

18 October 2014

Resolutions passed by Biennial General Assembly Sept 14 2014 Bengaluru

1. Appoint a monitoring committee to stop hate speeches
2. Enact laws to give compensation to under trials.
3. Withdraw AFSPA, UAPA and state security laws
4. Enact comprehensive human rights act
5. Do not allow FDI in strategic areas
6. Tributes to Irom Sharmila
7. Release Dr. G N Saibaba
8. Stop the commissioning of new nuclear reactors
9. Appoint judicial commission in Odisha
10. Concern at the liquidation of old institutions

11. Reinstatement of police officers will promote rights violations

12. Condemns the amendment to Tamil Nadu Gunda Act.

1. Appoint a monitoring committee to stop hate speeches

The Biennial General Assembly calls up on the Government of India and of the states to constitute monitoring committees to stop inflammatory and hate speeches by political and religious leaders. Recently the country has witnessed some self-proclaimed acharyas and sanyasins to pour vitriol against minorities in states like UP. The authorities have been lackadaisical to initiate legal action against their vituperation lest they would lose votes of certain castes. This inaction in the long run would destroy the secular fabric of the country. It is reported widely that Sangh Parivar elements are behind the Saharanpur communal riots. The BJP president Amit Shah went to the extent of saying that his party would win the assembly elections with huge majority if the riots continued. We urge the U.P government to arrest all those who have incited the communal hatred and ensure the safety of the vulnerable people. The NCHRO welcomes the initiative taken by Tamil Nadu government and judiciary to release 1300 under trials under Cr PC 436 (a). We also urge the state government to release all prisoners who have completed 10 years in jail irrespective of their religion on Anna's birthday.

2. Enact laws to give compensation to under trials.

The Biennial General Assembly welcomes the Supreme Court order to release under Cr PC 436 (a), all under trial prisoners who have completed half of the maximum period of imprisonment if they are found guilty for offences they are charged with. We urge the state governments and the high courts to take necessary action to release all the eligible under trials who are incarcerated in various prisons all over India.

The BGA also welcomes the measures taken by the Ministry of Home Affairs to review the

status of under trials in the country to facilitate their release from prisons. But the Assembly is also of the opinion that it is high time the government enacted laws to give adequate compensation to the under trials acquitted by the courts and to institute cases against delinquent police officers who in the first place arrested these people on cooked up charges and put them in jails

### 3. Withdraw AFSPA, UAPA and state security laws

The BGA reiterates its stand that the draconian mostly against and anti people laws like AFSPA and UAPA, state security laws have been used the poor, the marginalized and the minorities who fight the invasive rights violations. The laws give unusual and arbitrary powers to the police and security agencies to violate the fundamental rights of the people without impunity. Partial withdrawal and suspension of such laws are only band aid solution to certain systematic problems. Hence we strongly demand their immediate withdrawal.

### 4. Enact comprehensive human rights act

BGA demands a comprehensive human rights act in place existing toothless legislation. Though there are human rights commissions at the Centre and in the states they have been just decorative parking lot for retired High Court or Supreme Court judges. The commissions have often played the role of pied pipers to distract the attention of the people and have been either inactive or subservient to the authorities. Surprisingly the Central Government has not formulated rules to the existing human rights laws. The BGA calls up on the Government of India to enact a comprehensive rights act to strengthen the protection of fundamental and human rights of the citizens.

### 5. Do not allow FDI in strategic areas

The Biennial General Assembly strongly demands emergent withdrawal of the permission granted by Modi Government for FDI in strategic areas like defence, media and railways. Such policies will create havoc in the internal manufacturing sector of the country and allow subversive countries like Israel to learn about strategic defence plans of the country and will strengthen the military-industrial complex of neo-colonial powers.

### 6. Tributes to Irom Sharmila

The BGA pays tribute to Ms Irom Sharmila for her steadfastness and determination to go on indefinite hunger strike for the withdrawal of AFSPA from the state of Manipur. This November she will complete 14 years of hunger strike. The callous indifference of the central government to her demand and the misuse of laws against her by the state government are condemnable and to be opposed by the nation at large.

### 7. Release Dr. G N Saibaba

The BGA expresses its concern and anguish at the continued incarceration of Dr. G N Saibaba

of the Delhi University by the Maharashtra Government. He is a paraplegic, wheel chair bound intellectual and nobody worth his salt would think that such a person is involved in the so called subversive activities. He had been teaching at DU for many years had and his ideas and thoughts might be against the ruling national narrative. But it is part of any democratic system. He is put under UAPA to prevent his bail. We demand immediate release of Dr. Saibaba. The BGA also strongly deplores the police harassment of cultural activists in Maharashtra and requests the release Hem Mishra and Kabir Kala Manch activists from jails.

### 8. Stop the commissioning of new nuclear reactors

The BGA condemns the plans of the Department of Atomic Energy to commission two more reactors in the controversial Nuclear Power Plant Complex at Koodankulam, Tamil Nadu and reiterates our earlier resolution against the complex which has raised many concerns of displacement, safety and environmental degradation in India and abroad.

### 9. Appoint judicial commission in Odisha

The BGA calls up on the Odisha Government to appoint a judicial commission to enquire in to the human rights violations .committed by the police in the state during 2010-14 in the wake of people' resistance against the appropriation and despoliation of their habitats by multinational mining companies.

### 10. Concern at the liquidation of old institutions

The NCHRO is worried to see the new government at the centre enacting laws and dismantling age old institutions unilaterally without any public debate. The abolition of collegium system for the selection of judges and dismantling the Planning Commission are some of the examples. Such unilateral and arbitrary decisions will affect the poor and downtrodden people. Being the largest litigant involved in numerous cases and disputes any state interference in judiciary cannot be tolerated. NCHRO is not of the opinion that these institutions are to be retained in the same form and content. But any such actions without public debate are against the democratic ethos and public welfare. Abolishing Planning Commission is signal to gesture to corporate sector that they are free to plunder the country in the manner they wish.

### 11. Reinstatement of police officers will promote rights violations

The BGA is worried to see that after BJP came to power at the centre the police officers jailed for alleged killing innocent people in fake encounters are either released or reinstated in their original positions. In the same manner people who were arrested for inciting communal violence in places like Muzaffarnagar, UP are given berths in the Central Cabinet. It is also a great concern that for the first time in the history of Independent India that a ministry is formed without a Cabinet minister from the largest minority community in the country. NCHRO condemns these acts and lapses as they give wrong signals to communal elements.

In this respect NCHRO also condemns the statement made by Ms. Najma Heptulla, the Minister of State for Minority Welfare that Muslims of India could not considered minorities as they are large in number. Though they are large in numbers their share in the total population is only slightly more than one tenth. Moreover in international laws and covenants being numerically

smaller is not a criterion to declare a community as minority. In the undivided Pakistan the Bengalis, though they made up 54% of the total population were considered as minorities "due to limited political rights and constitutional guarantees, and also of other features making them similar to national minorities." NCHRO hopes that the Minister would read the laws relating to the minority status and international laws and covenants before she goes ahead with such baseless remarks.

12. Condemns the amendment to Tamil Nadu Gunda Act.

The BGA condemns the amendment to incorporate more draconian provisions to the Tamil Nadu Preventive Detection Act popularly known as "Gundas Act". Though it is often claimed that preventive detection is meant for habitual offenders, the new amendment extends the ambit of this law to the first time offenders also. Further sexual violence against women and abusive social media postings are also brought into the purview of this act. We fear that these new provisions will be used to suppress the freedom of expression. Already hundreds of people are arrested under this law. The NCHRO urges the Tamil Nadu government to repeal the law immediately.