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## **Joint Press Release from Civil Liberties Organisations**

Dated: 13 May 2007

We strongly condemn the threats being held out by the Superintendent of Police, Raipur, to activists of PUCL, Chhattisgarh and other democratic activists. Dr Binayak Sen, Mr Gautham Bandopadhyay, Ms Rashmi Dwivedi, and others have been branded as Maoist sympathisers, and the Chhattisgarh Special Public Security Act is being invoked to jail them.

There is nothing original or new about such threats. It is well known that the Chhattisgarh Government has been indulging in the most brazen brutality in the adivasi areas of the State to suppress the Maoist movement. In the erstwhile Bastar district in the South it has fostered a private army called Salwa Judum and has licensed it to indulge in killing and arson against Maoist sympathisers, working in tandem with the police and the paramilitary. In the northern districts, especially Sarguja, the police are indulging in torture and staged encounter killings.

The PUCL, Chhattisgarh and other democratic activists have been raising their voice and campaigning against these illegal and inhuman practices, and for this service to democracy, the familiar allegation of being a 'Maoist' is made against them. When the Chhattisgarh Special Public Security Act was enacted, we expressed the apprehension that it would be used against democratic movements and activists, and the apprehension has been proved right.

We condemn this action and demand that the police, Raipur should immediately withdraw the case against them.

(K.Balagopal)  
Gen. Secretary  
Human Rights Forum, A.P.

(G.K.Ramaswamy)  
Convenor  
Peoples Democratic Forum, Karnataka

(Nagaraj Adve)  
Secretary  
Peoples Union for Democratic Rights

D. Suresh Kumar  
Joint Secretary  
Andhra Pradesh Civil Liberties Committee

**PEOPLE'S UNION FOR DEMOCRATIC RIGHTS**

11<sup>th</sup> May 2007

***Stop State Harassment of Dr. Binayak Sen, PUCL Chhattisgarh***

PUDR fears for the safety of Dr. Binayak Sen, General Secretary, People's Union for Civil Liberties, Chhattisgarh, the National Vice President of PUCL and, a highly respected civil rights activist of long standing. As a medical doctor, Binayak Sen has been actively involved in reaching health care to the poorest people as well as monitoring the health and nutrition status of the people of Chhattisgarh.

As per news reports, the Raipur police has declared that Dr. Sen is absconding. Contrary to police version, Dr Sen is presently in Kolkata with his ailing mother and is undergoing treatment himself.

The police pronouncements against Dr. Sen come in the wake of PUCL Chattisgarh's statement expressing fears about the safety of Piyush Guha, a businessman with offices in Raipur and Kolkata, who had been abducted by the police on 1<sup>st</sup> May. He was produced only on 7<sup>th</sup> and the police alleged that Dr. Sen used Piyush Guha as a courier for imprisoned Maoist leaders! Knowing that Dr. Sen was away in Kolkata, the police further alleged that he was 'absconding'. This framing of Dr. Sen is a police tactic to divert attention from the illegal detention of Piyush Guha and also to distract public concern regarding the murder of 12 tribals in Bijapur District on 31<sup>st</sup> March which the police had tried to pass off as an encounter killing.

The situation in Chhattisgarh is volatile as the state has launched an all out war against the maoist movement. The crack down has now extended beyond the movement to those who have been questioning the state and exposing the truth behind fake encounters, disappearances and rapes that form an integral part of the operations of state forces. Dr. Sen's untiring work in documenting the atrocities and violations committed by the state forces in the guise of the Salwa Judum has earned him the ire of the police. Today PUCL Chhattisgarh is the only organisation consistently exposing the brutality and illegality of paramilitary operations in Chhattisgarh. This work is essential for all people who believe and work towards a more democratic order.

PUDR demands an immediate stop to the intimidation of Dr. Binayak Sen and targeting of PUCL Chhattisgarh.

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## **Appeal From Chhattisgarh PUCL**

Dear Friends,

Greetings from the Chhattisgarh PUCL!

We are facing an unprecedented situation, where the State Government/Police is trying to falsely implicate Dr. Binayak Sen, General Secretary, Chhattisgarh PUCL, and National PUCL Vice-President in so-called "naxal activities".

On May 1, 2007, the Chhattisgarh police detained a businessman, Mr. Piyush Guha from Kolkotta, but later produced him in the Court only on 7th May, 2007, after the PUCL issued a statement about his "abduction" by the State Police. According to the State Police, Mr. Some letters and "naxal literature" ( People's March Magazine, etc.) have been recovered from him. The police is now alleging that the three letters in his possession were handed over to him by Dr. Binayak Sen, who used to meet the Senior member of the CPI (Maoist) Mr. Narayan Sanyal lodged at Raipur Central Jail.

In this regard, the police has made a statement to the press that Dr. Binayak Sen and his family "absconded" after the arrest of Mr. Guha. While the fact is that Dr. Binayak Sen and his family had planned to go to Kolkotta for a fortnight's holiday with their relatives, and the tickets were booked well in advance. The Police is attempting to search his residence by breaking the lock, after obtaining Search Warrant from the concerned Court.

Some of the PUCL members met today at Raipur, and have issued the Press Statement attached herewith.

Chhattisgarh PUCL has also planned to state a day-long peaceful Dharna on 13th May 2007 at Raipur protesting against the Fake Encounters, Fake Surrenders and Fake Arrests. More details will follow!

We are enclosing herewith two more press releases issued by the PUCL in the past week.

Looking forward to your support and solidarity.

In Solidarity,

Rajendra K Sail  
President,  
Chhattisgarh PUCL

## **PUCL CONDEMNS POLICE ATTEMPT AT IMPLICATING HUMAN RIGHTS ACTIVIST IN NAXAL ACTIVITIES**

Raipur, 10<sup>th</sup> May, 2007

The People's Union for Civil Liberties - Chhattisgarh (PUCL) has strongly condemned the attempt by the Chhattisgarh Police in implicating Human Rights Activists in Naxal activities, especially in the matter of "illegal detention" of Mr. Piyush Guha, who has been wrongfully confined in police custody for six days without even following the guidelines provided by the Supreme Court in the D K Basu Vs. State of West Bengal. PUCL plans to carry out a concerted campaign to expose the designs of the Chhattisgarh Government in discrediting the human rights organisations and movement, which has creatively contributed to the preservation and promotion of human rights in particular, and the gross violations committed by the various governments in Chhattisgarh during the past 30 years. PUCL is also contacting its national leadership to explore the possibility of legal action in this regard.

In an emergency meeting of the State Unit today at Raipur, the Chhattisgarh PUCL has also taken strong objection to the "falsehoods" and "insinuations" being spread by the Chhattisgarh Police regarding the person's absence from his house. In fact, Dr. Binayak Sen and his family have gone to Kolkotta to be with their family during summer holidays since 1<sup>st</sup> of May 2007, which was planned long ago. However, without verifying this fact, the Chhattisgarh Police has tried to create an impression as if Dr. Sen had vanished after the incident of "illegal detention" of Mr. Piyush Guha.

In a statement issued today by Adv Rajendra K Sail, President of Chhattisgarh PUCL, it has been categorically stated that Dr. Binayak Sen is not only the General Secretary of the Chhattisgarh PUCL, but has played a prominent role in defending and promoting human rights not only in Chhattisgarh but also in the country. Dr. Binayak Sen is also presently the Vice-President of the National PUCL.

The PUCL considers this as an attempt to discredit the Human Rights Activists and Organisations in the wake of facts coming out in the open about recent fake encounters in Panjher and Santoshpur villages of Bijapur Tahsil of Dantewara District in Chhattisgarh, in which more than a dozen citizens were not only murdered in cold blood but also buried without fulfilling any legal formalities like post-mortem and decent burial with religious rites. Their bodies were recently exhumed from a mass grave at the orders of the State Human Rights Commission, and the post-mortem conducted revealed bullet injuries on their bodies.

PUCL has further stated that there is a public uproar on the growing police brutality in Chhattisgarh and deliberate destruction of democratic aspirations of the peace-loving people, which has been amply demonstrated in demands by various

political parties, civil society organisations, prominent citizens, especially the adivasi and dalit leaders for a high level enquiry into these incidents of State Violence.

The PUCL would like to assert the fact that meeting and providing legal aid to the victims of human rights violations by the State was part and parcel of the stated objectives of the PUCL, and it was in fulfilling these tasks and responsibilities as an office-bearer of the PUCL that Dr. Sen had been functioning with faith and commitment. All such activities are not only Constitutional and legal, but produced the required results as the “illegalities” and “corruption” in Jails, Custodial Deaths, Fake Encounters, Fake Surrenders and Fake Arrests etc., have been made public and acted upon by various Courts in the country.

Rajendra K Sail

President

## Press Release

### **“PUCL DEMANDS CBI ENQUIRY INTO ALL ENCOUNTERS SINCE 2005 IN CHHATTISGARH”**

#### ***“CHHATTISGARH GOVERNMENT HAS VIOLATED EVERY SINGLE LEGAL NORM AND GUIDELINES PROVIDED BY NHRC IN THE MATTER OF EXTRA-JUDICIAL KILLINGS- ALLEGES PUCL”***

Raipur, 9<sup>th</sup> May, 2007

The People's Union for Civil Liberties - Chhattisgarh (PUCL) has demanded Enquiry by the Central Bureau of Investigation (CBI) in all Extra-judicial killings in Chhattisgarh since 2005. The issue has acquired serious proportions in the wake of the fake encounter case at Santoshpur in Bijapur, where not less than 12 innocent citizens were killed by the State Police. Attempts to cover up such violations by the Chhattisgarh Police of human rights and legal processes enshrined in the Constitution of India now need to be thoroughly investigated by the CBI and the Judicial Enquiry Committee, as the Chhattisgarh Government has lost the moral and legal right to do so. Such an investigation must also include killings and other crimes committed by the Salwa-Judum with the active connivance of the State Police.

In a press statement issued today, Adv Rajendra K Sail, President of Chhattisgarh PCL has categorically demanded arrests of those police officials whose complicity in the Santoshpur Fake Encounters have been established.

The Chhattisgarh PUCL has also expressed concern that the guidelines issued by the National Human Rights Commission (NHRC) in the cases of extra-judicial killings have not been followed by the Chhattisgarh Government, in spite of repeated reminders by the Chairperson of the NHRC.

The Chhattisgarh PUCL will an Intervention Application in the **WRIT PETITION (CRI) NO. 14 OF 2007** ( Smt. Leda Versus UNION OF INDIA & ORS) pending before the Chhattisgarh High Court. It may be recalled that Smt. Leda, wife of a member of the Community Party of India (Maoist) name Ramesh Nagashia has alleged that her husband has been killed by the police in a fake encounter in front of her eyes and she was also raped. The Chhattisgarh High Court has issued notice to several police officials and the Central and State Governments in this matter.

Adv Rajendra K Sail, President of Chhattisgarh PUCL has categorically stated that Chhattisgarh Government has been committing crimes against humanity in the name of “curbing naxalism” for the past two years. The Chhattisgarh PUCL has, time and again, brought this gross violation of human rights through various fact finding studies.

That is why, the PUCL State Convention held on 14<sup>th</sup> & 15<sup>th</sup> April, 2007 at Ambikapur had deliberated on the Theme: “FAKE ENCOUNTER, FAKE SURRENDERS AND FAKE CASES”. Chhattisgarh PUCL has always maintained that “extra-judicial killings” serve as the barometer for the state of human rights in any region or country. Going by such a barometer, the state of Human Rights is deteriorating day-by-day in Chhattisgarh with the increase in Encounter and Custodial deaths.

Rajendra K Sail

President

Chhattisgarh PUCL

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## **Open Letter from the Brother of Dr. Binayak Sen**

My brother Dr. Binayak Sen, who has spent most of his adult life as a paediatrician and human rights activist, for the last few years with the People's Union of Civil Liberties, is now facing the prospect of arrest in the city of Raipur in Chhattisgarh where he and his family live. The police have announced their intention to arrest him and have his home searched for incriminating documents. Anyone who has knowledge of the impunity with which the security forces operate in our country when it comes to issues of Naxalism and terrorism will not be surprised if these documents are "discovered" in his flat. The attached press note from PUCL sets out the chain of recent events that coincidentally started just as my brother left for our family home in Kalyani, WB along with his wife and daughters, to visit our mother. He is returning to Chhattisgarh today amidst much uncertainty about what awaits him there.

There is a real possibility that he might be arrested and jailed for allegedly having links with Naxals and other assorted terrorists. In the present circumstances, and within the framework of the systematic injustice that we are beginning to accept as the legal framework in our country, he may be kept in custody virtually indefinitely at the whim of the police authorities of Chhattisgarh.

Originally a region of MP, this is a state that was created with the intention of enabling its enormous mineral and forest wealth to be exploited by global corporations. Its Special Public Security Act exemplifies in India what Guantanamo Bay and the Patriot Act represent in the US, presumably to facilitate and secure the Special Economic Zones that will no doubt be created there.

Building hospitals now successfully run by mine and factory workers, training people in villages to look after the health of their own communities, running free clinics in areas where the state's medical facilities are not available, defending the rights of citizens, and urging the state to observe its own legal obligations of granting habeus corpus, properly treating under-trial prisoners, and observing the so-called "D K Basu protocol" - these are some of the acts of terrorism that have constituted my brother's professional life for nearly the last three decades. His work has been recognized by that great alma mater of terrorists, the Christian Medical College in Vellore, which bestowed on him the Paul Harrison Award in 2004.

This is therefore an urgent appeal to acquaint yourselves with the situation in Chhattisgarh, and publicize the conditions there. In the case of my brother his imminent arrest is only a milder form of the oppression that is being faced by others much less well connected than he is. Here

[http://gyanoprobha.typepad.com/gyanoprobha/2007/05/human\\_rights\\_si.html](http://gyanoprobha.typepad.com/gyanoprobha/2007/05/human_rights_si.html)

(scroll down till the end of the posting) is a recording of a statement that he made to me yesterday on the phone before his return to Chhattisgarh. I appeal to you to do whatever you can to publicize his situation as much as possible.

With best wishes

Gautam Sen

## **Bio data of Dr Binayak Sen**

Dr Binayak Sen, 57, is presently General Secretary, Chhattisgarh unit of the Peoples' Union for Civil Liberties, and Vice president of the national PUCL

Born on 4.1.1950, he was initially educated at Kolkata and received his medical education from the Christian medical College, Vellore, graduating MBBS in 1971, Diploma in Child Health (DCH) and MD (Paediatrics) in 1976 with a thesis on community based studies in childhood malnutrition. While at Vellore, he was the recipient of the IDPL national award for his essay on appropriate strategies on relevant medical education for India.

From 1976 to 1978, he was a faculty member at the Centre for Social medicine and Community health at the Jawaharlal Nehru University in New Delhi . Seeking to work on community based strategies for Primary health Care, he resigned his academic appointment , and worked in a community based rural health centre in Hoshangabad district of M.P paying special attention to the problems of Tuberculosis sufferers. During the late seventies, he became an active member of the Medico Friend Circle, a national organization of public spirited health professionals working to build up an alternative health care system that is responsive to the health needs of the poor. This involvement continues upto the present.

In 1981, he participated in a PUCL fact finding looking into the detention under the NSA of the late Shankar Guha Niyogi, trade union leader in the mines of Dalli Rajhara, and founder of the the CMSS. Subsequently, he moved to Dalli Rajhara, to help set up the Shaheed Hospital, a pioneering effort to effort to set up a health programme and hospital owned and operated by a workers' organization for the benefit of the common people of the area. From 1988 upto 1991, worked as a medical officer in charge of medical and paediatric services in a medium sized hospital at Tilda.

Since 1991, Dr Sen has been working to develop relevant patterns of community based primary health care both at the policy level, and at the field level in different parts of Chhattisgarh. In this connection, he was a member of the state advisory committee set up to pilot the community based health worker programme across Chhattisgarh that later became well known as the Mitandin programme. He also gives his services to a weekly clinic in a tribal community in Dhamtari district.

Throughout his stay in Chhattisgarh, but more especially during the last eight years, Dr Sen has been involved in the work of the Chhattisgarh PUCL. He has served as the General Secretary of the State Committee for the past five years and as Vice president of the national Committee for the last three years. As General Secretary of the Chhattisgarh PUCL, he has helped to organize numerous fact finding campaigns into human rights violations in the state including custody deaths, fake encounters, hunger deaths, dysentery epidemics, malnutrition, and other similar violations. In recent times

has worked intensively to bring large scale oppression and malgovernance within the so called Salwa Juroom in Dantewara to national and international attention.

Dr Sen has been contributing theoretical papers to books and journals on public health .He was the recipient in 2004 of the Paul Harrison award for lifetime work medical Care in the service of Humanity , an award given annually by the Christian Medical College Vellore to one of its alumni.

#### References:

1. Shri K JKannabiran,  
President, PUCL and Senior Advocate, Andhra Pradesh High Court, and Supreme Court of India.
2. Prof S. Bhattacharji, Christian Medical College, Vellore.
3. Prof Imrana Quadeer, former Chairperson, Centre for social Medicine and Community Health, School of social Sciences, Jawaharlal Nehru University, New Delhi.
- 4 Shri Rajendra Sachchar, former Chief Justice, Delhi High Court , and former National President, PUCL.