditions of the prisoners to the effect has been sent to the Honorable judge through the jail superintendent on January 20, 2014. If there is no reasonable response by the 30th of January, 2014, 177 under trial prisoners (including 7 female) are resolved to go on an indefinite hunger strike till our following demands are achieved.

A memorandum including the following demands has been sent to Honorable Principal Judge of Bombay High Court (Nagpur Bench) and others through The Superintendent of the Nagpur Central Prison Nagpur on 20th January 2014:

1. The directives of Honorable Supreme Court that “Bail is the rule and Jail is an exception” should be implemented as principle regarding bail and Bail
should be granted definite time period (short time).

2. After charge sheet is filed, those charges with supposedly serious crimes should also be granted bail. Albeit with if required.

3. In order to establish the right of fair and speedy trial. The Judgment should be given relatively definite time period (short time). If the case is pending due to some Unavoidable reasons then bail should be granted. Specially to those Under trial prisoners whose bail (s) has/have been refused earlier.

4. The right of fair trial cannot be established through Video Conference method so its (V.C.) should not be an option during trial and Under trial prisoners must be physically presented in the courts.

The success of our struggle cannot be achieved without your solidarity and active support from outside. So we humbly and hopefully appeal that democratic rights groups, legal activists, civil society groups, and intellectuals to kindly extend your support in our favour.

With regards
1. Sudhir Dhawale
2. Diwakar Jha
3. Gautam Pillewan
and other undertrial prisoners.

February 10, 2014

Thousands of Workers Stage Demonstration at Secretariat for Enacting Contract System Abolition Act

AAP government turns its face from its own promise, the labour minister of Delhi government said that the anti-contract system act will harm the capitalists and hence the Kejriwal government will not present the contract labour abolition bill.

Around two thousand workers staged a huge demonstration today under the banner of Delhi Mazdoor Union. The workers were making the demand of enacting a contract system abolition act from the Kejriwal government. The workers were first tried to stop at Kisan ghat by erecting barricades, but the workers managed to reach the gate of Delhi Secretariat by crossing over the barricades. The workers staged a dharna there from 1 pm to 6 pm. Seeing the huge demonstration the labour minister Girish Soni came out to address the workers at around 3 pm. When the representatives of Delhi Workers Union put forward their demand to present such a bill, he responded by saying that such a bill cannot be presented. When provisions of the central act ‘Contract Workers Act, 1971’ was read out and when he was told that the central contract workers act is very weak, he asked to send a 5 member delegation to meet him. But the workers insisted that the labour minister Girish Soni give some assurance regarding the enactment of such legislation. Failing to give any response to the workers’ representatives, the labour minister hurriedly fled from the spot after this. Subsequently at around 4:30 pm a delegation of workers went inside the secretariat to meet Girish Soni once again. There Girish Soni told in clear terms that he will not make any such act because he has to take into consideration the interests of the management and companies hiring contract labourers. After that when the representatives warned them to clarify his stand on this legislation, he asked for half an hour time for pondering. When the talk resumed after half an hour, Girish Soni told that such a legislation would require three-fourth majority which it will not get. On this the workers’ representatives told that it is the job of the Kejriwal government to present the bill. If any legislature votes against it, he will be exposed before the people and Delhi Mazdoor Union will carry out exposure campaign against him. But the government must present the bill. Finding no other way the labour minister then told straight away that since such a legislation would harm the capitalists, his government will not present it. When the workers’ delegation demanded to give the same in writing, he said that government does not give anything in writing. After this the workers’ representatives tried to register their complaint on the anti-corruption helpline though phone. But as soon as the operator of the anti-corruption helpline was told that the complaint was against the labour minister Girish Soni, he responded that he cannot register the complaint.

Delhi Mazdoor Union secretary Ajay Swami told that Kejriwal government’s character has been exposed today. It is totally against workers. The Aam Aadmi Party is now publically turning its face away from the promises it had made in the election manifesto. To escape from the promise of abolishing the contract labour system, Kejriwal government has formed a committee which will carry out investigation on contract labour.
Delhi government already has all the information about the contract labourers of Delhi. Nothing is left to be investigated at this point. What Kejriwal government had to do was to enact a contract labour system abolition legislation in Delhi as against a weak central act. But instead it has chosen to take the beaten path of forming committees. It in itself shows that the Kejriwal government’s promise to abolish the contract labour system was a betrayal with the labourers.

Shiwi from Karwal Mazdoor Union said that after the talk with the labour minister Girish Soni it is now clear that Kejriwal and his Aam Aadmi Party had made the promise of abolishing the contract system only to get the vote of labourers. But since the formation of the AAP government the manner in which all the industrialists, contractors etc. are strongly supporting the Aam Aadmi Party, itself reveals the true character of Kejriwal government. This is a betrayal with the workers and also a fraud against them. But today’s demonstration was a warning demonstration that Kejriwal government will give them a written assurance for fulfilling its promise. But, on the contrary it turned its face from the electoral promise and Girish Soni, the Labour Minister in Kejriwal government said in clear terms that that it will not pass the Contract System abolition act because it will harm the contractors. This in itself shows the bias of Kejriwal government. It was making the promise to the workers only to get the votes. And after the government formation it is publically turning its face away from it. What then is the difference between Congress, BJP and AAP? Even the Congress and BJP governments have done the similar fraud in the last 65 years. And now the Aam Aadmi Party has proved that it too belongs to the same tribe.

Sunny from Vajirpur Karkhana Mazdoor Union said that the goons of Aam Aadmi Party were continuously putting hindrance in the preparations of today’s demonstration, they were threatening and intimidating the workers. In all the industrial areas mostly the factory owners and contractors have become the members of AAP. It was their goons who were threatening to lay off the workers in order to make today’s demonstration unsuccessful. Despite this the workers reached in huge numbers and thereby they have proved that they are not afraid of the goons of AAP. Despite this, it is now clear that Kejriwal government has made its mind of betraying the workers. The Aam Aadmi Party will have to pay for it in the coming Lok Sabha elections because after this betrayal the workers will throw the Aam Aadmi Party to the dustbin.

In the end of the demonstration, all the two thousand workers took an oath. As per this oath, all the workers of Delhi will totally boycott Aam Aadmi Party, will show the door to the candidates of Aam Aadmi Party in the coming elections, an exposure campaign will be carried out against the Kejriwal government and on 24th March the secretariat gate will be jammed with tens of thousands of workers. Rakesh from Delhi Mazdoor Union said that date of 24th March is fixed provisionally. Even if Congress withdraws its support after the Lok Sabha elections, the Aam Aadmi Party government cannot fall before June. Hence the Kejriwal government will be forced in the next demonstration to fulfill its promise. If Kejriwal government does not give written commitment to Delhi Mazdoor Union and all workers of Delhi to pass such legislation, the secretariat gate will be jammed in the next demonstration. The dharna was ended at 6 pm. Besides Delhi Mazdoor Union, Karawal Nagar Mazdoor Union, Delhi Metro Theka Kamgar Union, Vajirpur Karkhana Union, Udyognagar Mazdoor Union, Mangolpuri Mazdoor Union, North-West Delhi Mazdoor Union and Stree Mazdoor Union took part in this demonstration.

Delhi Mazdoor Union

February 6, New Delhi.
MSWU congratulates the Spirited Struggle and success of Autofit Workers Union (Dharuhera) after 59 days of strike in defence of their Union rights and rights of contract workers

We salute the spirit of exemplary struggle of workers of Autofit factory, Dharuhera, Haryana in defending their Union rights, achieving a fair settlement, and forging and standing by unity of permanent and contract workers at all costs, and congratulate them on their success. Today in the day-time, on the 59th day of their long-drawn strike since 8th December 2013, they have achieved success and management has been forced to backtrack on their coercive tactics. We also congratulate the Munjal Kiriu workers who won their demands in a negotiation last month after a massive show of unity among workers here, and also justfully got cases registered against management officials who sent goons to beat up workers.

After Autofit Workers Union (Reg. no. 1958) got registered in June 2013 and submitted a charter of demands demanding a fairer wage settlement, the management retaliated at this ‘audacity’ by suspending 17 worker leaders including the whole Union body, and imposed a Good Conduct Bond. It increased repression by continuous harassment and taking back facilities. More suspensions, terminations, good conduct bonds, false criminal cases of misbehaving and stoppage of raw material entry, threats and abuses became the rule. Workers refused to sign the Good Conduct Bond, resisted the move to divide the permanent and contract workers and struck work from 8th December 2013 to effect a complete halt at production, affecting the factory production in Hero Motorcorp and other factories, continued a sit-in at the factory gate, and gave solidarity calls to workers in the region who participated in large numbers. After threats and coercion failed to deter the struggling workers, the management came down to the proposal in the tripartite negotiations on 28th January 2014 in ALC Office Gurgaon, that all contract workers and four Union body members will remain out of the factory, and only permanent workers will be retained. The Autofit Workers Union resisted the move, and continued the struggle with the demand of taking back the contract workers. 28th January was also when MSWU’s Jan jagaran Padayatra (15-31 January 2014) had reached Gurgaon, and we were enthused by the joint show of solidarity among workers near the ALC’s office.

Today 5th February 2014, the management has been forced to backtrack on its insistence of terminating the services of striking contract workers, and has agreed in the settlement to take back all the suspended and terminated workers, while only four permanent workers are to be taken back in one month. They have also forced the management to effect a wage settlement with an increase of Rs.7300 in CTC in next three years. This has been possible only because all through the biting winter and wage-less nights of December and January, our worker brothers sat on strike at the factory-gate, and fought tooth and nail to defend their Union rights, and to establish and retain the unity among the permanent, trainee, casual and contract workers. The MSWU also congratulates the striking workers of Munjal KIRIU Manesar who won their demands after 26 days of strike in front of the factory gate through the united might of permanent and contract workers. All workers, contract trainee and permanent were taken back and the management was forced to give in writing that ten permanent would be taken back on duty in a time-bound manner. More than that, it was after many years that the police had to take some action against the guilty management and file an FIR against company three management officials who had sent goons to beat and seriously injure peacefully striking workers at the factory gate two days earlier in an open display of the repression that is the law in the region. This happened when Munjal Kiriu workers along with over 4000 workers of the area gheraoed the Manesar Police Station on 14th December 2014 in the daytime. Management here act as though they are completely immune to the law system. The workers of Autofit and Munjal Kiriu fought the imposition of horrendous working conditions, while the management got away by paying peanuts to workers. They fought the authoritarian and illegal practice of throwing out contract workers every six months. They have fought another instance of company management arrogance, of exploitation of workers toil, divisive policies and repression of legitimate
demands. They fought and won today on the strength of their independent fighting spirit, with the solidarity of mass of workers in the region.

This struggle comes in the backdrop of the repressive machinery unleashed on workers’ rights and workers struggles in the industrial belt of Gurgaon-Manesar-Dharuhera-Bawal, particularly after the 18th July 2012 incident in Maruti Suzuki Manesar, which was done first to suppress our own struggle which raised these uncomfortable questions about workers rights, central to which was the issue of contract workers. This struggle has inspired us, and we hope the success of their struggle will inspire all struggling workers and Unions not only in this industrial belt but workers struggling in other parts of India to defend their Union rights, and forge and fight with the combined might of permanent and contract workers. In the coming days, we also hope that workers of Autofit will continue to stand with every voice of struggle of workers in the belt and beyond.

With struggling greetings,
Provisional Working Committee
February 6, 2014

PUCL welcomes the historic and landmark ruling of the Supreme Court today (18th February, 2014) commuting to life sentence the death penalties awarded to Murugan, Santhan and Perarivalan, convicted in the Rajiv Gandhi assassination case. This judgment of the Supreme Court, and the 21st January, 2014 judgment in ‘Shatrugan Chauhan vs Union of India’ marks a watershed in the evolution of death penalty jurisprudence in India and restores the primacy of a constitutional vision imbued with a sense of humanity and compassion. The ruling also emphasizes an appreciation of the right to life in the context of “[the] brooding horror haunting the prisoner in the condemned cells for years” as a consequence of prolonged delay in deciding mercy petitions.

The unanimous ruling delivered by the Hon’ble Chief Justice of India, P. Sadasivam and Justices Ranjan Gogoi and Shiva Kirti Singh built on the principles evolved in ‘Shatrugan Chauhan vs Union of India’ saying that the unexplained, undue and inordinate delay of 11 years in rejecting the commutation petitions by the Executive would amount to torture, constituted a violation of Art. 21, the right to life, and is ground enough to commute the death sentences.

The SC also rejected the most preposterous argument of the Attorney General of India, GE Vahnavati, that there was “not a word of remorse” and that the 3 prisoners were “enjoying life, attending music concerts and were not in any sort of agony”. The SC pointedly emphasized that agony did not mean physical torture and that in law, there was no requirement for the prisoners to prove suffering or to demonstrate the specific ill effects of imprisonment or agony in prison.

Continuing the trend of a visionary, path breaking judicial expansion of human rights law, the SC also held that it was open to the Tamil Nadu Government to consider exercise of powers under sections 432 and 433 Criminal Procedure Code to grant remission to the 3 prisoners if they approached the government for premature release or remission, by following the due procedure of law. By doing so, the SC has demonstrated its ability to stand statesmanlike above the blood thirsty demands for retribution and revenge which has occupied public space and media coverage on death penalty cases in recent times.

The SC’s ruling is a momentous ruling for asserting that human values and humane justice should ultimately be the cornerstones of modern, constitutional India. We hope this will mark a significant step towards eventually abolishing the death penalty altogether from our law books.

Sd/-
Prof. Prabhakar Sinha, National President, PUCL
Dr. V. Suresh, National General Secretary, PUCL
February 18th, 2014
On the 24 February, 2014, the LG of Delhi put off the demolition of the Kathputli colony till the 1st April. But demolished it will be. Nearly fifty year old Kathputli Colony, home to 3274 households comprising between 15000-17000 people will be bulldozed at the hands of a nexus between the Union Ministry of Urban Development, the DDA and the builders Rahejas.

Kathputli Colony came up in 1965 when Pandav Nagar was built and the vacated land got settled by puppeteers from Gujarat and Rajasthan followed by other street artistes like jugglers, magicians, snake charmers etc. Jagdish from Sikar, Rajasthan, came in 1963. Islam Azad came in 1981. Some marked their arrival with a major event and recalled having come when Lal Bahadur Shastri was the Prime Minister (1965-66) or when Dr Zakir Husain was the President (1967-69). Remarkably fourteen Pradhans represent 14 communities such as Gujarati, Marathi, Balmiki, Bagri, Adivasi, Yadav, Kushth, Manpupuris etc.

An artistes’ society called Bhule Bisre Kalakar (‘Long Forgotten Artistes’) Cooperative Society dates back to 1978. The foundation stone of the society centre was laid by Sarthi, a non-government organisation, in 1978 and UNESCO helped with the workshop for the centre.

**Stakeholders kept in dark**

According to the residents we met, it was in 2008 that they got to know something was amiss when DDA carried out a survey but refused to share any information claiming that the “final list” had not been prepared. RTI provided confirmation that on 15/12/2009 DDA had received the complaints of the residents of the Kathputli Colony. [#F5(210) WD5/2009/2223 dated 15/12/2009 the Executive Engineer WD-5/DDA to the Superintending Engineer, Civil Circle, DDA, Jhandewalan, N. Delhi.] The Executive Engineer asserts that “So far as this office is concerned, there is no role to play for allotment of the EWS houses to the individual residents of the Kathputli Colony” and refers to a socio-economic survey as “conducted by this office to CLM vide this office letter dated 08.09.09.” DDA’s own guidelines, dated 20/04/2010, lays down that a survey must be preceded by notice being posted on the site prior to survey, a rough sketch plan, videography to be done of the survey, all families to be recorded, photographs of each family taken with thumb impressions/signatures, among others. Residents then recalled their futile attempts to get information with their RTIs eliciting vague information that there is a plan to construct houses but the number of houses mentioned was about 2800.

All this while the residents were kept in dark about the fact that the Ministry of Urban Development/ DDA had “conveyed” its decision to lay the foundation stone of the project of “in-site rehabilitation of JJ clusters at Kathputli Colony on 20.01.09. Nor did they know that a survey was carried out on 26.05.2008 by Gyan P Mathur & Associates. It was submitted on 26.08.2008. It is approved by Chief Architect on 23.09.2008. Parallel to that, viability report is submitted on 26.08.2008. Bid documents are submitted on 16.09.2008. And finally the status is noted as “awarded the project on 04.09.09 to the M/S Raheja Developers Pvt Ltd”. It says that “work is under progress.”

It was only recently that they got documents that showed that the urban land measuring 5.216 hectares (around 14 acres) or 52160 sq. metres, with 3274 houses, was sold to Raheja Builders for a princely sum of Rs. 6 crore in 2009 as part of Public-Private Partnership. The audit report of the project by the Auditor General (Delhi) in March 2011 took a self-confessedly “moderate rate of Rs. 2.00 lakh per sq. mt”. Thus even at the moderate value of Rs. 1043.2 crore was given away at 5 per cent of its value!
Issue of Urban Land for Working Class of Delhi

Rahejas in a letter to the Lt Governor dated 14/06/2011 refer to the project as being under Rajiv Awas Yojana, which cannot be true because under RAY’s model five must be a “beneficiary led” growth.

Rahejas’ plans reveal that only a fraction of the land is meant for their housing whereas 4/5th of the land is being reserved for commercial centres and luxury apartments. Delhi Urban Art Commission is one of the three authorities who have to sanction an urban construction project. The other two are Airport Authority of India and the State Expert Appraisal Committee, which gives environmental clearance. According to Indian Express (Delhi edition, 21 November 2013) DUAC in a meeting held on 5 September 2013 refused to approve the layout and building plan and observed that:

"To house a very large number of slum dwellers, they are to be accommodated in parallel multi-storeyed blocks, each 15-20 storeys high, and 15-20 metres apart. This is an architecturally and environmentally undesirable solution." And then goes on to say that “The provisions of open space, social amenities and convenience shops for low-income residents in the present proposal is inadequate. In contrast, the gated high-income condominium and shopping mall occupies disproportionately large parcels of land.” And concludes that “The objective of producing affordable homes that are socially and environmentally sustainable . . . for rehabilitation of slums does not appear to have been met.”

The environmental clearance was withheld by the SEAC (State Level Expert Appraisal Committee) in its meeting held on 30.06.2011 because “the information submitted does not meet requirement for Environmental Clearance”. And they asked for further information on 20 items amongst them it asked for “Percentage land use demarcation for EWS, premium apartment, commercial block, greenery, and common facility etc. in tabular form”. Even the Airport Authority of India has not cleared the project.

Apart from everything else a wall would separate the multi-storeyed high, cramped flats (21 sq. metres) for residents of Kathputli Colony from the up-market condominiums and shopping mall.

Residents wondered if the low roof houses are safe. They know their equipment and instruments will not have storage space. “Our puppets are 10 to 15 feet long. How will they fit in a flat with height of 10 feet?”, some of them wondered. And what about their livelihood if they cannot store their source of livelihood safely and conveniently somewhere.

But a more immediate problem is being shifted to Ramjas Ground in Anand Parbat to a “transit camp”. They shared us with their anxiety that the temporary camps are cramped and they fear that they will not be able to return to their colony.

Residents’ Demands: When we asked what is it that they would have liked happen, with one voice they said all they want is 25 square metres (22 square yards). “We will collect Rupees 6 crore instead of the Rahejas and all we would like is to build our colony according to our desires. We will construct our own homes. There will be sufficient land left for sanitation, drainage, roads etc.”

The experience of the residents once again illustrates the role of DDA as an agency which has failed to build even fifty per cent of the 2.36 million houses from 1962 to 2001. They built only 1.1 million. DDA has not accounted for 1.26 million homes and the residential land reserved for that purpose. This despite the fact that 320 slums spread over 640 acres have been demolished and some evictees forcibly moved to Bawana, Holambi Kalan etc. and thousands rendered ‘ineligible’ based on spurious surveys undertaken by DDA without the knowledge of the residents.

We believe cooperative housing by the slum dwellers as part of in-site slum development is what the residents of Kathputli want.

PUDR demands that no eviction takes place in the colony by driving people away from a land they have inhabited and developed over several years in the name of law/aesthetics/sanitation or for any other reason. We demand from DDA and the Lt Governor that the residents be consulted as equals at every step of the project through their representatives and not treated discriminatorily and dismissively as they have been so far, and that their need for 20-22 sq. yards of land be accepted as right.

Ashish Gupta and D. Manjit
(Secretaries PUDR)

February 25, 2014
Recent Incident:

1) Assault on Mr. Telheiba Laishram, s/o L. Bidhanchandra of Wangjing Sorokhaibam, on 25 November 2013 at Kishangarh, Vasant Kunj, New Delhi.

2) Assault on Miss Tharmila Jajo, Miss Chonmila, Mr Lungshim Shaiza and Mr. Phungreingam Jajo, all residents of Ukhrul District, Manipur, on 25 January 2014, at Kotla Mubarakpur, New Delhi.

3) Assault and murder of Mr. Nido Tania, s/o Nido Pavitra of Arunachal Pradesh on 29 January 2014 at Lajpat Nagar, New Delhi.

4) Rape and assault of a 14 year old girl (name withheld) from Manipur on 8th February 2014 at Munirka, South Delhi.

5) Assault and robbing of Mr. N. Ginkhansuan, 24, and his brother N. Vunghsuan Mung, 26, from Churachandpur, Manipur on 9th February 2014 at Maidangiri area in South Delhi.

6) Stabbing and robbing of Mr. Khusiangen from Manipur on 11th February 2014 at Ambedkar Nagar, New Delhi.

7) Injury and detention of several students on 14th February 2014 by the police in a bid to suppress demonstration and the attempt to storm the parliament demanding anti-racial law in India.

Place of Incident:
New Delhi, capital of India

Appeal Issued by:
All Manipur Women’s Voluntary Association (AMAWOVA)
Anish Shrestha, Newah Bidhyarthi Daboo (Newar Students’ Association), Nepal
Ashish Gupta, People’s Union for Democratic Rights
Asia Pacific Indigenous Youth Network
Babloo Loitongbam, Human Rights Alert (Manipur)
Campaign for Peace and Democracy (Manipur)
Centre for Research and Advocacy, Manipur
Civil Society Coalition on Human Rights in Manipur and the UN Committee on Human Rights (Manipur)
European Manipuri Association
Human Rights Initiative (Manipur)
Indigenous Peoples Movement for Self Determination and Liberation
Irabot Foundation Manipur (Manipur)
Keileipak Students Association (Manipur)
Life Watch Manipur
Manipur Students’ Association Delhi
Manipuri Students Federation
Marifel T. Macalanda, Cordillera Youth Center (Philippines)

Event Description:

1) On 25th November 2013 Mr. Telheiba Laishram was having sun bath on the terrace of his rented room at 63/9, Kishangarh, Vasant Kunj, New Delhi. One Bhramprakash, an Indian neighbour told him not to stand on the terrace and spoke something that Telheiba could not understand. All of a sudden, Mr. Bhramprakash approached from behind with an aluminium rod and began thrashing him. Telheiba’s left hand was broken and there were multiple injuries on several parts of the body. Telheiba was admitted unconscious at the All India Institute of Medical Sciences (AIIMS) and went through medical treatment. An FIR was not lodged to the police as he was threatened by the neighbourhoods to not to do so.
2) On 25th January 2014, at around 9 pm Miss Chonmila from Ukhrul District, Manipur currently staying at New Delhi had gone to a shop managed by Tharmila in Kotla Mubarakpur area of New Delhi to buy some Manipuri herbs. On spotting them, a group of Indian men first hurled racial abuses at them. When they didn’t react, one of them tied the leash of his pet dog to Chonmila’s boots. She got so scared that she started kicking the dog away to shoo it away. First, the men were just doubling up in laughter. But when they saw the woman trying kicking the dog, they suddenly started beating her on the charge of ill-treating the animal. When Tharmila intervened, two men dragged her out by the hair, virtually pulling her over the counter and thrashed her as well. There were many Indian shops in the same lane but none of the shopkeepers came out to help. Mr. Lungshim Shaiza (27) was badly beaten up to the extent of losing some of his teeth and also his left eye was damaged. He was started kicking the dog away to return to his room with injuries and he was found death in his room in the next morning.

4) On 8th February 2014, a 14-year-old girl from Manipur (name withheld) was dragged through the bustling streets of Munirka in South Delhi by the landlord’s son, Mr. Ashish alias Vicky. The incident happened while the girl was going out to buy some household items. The victim was forcibly grabbed in front of a pharmacy near HYGEA Hospital (popularly known as Daya Hospital) and took to a vacant room nearby where she was raped. Vicky was allegedly assisted by some others who closed down the shutter from outside. The girl not only suffered injuries to her private parts but she also sustained injuries on the face (cheeks and chin). The matter has been reported to the police.

5) On 9th February 2014, Mr. N. Ginkhansuan, 24, and his brother N. Vunghsuan Mung, 26, hailing from Manipur were mercilessly attacked by a group of men at Ambedkar Nagar in Delhi around 8.30 pm. They were first subjected to racist taunts at a cigarette shop while they were returning from the Madangiri Market, before being beaten up with sticks.

6) On 11th February 2014, a 20-year-old Manipuri student Mr. Khusiangen was stabbed and robbed at Saket area in South Delhi. The incident took place when the youth’s cell phone was snatched by the assailants, and was attacked when he tried to resist the robbery bid. The police first registered an FIR on robbery but refused to lodge FIR for attempt to murder.

7) Integral to the series of protests, on 14th February 2014, hundreds of students staged a demonstration at the Parliament Street and attempted to storm the parliament demanding anti-racism law in India. The police resorted to indiscriminate baton charge leading to the injury of about forty students (some were hospitalised) and arrest of several others.

State Response:

1) The Government of India continue to deny that there has been practising of racism and institutionalised racial discrimination in India.

2) The Delhi Police initially refused to file an FIR into the case of rape of the minor from Manipur. Later they filed an FIR after much pressure. In the case of stabbing of Mr. Khusiangen, the police also refused to file complaint under appropriate section such as “attempt to murder”. The police filed an FIR under robbery and not for ‘stabbing’, which was an attempt to take Mr. Khusiangen’s life. Mr. Nido Tania’s life could have been saved had the police intervened to diffuse the tension created after the racial slur and thrashing. The inaction of the Delhi Police and their refusal to file complaints under appropriate sections of the Indian laws is a clear indication of violation of human rights. It reflects institutionalisation racism and encourages racist attacks on the people from Northeast India.

3) A Special Committee was instituted by the Home Ministry of the Government of India on 6 February 2014 with a mandate to examine various kinds of concerns, including those of
security and the causes behind the violence and discrimination against the people from North East. Mr. MP Bezbauhu, a retired IAS will chair the Committee. However, the appointment of the special committee has also been widely condemned from different sections for its exclusivity in the composition and the lack of consultation with civil societies, women’s groups and human rights bodies from India’s North East region.

4) The Government ordered to proceed an investigation by the Central Bureau of Investigation (CBI) into the murder of Mr. Nido Tania on 11 February 2014.

5) On 11th February, the Delhi High Court had asked the Home Ministry to consider changing the existing SC/ST Act or introducing a new law to allow provisions for deterrence against alleged “racial attacks” on people from Northeast states. The Supreme Court has agreed to hear a Public Interest Litigation on 14th February 20214 concerning the recent attacks on people from the North East. The PIL, filed by a bunch of lawyers, seeks pan-India guidelines to prevent attacks and discrimination based on racial profiling and to set up of a special investigation team to look into the series of attacks on the people from the Northeast.

Community Responses:
There has been massive outcry against the series of racist attacks on the people hailing from Northeast region, especially sparked off by the murder of Mr. Nido Tania. Till date series of protests had been carried out in Delhi, Manipur, Arunachal Pradesh, Mizoram and elsewhere. The protest demanded justice to the victims of racial assaults and enactment of anti-racial law in India to address the plight of the Northeast peoples.

Racial Attacks and Human Rights Violations:
The recent incidents of racial attacks on people hailing from the Northeast violated rights concerning; (a) right of all persons against any forms of racial discrimination, (b) rights against any forms of discrimination against women, (c) rights of the child, (d) right to life, (e) right to justice remedy, (f) indigenous peoples rights, etc. It also constitute serious violation of the several international laws and instruments such as; (a) International Convention on the Elimination of All Forms of Racial Discrimination, (b) UN Convention on the Elimination of All Forms of Racial Discrimination against Women, (c) UN Declaration on the Rights of Indigenous Peoples, 2007 and (d) Convention on the Rights of the Child.

Background:
Racial Attacks and Dilemma of People from India’s NE
The racial attacks on peoples hailing from Northeast in New Delhi and other parts of ‘mainland’ India have been an alarming and longstanding concern. The poignant memory of the murder of Mr. Loitam Richard from Manipur in Bangalore and the controversial suicide of Miss. Dana Sangma from Meghalaya in New Delhi in 2012 is still fresh and their families are yet to achieve justice. Whenever a racial attack had occurred, the government merely feigned a temporary measure to diffuse tension of the mounting public pressures by the aggrieved communities and progressive organizations. There has been no consistent and systematic policy to tackle the pattern of racial attacks, especially in New Delhi, capital of India.

The racial attacks and discrimination targeting the people of North East India can be attributed to the perplexing historical, political, social and cultural context. Historically, the Northeast (Manipur, Nagaland, Assam, Meghalaya, Tripura, Mizoram, Arunachal Pradesh), was not part of India till 1940s. They are considered to be racially different from the ‘mainstream’ Indians in physical appearances, social outlook, language, culture, food habit, etc. Against this backdrop the feeling of annexation by India has been persistent to many who wish to establish Independent country. At the same time the ‘mainstream’ Indians suspected the Northeast peoples about their ‘national’ loyalty. Based on this suspicion and racial prejudice the Indian State indulged in militarisation to suppress all forms of self-determination movement. Massive subjection and suppression are carried out under the provisions of the Armed Forces Special Powers Act, 1958 (that allows killing anyone on the ground of mere suspicion) and other repressive laws. This process of militarisation not only suspended the ‘rights to life’ but also had serious repercussion on the economic livelihood of the many.

Economically, due to the
neo-liberal policy of the Indian State the Northeast remains underdeveloped and dependent on imports. Over the decades corporatisation of land and resources by the multi-national companies and exploitative mega projects such as mega dam constructions, Lower Subansiri HEP Project, Teesta III, Tipaimukh HEP Project, mining, oil and natural gas exploration and drilling had exacerbated the scale of displacement, marginalization and impoverishment. On the other hand there has been utmost neglect of agriculture, industrial growth, educational infrastructure, health facilitate and employment opportunities.

Due to neo-liberal constrains in the North east (militarisation and underdevelopment) many are forced to migrate as students, employees, job seekers, etc. in the Indian metropolitan cities. Most of them lived in overcrowded colonies in rented rooms. It is in these colonies, streets, markets, and in certain institutions that they encountered racist discriminations and extra economic burdens imposed by the Indian landlords, shopkeepers, etc. and also discrimination by the law enforcing police. It is worth mentioning that although discriminations based on caste, class and religion have been order of the day among the Indians; when it comes to the Northeast peoples the Indian social discrimination is mixed up with racism. Against this backdrop most of the victims of racial discrimination could not pursue long standing legal fight due to vulnerability and inferior conditions.

Demands:

Manipuri Students Federation (MSF), Manipur Students’ Association Delhi (MSAD), Life Watch Manipur (LWM), Human Rights Initiative (HRI), European Manipuri Association (EMA), Committee on Human Rights (COHR), Centre for Research and Advocacy, Manipur (CRAM) and Campaign for Peace and Democracy (Manipur) would like to urge upon the Government of India to undertake the following initiatives:

1) Urgent free and fair investigation of all cases of racial attacks on persons hailing from Northeast and award the punishment all those involved in the crime.

2) Ensure adequate protection of the migrant students, workers/employees, tourists, medical patients, and others hailing from the Northeast residing in the Indian metropolitan cities.

3) Full implementation of the provisions of the UN Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on all forms Elimination against Women, the Convention on the Rights of the Child and rectify its two protocols, and the UN Declaration on the Rights of Indigenous Peoples, 2007.

4) Enact and implement anti-racism law in India.

5) Adopt a policy to address the political and economic causes of the emigration of indigenous peoples from the Northeast and the economic, social and cultural causes of racial attacks.


7) Resolve politically the ongoing armed conflict in the Northeast with due recognition of the inherent human rights of all indigenous peoples.

8) End all forms of destructive and unsustainable development projects in the Northeast, which have destroyed (or likely to destroy) the livelihood and survival sources of Indigenous communities.

Appeal addressed to:

1. Dr. Manmohan Singh
   Prime Minster,
   Government of India.

2. Chairperson,
   National Human Rights Commis-
   sion.

3. The Chief Justice,
   Supreme Court of India.

4. Ms. Shelja Kumari
   Minister of Social Justice and Em-
   powerment, Government of India.

5. Mr. Okram Ibobi Singh
   Chief Minister of Manipur.

6. Committee constituted by the
   Ministry of Home Affairs to look
   into the various kinds of concerns
   of the persona hailing from the
   North Eastern States who are liv-
   ing in different parts of the coun-
   try, especially the Metropolitan ar-
   eas, and to suggest suitable reme-
   dial measures which could be taken
   by the Government.
For twenty four years the women of Jammu and Kashmir have been subject to widespread and systematic gendered human rights violations, including rapes, sexual assaults, abductions, disappearances, extra judicial executions, and torture perpetrated by the Indian state-paramilitary, army, Jammu and Kashmir Police and others. Through these years, women from Jammu and Kashmir have struggled for truth, justice, and to lead lives free of fear, threats, violence and stigma. They have refused to let their voices be silenced, against tremendous odds, whether it is by speaking out against their perpetrators, publicly exposing official attempts at cover ups, organizing as women’s groups, or approaching the State Human Rights Commission [SHRC], or legal forums for justice. On the occasion of the twenty third anniversary of the mass rape and torture at Kunan Poshpora, and recognizing the resilience and courage of all women in Jammu and Kashmir against State violence, we urge all sections of Kashmiri society to commemorate 23 February from this year as the Kashmiri Women’s Resistance Day.

Rapes and sexual assaults, which are internationally recognized as a war crime, and a form of torture, have been extensively and routinely used as a weapon of war in Jammu and Kashmir. All the organs and agencies of the State have deliberately impeded processes of justice and truth for victims, and have colluded to ensure impunity to armed forces. They have specifically fostered and endorsed impunity for sexual crimes, within the wider culture of impunity that prevails in Jammu and Kashmir. The Kunan Poshpora case is emblematic of both this pervasive culture of impunity, and of the long-standing resistance against such atrocities. On the intervening night of 23/24 February 1991, personnel of the Indian Army, 4th Rajputana Rifles, 68 Mountain Brigade, gang raped many women of Kunan and Poshpora while the men from the villages were subject to mass torture. On 21 October 1991, the case was closed as untraced; however no formal closure report was submitted before a competent court. In April 2013, 50 Srinagar based women from diverse age groups and backgrounds, filed a PIL before the High Court of Jammu and Kashmir demanding the re-opening and re-investigation of the case. This PIL prompted the police to file a closure report, which on being resisted by the survivors, led to an order for further investigations. To date, the police are in contempt of the Court’s orders, as the time granted by the Court has expired and they carried out no investigations in the villages. The Indian army has now sought to shut down the investigations altogether, by filing a revision petition against the Magistrate’s order of further investigation, which the survivors are resisting at the Kupwara Sessions Court. The government of Jammu and Kashmir, whether through the police or the Public Prosecutor, have repeatedly displayed their lack of seriousness in prosecuting the case or bringing the perpetrators to justice. To commemorate Kashmiri Women’s Resistance Day this year, a special programme organized by Jammu Kashmir Coalition of Civil Society and the Support Group for Justice for Kunan Poshpora Survivors will be held on 23 February at 1:30 p.m., [exact venue to be decided, and announced]. We call on all members of civil society, political parties, women’s groups, student organizations and others to endorse, recognize and remember the struggle, resistance and sacrifices of the women of Jammu and Kashmir on this day. Public support and solidarity for the struggle of the survivors of mass rape and torture in Kunan Poshpora, as part of a wider movement towards ending impunity for sexual crimes and violence against women in Jammu and Kashmir, is vital, on this, the ‘Kashmiri Women’s Resistance Day, 2014’.

Jammu Kashmir Coalition of Civil Society (JKCCS)
Support Group for Justice for Kunan Poshpora Survivors

14th February 2014
On the NH-8 stretch from Gurgaon to Manesar, the largest concentration of two-wheeler production in the world, the workers of Bajaj Motors are on sit-down protest at the factory gate since the morning of 24th February. Day and night through the last two weeks, workers have held through their unity emerging even stronger in the face of ‘legal’ and illegal attacks and manipulations by the management, coercion through huge mobilization of police force (the day before, police tried breaking the tent) and coordinated threats and attacks by local goons on the payroll of the company.

The Bajaj Motors Gurgaon management launched a fresh attack on its workers by a series of vindictive terminations and suspensions, effecting a lock-out situation by imposing a humiliating ‘good conduct bond’ as a condition for entry, and forced-work in conditions of near-bondage for a handful of contract workers.

On Monday 24th Feb when A-shift workers came for work, they found a list of suspension orders against 15 workers, while others were asked to sign a humiliating ‘Good Conduct Bond’ to go inside. On Sunday, in preparation, 150-200 DT (Diploma Trainee or another name for contract) workers had been called by the company on overtime, and were being forced to work in conditions of near-bondage, abused and even threatened to be physically assaulted, and arrangements made with tent on the rooftop to stay overnight within the factory premises itself. On Tuesday 25th February morning, one worker from among the DT workers inside, fractured his leg while attempting to jump from over the wall of the factory premises running away from this forced labour. Production is practically at a halt with less than 10% taking place by the 150-odd workers as all the other around 1500 workers are on sit-down protest at the gate ever since.

This attack comes in the wake of a long struggle of the workers in the plant which the management has been continuously trying to suppress since the ‘audacity’ of the workers in forming ‘Bajaj Motors Workers Union’ in 2008 (Reg. No. 1870). Five among the 15 suspended workers are BMWU body members. Symptomatic of the management attack on the Union is the termination of work of the BMWU President Vijender Gill without any formal notification since 22 Nov 2012 just after the settlement of the Charter of Demands, while due to pressure two other Union body members were reinstated earlier. Workers were demanding reinstatement of all suspended workers. While the management claims that the reason for suspensions is ‘indiscipline and slow-down of production’ in the last five days, the real issue at stake as one worker puts it is, “At present here (in Gurgaon-Manesar) the managements of all the companies and entire the (state) department is united to put curbs on workers forming their own organization for their needs, rights and social security, as they fear that their profit margins will be affected if workers get organized.” Since before the formation of the Union itself, coercion and threats, even brandishing guns by bouncers to dissuade workers from filing for their Union recognition, have been the ways of ‘maintaining discipline’. After the formation of the Union through a two-hour strike, the management started process of Union-breaking and the factory has seen continuous coercion and resistance.

Workers of Bajaj Motors are not new to struggle of the working class in the belt. On 20th October 2009, Bajaj Motors workers joined other 1 lakh auto workers in the region on a one-day general strike to support the 43-day strike of nearby workers at Rico Gurgaon where 26 year old worker Ajit Yadav had been shot dead by management goons. On 7th October 2011, Bajaj Motors workers occupied the factory on a 20 hour strike, in solidarity with the Maruti Suzuki Manesar workers’ second-phase of strike that year which happened with the demand to take back all contract workers.

To crush this emerging unity of workers on a plant level, the organized company managements of
the region waited for a reason and situation to attack the workers. Bajaj Motors Owner Chairman and MD, V.P. Bajaj is the President of the GIA (Gurgaon Industries Association), and the relative of Brajmohan Munjal, owner of Hero Motorcorp, with (declared) personal wealth of $2.2bn. This family alone controls number of factories in the region, and has the government machinery at its beck and call.

Ever skyrocketing profits for Munjals and their partners has meant ever increasing workload in increasingly dismal conditions for the workers in the Narsingpur plant here. The highly mechanized production process has meant cutting down on jobs and increasing workload on a single worker rather than its opposite as claimed by the management. Workers here send parts for 15000 bikes everyday, producing 22 engine parts like shafts, planks to Hero Motorcorp (Gurgaon, Haridwar, Dharuhera), Suzuki Motorcycles, Mahindra two-wheelers, New Holland Tractors, and so on. Suring the struggle at present, workers seek to turn this production chain into a chain of resistance appealing to the workers in 3 other Bajaj Motors plants (of its 11 total plants) in nearby Manesar, Binola and Bawal to come in support for a larger struggle.

The plant in Gurgaon has around 1500 workers of which 283 are permanent with wages around Rs.10-12000 while the rest are contract workers of various categories who are doled the Haryana minimum wage for unskilled worker of Rs.5342. Whereas the work required is of a highly skilled nature, the bulk of the work is foisted on contract workers whose skewed ratio compared to permanent workers is even admitted by the management. The contract workers also find themselves terminated from their jobs after every 6-7 months; there’s another category of around 300 contract workers called DT (diploma trainee) who’re never made permanent, working for 1-2 years. Only around 10% of the workers are from Haryana, while the rest are migrant workers; most worker stay on rent 10-12km from the factory.

At present workers continue to sit in protest at the factory gate on the national highway. Other workers and Unions from the region are coming in support, among whom are Maruti Suzuki Workers Union, Honda Employees Union, Hero Motorcorp Employees Union, Suzuki Motorcycles India Employees Union, and Unions from Omax Auto, Lumax Auto, Rico Dhruhera and FCC Rico, Automax, and so on. The settlement meetings so far have not yielded any results with the management adamant on breaking the workers unity, while the workers are resolved to struggle ahead with their demands.

Immediately reinstate all the terminated and suspended workers of Bajaj Motors!
Immediately implement the just demands of Bajaj Motors workers!
End the regime of exploitation-oppression of workers in Gurgaon-Manesar-Dharuhera-Bawal in the name of development!

Workers Solidarity Centre, Gurgaon
10th March 2014

Association for Democratic Rights Condemns the Surrender of Penguin Books

Association for Democratic Rights, Punjab strongly condemns the decision taken by Penguin Books India to withdraw and pulping all copies of famous American writer Wendy Doniger’s book ‘The Hindu: An Alternative History’ while caving in before hindutav forces. Dr. Wendy Doniger is a high profile scholar who holds two doctorate degrees in Sankrit and ancient Indian Culture. And she has produced 75 PhD scholars during her 40 years experience in research. She reinterpreted the ancient Indian Culture documented in literature with in-depth intellect and from scientific viewpoint. It should be remembered that the Indian Express group honored her Goenika Award after evaluating the above-said book as one of the best prose of our times.

Association’s state President Prof. Ajmer Singh Aulakh and General Secretary Prof. Jagmohan Singh said that the surrender of a world famous publication group like Penguin India before Hindutav group ‘Siksha Bachao Andolan’ shows that to what extent the fascism of intolerant forces in this country has spread its tentacles who claim itself being the biggest democracy in the world. That how much the space for individual’s right to free speech and free expression, the space for scientific testing of historical facts and democratic discourse has been shrunk. And to what extent the retrogressive, obscurantist forces hold sway on the state, judiciary and ruling classes of the country.
This is not some rare episode but an essential part of a large scale phenomenon. In the recent past, the arrest of young girls who criticized state’s mourning over Shiv Sena supremo Bal Thakre’s demise on the face-book, attacks and misbehave with renowned lawyer Prashant Bhushan and rights activist Gautam Navlakha when they expressed their free opinion on the Kashmir issue, the arrest of cartoonist Asim Trivedi, again arrest of two publishers from Punjab under S.C.S.T. Act who published some poetry from pre-partitioned literary works of famous Punjabi poet Babu Rajab Ali, charging and arresting Prof. Inder Singh Ghagga for his article on Raksha Bandhan under the pressure of reactionary Hindutav forces who had initiated a vicious campaign against him, and the connivance of the state machinery in encouraging this fascist trend by helping to fulfill their ill-intentions are some recent examples.

While underlining the blessings of the war of independence, the AFDR’s office-bearers opined that when Netaji Subash Chander was the national president of Indian National Congress, the task of defending the fundamental rights of the citizenry was integrated with the true spirit of complete freedom those rights became part of Indian Constitution. But at the same time, the draconian colonial articles of IPC, e.g. 295-A and 153-A, were maintained in the constitution whose sole purpose was to suppress the right to free speech and free expression and scuttle the scientific research and strengthened the hands of reactionary forces. The Indian state has been patronizing such reactionary motives. The imposition of article 66-A of Information Technology Act-2000 is a glaring example. The laws made in the British Colonial era with the ill-intention of ‘divide and rule’ and the amendments made with the aim of increasing the repressive power of these laws are tools to scuttle the progress of society and strengthen the retrogressive forces. With the hue and cry of ‘hurt feeling’ these forces are active to stop the scientific re-interpretation of history and fresh historical researches. They are putting hurdles in the way of social progress while using threats and hooliganism and looming sword of litigations on its head. They made a appeal to all democratic and progressive forces to have concern in view of rise of this alarming trend and raise their voice for the protection of right of free expression and scientific research.

Buta Singh
February 19, 2014

Haryana – Report on Recent Workers Strikes at Asti and Baxter Factories, Manesar

A day after Union Finance Minister P. Chidambaram, doled out grounds for further cheer for Auto Company bosses in the interim budget, all the workers at auto parts electronics factory, Asti Electronics India Pvt. Ltd. (Plot 399, Sector 8), IMT Manesar, went on a wildcat strike occupying the plant on 18th February 2014, pointing to the brutal exploitation of workers which buttresses this cheer. Emboldened by this strike action, a little while later on that day itself, workers in nearby Baxter Pharmaceuticals India factory also struck work on to voice their long-standing discontent. While the immediate trigger for the strike at Asti was physical and sexual violence against four women workers in the morning, the workers at Baxter revolted against the arrogant rejection of their file for Union recognition by the labour department which hand-in-glove with the company would not allow Union formation in the multinational.

Strike at Asti

Since the morning of 18th February, fed up with continuous repression of their trade union rights and coercive measures by the management which include terminations, threats, abuse and now molestation and physical intimidation, all of the around 600 workers, which includes 70-80% contract workers, and among whom women workers constitute around 70%, struck work, and sat inside the factory at the maidan. This immediately erupted after the incident yesterday morning when some women workers were abused and molested by supervisors and managerial staff, fuelling the already boiling workers anger.

This builds up on a regime of underpayment, at times even below the state minimum wages, increasing work pressure and harassment at work, all common features of the exploitation-pit which produced the vulgar glitter recently at display at the Auto Expo in nearby Delhi, had made workers come...
factories also gathered outside the broken. The workers from nearby their disciplined sit-in could not be force, but the unity of workers and management who used the threat of and body.

squeeze of their overworked mind.

remarks to add to the continuous in the area. W omen workers attest to for 'industrial peace' that is common intimidation is part of the measures of sexual harassment and

Union rights. The move this morning, any collective attempt at asking for to voice the collective anger, or even intimidate anyone who came forward.

move of the management was to intimidate anyone who came forward to voice the collective anger, or even any collective attempt at asking for Union rights. The move this morning, of sexual harassment and intimidation is part of the measures for 'industrial peace' that is common in the area. Women workers attest to the daily sexual harassment of snide remarks to add to the continuous squeeze of their overworked mind and body.

Police was called by the management who used the threat of force, but the unity of workers and their disciplined sit-in could not be broken. The workers from nearby factories also gathered outside the factory gate in a show of solidarity. Slogans of ‘management chor hain’ could be heard from inside the plant. In the evening, under immense pressure from the striking workers, the management had to back off by conceding to the demands of the workers. All three demands of (a) reinstatement of three terminated workers, (b) no vengeful tactics to be used by management related to workers filing for Union registration, and (c) proceedings against guilty supervisors and management who used sexual violence and force against workers in the morning, were agreed to. This is a swift victory of the might of workers united strike action.

Asti (AEIPL) is a subsidiary of Asti Corp, Japan which produces wiring harness, switches, controllers, and other automotive and electronics parts. It supplies to auto companies Suzuki Motorcycles, Maruti Suzuki, Yamaha Motors, Omron Automotive, etc. with branches in Japan, China, Vietnam and India.

Strike at Baxter

Meanwhile in nearby Baxter India Ltd, a pharmaceutical company, workers of A shift struck work in the morning, later joined by B and C shift workers. The strike at Asti emboldened them to organize their long standing unrest. This strike comes in the wake of continuous workers struggle for the last 6 months, where 45 workers who signed for filing Union recognition have been transferred to its Waluj plant near Aurangabad in Maharashtra, while around 6 workers were later suspended and terminated. This was done by the management in vengeful manner to curb Union formation. And to top it up, in place of the transferred workers, those newly hired are on contract, showing its concerted move towards contractualisation.

With 70% women workforce, and 50% contractualisation and increasing, the plant has around 450 workers, who toil day and night in underpaid, overworked, abusive and hazardous work environment. Permanent workers here get Rs. 7-8000 while contract workers take home around and less than the minimum wage of Haryana at Rs. 5600. While the pharmaceutical plant says that it produces life-saving drugs to treat ‘hemophilia, immune disorders, infectious diseases, trauma, and other chronic and acute medical conditions’, the brutally exploitative and repressive conditions under which workers who produce these drugs work expose the hollowness of the humane overcoat which the company wears.

For the last six months, workers have been struggling to get their Union registered. The file for Union registration was rejected by the Labour Commissioner on flimsy technical grounds, the real reason, as some workers told us, being that the state is taking on as a responsibility, to see to it that workers get 'peacefully exploited' in the MNC-raj regime. The case is now pending at the Punjab and Haryana High Court. When yesterday workers received news that the date for mediation of the stalemate of their conciliation with the DLC has been merely delayed to 22nd April, and upon hearing about the strike action at Asti, they struck work. They stayed inside the plant in the night, while the management security and police did not allow any food inside the premises the entire day till 19th evening, when workers from nearby plants and trade unions tried getting food inside the plant. One woman worker fell sick and had to undergo medical treatment later which was also not available during the time of the strike. Late into the evening of 19th Feb, negotiations with the management got workers their demand of reinstating all 45 transferred workers back in the Manesar plant. The six suspended workers however remain suspended pending domestic enquiry in a time-bound manner.

Baxter manufactures medication delivery and renal businesses in 27 countries with three plants in India; it recently expanded
capacity and vertically integrated to produce plastic parts, but with even lesser number of workers, while it registered 49.77% as gross margin profits in the last year.

In the last two months itself, among others, management coercion against Union rights, was seen in the nearby Munjal Kiriu in IMT Manesar where goons were sent to beat up workers sitting at the factory gate and Autofit factory in Dharuhera some distance away, where workers struck work for 59 days and made the management backtrack on its condition of separating and keeping the contract workers out of the plant. The strike at Asti where working class women were at the centre of struggle and at Baxter where workers were fed-up with the farcical neutrality of the labour departments hand-in-glove with the management and punishment regime adds to this growing class anger. The inefficacy and second-class managerial role of the central trade unions, independent of which there is a growing assertion of plant-based workers unity across segmentation (the Autofit strike being a particularly illuminating case) and plant occupations, among others, are increasingly to be seen in the recent strikes in the last two months.

Nayan
February 21, 2014

United Tea Workers Front Moves Ahead on Minimum Wages

The United Tea Workers Front (UTWF) welcomes the announcement made by the Joint Labour Commissioner on 8th January 2014 that the first meeting for wage negotiations will be held at the Siliguri Circuit House on 25th February 2014. This is good start to UTWF’s demands on the timing and venue of the negotiations.

On 10th February 2014, the UTWF will be meeting the Joint Labour Commissioner at Siliguri to press for its Charter of Demands, along with its two immediate demands-

1. Place of the entire wage negotiation should be in Darjeeling and Siliguri and not Kolkata so that workers have more chances of understanding what is happening and so that leadership can consult the workers.

2. Negotiations must be completed before the 31st of March 2014.

*A mass gathering and rally to the JLC is planned on the occasion. The rally will start from Bagha Jatin Park at 2 PM. Please Join*

The UTWF also calls upon all other unions of tea plantation workers and in other sectors for a coordination to make the collective bargaining agreement of 2014 to 2017 reflect the true aspirations of tea plantation workers.

Anuradha Talwar (Convener, Darjeeling)
P. T. Sherpa, Leos Hasapurti, Kiran Kalindi (Convenors, Dooars)
Rajesh Toppo, Harihar Acharya (Convenors, Siliguri Terai)

A REPORT ON THE ACTIVITY OF UTWF FOR A FAIR WAGE IN TEA

The United Tea Workers Front (UTWF) was launched on 27th December 2013 at Siliguri, primarily to raise the issue of a living wage and related matters in the forthcoming wage negotiations in North Bengal. The launch was preceded by a number of discussions between unions about the non-transparent and anti-working class manner in which wage negotiations take place in the tea sector in West Bengal and the total absence of any kind of conception of minimum wages in these negotiations.

At its launch, the UTWF presented its Charter of Demands for Terai, Dooars and Darjeeling, which concentrated on the following:

* Wage negotiations must be completed before the expiry of the present agreement, which is valid till 31st March 2014.

* The negotiations must take place in Siliguri and Darjeeling, instead of Kolkata, so that workers and their leaders can participate in a much more active manner in the negotiations, instead of feeling marginalised, as they do in Kolkata.

* Tea workers must be included in the Scheduled Employments under the Minimum Wages Act 1948. The Government of West Bengal must notify wages under the Act for tea workers and any collective bargaining agreement must ensure that wages are above those fixed under the Minimum Wages Act. A calculation made using the widely accepted 15th ILC recommendations and Supreme Court orders showed that this would be Rs.322 at September 2013 prices.

* Any deductions made from such a minimum wage for benefits under the Plantation Labour Act must be calculated in a transparent
manner. All such calculations and documents must be made available
to the workers and their unions.

* All wage and non-wage
  benefits must be extended to all
  bigha (seasonal) workers.

* The Tea Board must also
  participate in the discussions.

* All other fiscal issues such as
  Wages & Salary, Extra Leaf Payment,
  Dearness Allowances, Variable
  Dearness Allowances, L. T. A. and
  Additional Compensation must be
  resolved alongside, and all cash
  payments, including the daily rated
  wage should be inflation linked with
  100% compensation for inflation.

* All vacant posts must be
  immediately filled. Trainings for skill
  improvement must be undertaken.

**Actions:**

On 7th and 8th January, the
UTWF presented its charter of
requests to the Labour Minister and
the Coordination Committee of
Plantation Associations (CCPA).
The Labour Minister received the
demands of the UTWF positively. He
seemed in favour of inclusion of tea
plantation workers in the Scheduled
Employments and was also in favour
of the need to have negotiations in
Siliguri and Darjeeling, if the
employers were agreeable. He was
however initially of the opinion that
it would be impossible to hold wage
negotiations before the Lok Sabha
elections, but later he assured us that
they could be started before the 31st
March 2014 and he would also try to
ensure completion by 31st March
2014. The CCPA told us that “the
dynamics in the industry had
changed. We are aware of this and
will respond accordingly.”

Immediately after this, the
CCPA invited the UTWF to the
negotiation on Leave Travel
Allowance formally recognizing it as
one of the important stakeholders in
the industry.

**The UTWF has since then organized the following programmes:**

1. Meeting of garden level
   leadership of the Doars at Birpara on
   17th January 2014, attended by about
   200 workers.

2. Meeting of garden level
   leadership of Nagrakata and
   surrounding blocks attended by
   about 500 workers at Nagrakata TE
   on 20th January 2014

3. Meeting of over 400
   women workers on 24th January 2014,
   in collaboration with Karmajivi
   Mahila Parishad, a state level council
   of women workers from 11 trades, at
   Malbazar culminating in a
deposition to the SDO on the
   demands of women workers as well
   as submission of the UTWF Charter.

4. Meeting of garden level
   leadership of Terai region at
   Bagdogra TE on 25th January 2014
   attended by about 100 workers.

5. Public convention of tea
   workers at Nagrakata attended by
   about 400 workers on 6th February
   2014.

6. Presentation and
   discussion of the UTWF charter of
   demands to GTA Sabha members at
   Darjeeling on 7th February 2014.

Besides this, garden level
meetings have taken place in a large
number of gardens throughout the
region.

The UTWF also had to face a
setback when 4 of the leaders of its
constituent, Terai Dooars
Progressive Plantation Workers
Union, were arrested on false
charges on 27th January 2014, while
organizing a bandh protesting the
gang rape of an Adivasi girl at
Labhpur in Birbhum. This includes
one of the UTWF Convenors, Kiran
Kalindi and a member of the UTWF
Committee, Baijnath Naik. They are
still in jail and have been refused bail
so far. Despite their absence, other
leaders of the union are continuing
with their organizing and campaign
work successfully.

The UTWF’s movement
has had the impact of bringing to the
forefront the issue of very low wages
in the tea sector. After it raised the
demand for Rs.322 as the daily
minimum wage (inclusive of all
benefits) based on the 15th ILC and
Supreme Court orders and inclusion
in the Scheduled Employments
under the Minimum Wages Act,
other unions have also made similar
demands. The Co-ordination
Committee publicly presented its
charter of demands on 10th January
2014 and later TMC led unions have
also made public statements about
their demands. There seems to be an
industry-wise agreement amongst
unions, with both the Co-ordination
Committee and the TMC led unions
raising the demand for inclusion of
tea workers in the Minimum Wages
Act. Similarly, the Co-ordination
Committee has demanded a cash
wage of Rs.285 and the TMC led
unions Rs.290. If non-cash benefits
provided under the Plantation
Labour Act are added to this, the
amount would be even more than the
Rs.322 as asked for by the UTWF.

A second impact has been
that the Joint Labour Commissioner
on the 8th January 2014 announced
the Government’s intention of
holding the first meeting for wage
negotiations on 25th February 2014
at Siliguri.

February 10, 2014
The Delhi High Court today (10.3.2014) issued notice to the respondents Ministry of Home Affairs, Ministry of External Affairs, and the Indian High Commission at Ottawa Canada, in a writ petition filed by Luingam Luithui, his wife Peingamla Luithui, and members of the immediate family and clan, demanding the full restoration of the citizenship rights of Mr. Luithui and his wife. Luingam Luithui, a founding member of the Naga Peoples Movement for Human Rights (NPMHR) and a senior civil rights activist, and his wife, have been living in virtual exile in Canada ever since 1995. This tragic violation of their fundamental rights is a direct result of unconstitutional acts and omissions of abuse of process, and of fraud and deception perpetrated by the Government of India, making it impossible for them to return to India, and forcing them to take Canadian citizenship after almost a decade of statelessness abroad.

NPMHR welcomes this step by the High Court of Delhi. The matter came up for hearing before the Acting Chief Justice of the High Court of Delhi, Hon’ble Mr. Justice Badar Durrez Ahmed, and Hon’ble Mr. Justice Siddharth Mridul. The Petitioners were represented by Senior Advocate, Mr. M.S. Ganesh, assisted by Ms Shomona Khanna, Mr. K. Seshachary, and Ms. Sahana Basavapatna, Advocates.

The petition is about reclaiming the rightful citizenship of Mr. and Mrs. Luithui. It seeks declaratory and substantive reliefs and prays for the enforcement of various constitutional, statutory citizenship rights and other allied fundamental rights guaranteed under the Constitution of India. The petition also challenges the constitutional validity of provisions of the Citizenship Act, 1955 and Passport Act, 1967 and accompanying rules, insofar as these empower the State to effectively exile and banish a citizen of India by birth through refusal or impounding of their passport or travel document and thereby preventing such citizen from returning to India and exercising their constitutional citizenship rights.

Aside from Mr. and Mrs. Luithui, twelve others forming their nuclear and extended families and members of the Luithui clan and other family elders, the Chairman of Langdang Phungcham, and the Pastor of Langdang Phungcham Baptist Church are also petitioners in the present writ. They are also praying for the enforcement of their fundamental rights which are being violated by denying Mr. and Mrs. Luingam Luithui to return to the family and community.

Luingam Luithui has been involved from his youth in the formation of many mass-based platforms and has served in various human rights organisations. A signatory to the letter petition that eventually resulted in the Supreme Court of India’s judgment on Armed Forces Special Powers Act (AFSPA) in NPMHR v. Union of India (1998 2 SCC 109), his human rights work transcends borders and peoples. During the Emergency period, as a student in Delhi he actively, along with others, worked for the rights of ordinary citizens.

In the latter part of the 1980s, recognising the need for an indigenous peoples’ platform for Asia, he took the lead in setting up the Asia Indigenous Peoples Pact (AIPP) eventually becoming its first Secretary General for two consecutive terms from 1992 till 2000. He was also involved in United Nations’ processes on human rights actively contributing to the UN’s Working Group on Indigenous Populations and the drafting of the UN Declaration on the Rights of Indigenous Peoples. In 1993, as a special invitee, he addressed the UN Conference on Human Rights, Vienna on issues of indigenous and tribal peoples in Asia.

Luingam Luithui and his wife have been forcibly exiled from India. The NPMHR believes in the sanctity of the Court and rule of law and has complete faith that justice will be done in the writ petition, and the unconstitutional acts and omissions and frauds committed upon the Petitioners will be reversed.

The petition has also arrayed as parties the United Nations High Commissioner for Refugees, and the Government of Canada, which came to the rescue of Mr. and Mrs. Luithui upon their abandonment abroad by the Indian State.

Dr. Gina Shangkham, Secretary General
NPMHR

10.3.2014
PUCL condemns the move of Meerut Police and UP Government to book 67 Kashmiri students of Swami Vivekanand Subharthi University, Meerut under sedition law, namely Section 124-A, IPC, for allegedly cheering in support of Pakistan during the Asia cup cricket match. The use of the harsh provision of sec. 124A IPC against the students has shocked the nation, for apart from criminalizing a trivial incident, the law invoked carries a sentence of upto life imprisonment. Though the sedition charges were dropped later due to political intervention, they not only go on to show the way in which Kashmiris are treated across the nation but also raise another important issue of the way draconian provisions of law like the anti-sedition law is routinely abused to silence citizens, muzzle free speech, intimidate anyone even remotely questioning government and state policy and brutally ensure that citizens conform to what is considered politically right by the ruling political elite and establishment.

Sec. 124A IPC was made by the British government to crush and silence freedom fighters during the independence struggle and had been famously used against Mahatma Gandhi and Balgangadhar Tilak, both of who were convicted for 6 years under this law.

For the last 100 years, both the colonial British state and independent Indian governments have used anti-sedition laws as a tool of repression to silence anyone from questioning their actions. This draconian law has been invoked earlier against author and activist Arundhati Roy, well known doctor and PUCL National Vice-President Dr. Binayak Sen, journalist Seema Azad and cartoonist Aseem Trivedi.

PUCL strongly believes that Section 124A is an archaic and repressive law which has a ‘chilling effect’ on freedom of speech and expression of Indian citizens as enshrined in Article 19 (1)(a) of the Indian Constitution. As long as it is in the law books it will continue to be abused to silence dissent and prevent challenges to ruling interests. Jawaharlal Nehru made a promise to the nation in India’s First parliament that sec. 124A IPC is unacceptable and that the law will be repealed. PUCL has been demanding not just the repeal of sec. 124A IPC but also clones of the law in other statutes like the Unlawful Activities Prevention Act.

The Meerut police, have charged the students not only under Sec. 124A, but also u/s 153A IPC (promoting enmity between different communities) and sec. 427 IPC (committing mischief). PUCL strongly condemns the registration of criminal case as unacceptable and unwarranted for the alleged incident is trivial.

Such whimsical, vengeful and capricious abuse of the criminal laws by the police will only result in further alienation of Kashmir youth and not help to build emotional and social bonds with the rest of people in India. It is time that civil society becomes more sensitive to the need to address Kashmiri alienation by making Kashmiris feel welcome and included whenever they visit any city or region of India.

It is therefore that PUCL demands that not just sec. 124A, but the FIR filed against unnamed Kashmiri students be unconditionally withdrawn. PUCL also demands that the suspension of the students by University authorities should also be withdrawn.

Dr. V. Suresh, National General Secretary, PUCL
Prof. Prabhakar Sinha, National President, PUCL

7th March, 2014