

Police-party combined attacks on democratic movements in West Bengal

**APDR-PUDR Joint fact-Finding
in Bihar**

Police-CRP Murdered 7 Naxalites in Tripura

Excerpts from APDR Fact-findings

An APDR Publication

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WAS IT ALL FOR THIS ?

Just a year ago, we had expressed our happiness on the second term installation of Left Front Government replacing authoritarian forces represented by Cong. (I) in the 82 assembly election. But the March 15th, '83 came as a black day to all of us. The police-party rowdies' combined savagery on the peaceful demonstrators broke out on that day, shocked all section of the people here whether they supported or remained indifferent to the anti-fare hike movement. It had not only left so many young men and women severely wounded but also injured many a heart. Someone of them Anil Bhadra, in his letter to the editor, published in Ananda Bazar Patrika. on 26.3.83. wrote, 'with this party's banner in hand we had sold the organ of the party 'Janayudda' in the forties, we told the people the horrid tales of Crime under Hitler's rule, was it all for this that one day I shall find workers of my own party stepping into the shoes of the gestapos ?'

It was really a savagery unbound. Let us quote some news paper reports which are otherwise known to the all of the people of West Bengal.

"Both Calcutta and West Bengal Police will keep strict vigil on 15th March, the frist day when increased fare will be introduced. They will be on alert and patrol in different streets. Police pickets will be introduced at bus and tram.

goomties. A temporary control will be set up in Lalbazar (Calcutta Police Headquarter) room for hourly information of all incidents."—Jugantar 12.3.83. Such was the Police preparation. Left front Govt. enhanced the bus fare from 30 paisa to 40 paisa in the first 7 kilometre causing rotational increase of 50 to 70 paisa in some stages. Our Gani Khan Chowdhury, Central railway Minister also declared rise of train fare simultaneously.

Today, entire opposition (even the Congress (I) Chief Ministers also) is focussing on the various corners of whither to Centredark-state relation, here is another corner to enlighten. "Centre extend full support to the West Bengal Govt's decision to raise fares in buses and trams ; Mr. Pranab Mukherjee, Union finance Minister told reporters here"—Ganasakti 21.3.83. and Jyoti Basu, Our Chief Minister warned, 'We shall not tolerate blockades of rail tracks under any circumstances"—ganasakti 24.3.83. Ganashakti is the organ of the C.P.I.M., West Bengal state Committee. So, 'there had been preventive arrest of the opposition cadres before 15th' Aikal 14th march. On 15th the movement started peacefully and remained so during month. Even Soraj Mukherjee left front chairman said 'in the most cases the movement was peacefulAnanda Bazar 25.3.83.

Even then, Police let loose a reign of terror for days together and beat mercilessly indiscriminating the men and women in different parts of the city. Policemen dragged women by the hair, Jugantar 22.3.83. 'Policemen appeared on the scene about fifteen minutes later to break up the blockade. They started beating up the squatters lying on the roads and

dragged them into prison vans. Some women demonstrators too were beaten up by policemen'.—Aajkal 26.3.83. The first day started with lathi charge and arrest of 700 demonstrators. On the 30th, 'Police fired seventeen rounds at two places in Calcutta to break up blockades and demonstrations organised by SUCI and others, 12 rounds of tear gas were fired at two places. There was lathicharge everywhere injuring more than hundred at four places. At least fifty of the injured are women. Police were seen dragging away the demonstrators. Some people in plain clothes and carrying big hathies were engaged in the same business. They dragged a woman pulling her by the hair.....The police lifted them bodily to take into the Vans and simultaneously there was merciless beating"—Ananda Bazar 30. 3. 83. The Calcuttans were forced to recall the old horror on the next day, In Maniktala, north Calcutta 'immediately on receiving order the Constables fired aiming at the lane's entry when a young man fell down bleeding all over.....A bullet had pierced his chest, his back drenched in blood. The Constable dragged him across and threw him into the vans kicking him in the face"—Jugantar 31.3.83. Though the Left front Chairman Saroj Mukherjee C.P.M. State Secy. condemned the firing but refused to urge for a Judicial probe. On the contrary, he wrote in Ganashakty, 'from 15th March, Left front Cadres will take to the streets, it was decided at the Left front meeting'—13.3.83. So the peacekeeper's, well before six in the morning, C P M Cadres and supporters turned up at street corners hanging red flags from big bumboo poles with the spikes on the tip—Aajkal 16.3.83. Newsmen did not get rid, even press photographers. Four of them got injuries.

Cameras and wristwatches of two were snatched away. The snatchers also took away cameras and bags of some other Photographers too'—Ananda Bazar 22.3.83. But this is all for democracy, Because, 'People should not blame the State Govt. for the fare hike. It is central Govt. who have compelled us to do so,' Chief Minister Jyoti Basu, Aajkal 14th March. But then what were the justification of Bandh in Kerala in same issue by the C.P.I.M and its friends against UDF Government? Nobody is there to answer it.

Movement means Conspiracy?

If the 15th march was shocking, the 5th October came as an eyeopener. Junior Doctors lathi charged, wrote Statesman, 'At least 25 Junior doctors were injured, some of them seriously, after the police swung into action to lift the Gherao on principals, superintendents and secretaries of the major hospitals in Calcutta. At the SSKM hospital, five junior doctors were injured and admitted to the hospital, police men pushed aside the doctors, who were shouting and moved into the principals room. They were chased all over the hospital compound. Some were pursued into tea shops and beaten up. The operation lasted more than 15 minutes. At the National Medical College, when superintendent told the junior doctors that he is not feeling well, they were leading him down the stair case, when a group of 30 people assaulted some of them. The group then led the super out of hospital. Ten junior doctors including a woman were admitted to the hospital. The agitating doctors alleged that the attackers were members of local co-ordination committee,

C.P.M's govt. employee organisation. And police remained silent spectators.

Next day, police took more stern measures in keeping pace with the left front govt's attitude to the movement. 'We don't think gherao is a part of democratic movement. So those who are silent today, had objected gherao before, why? Aajkal 6th Oct. 'police had asked to rescue the superior officers whenever they should ask for police help. ...Statesman 6th october. So the police atrocity broke out in National medical college on 6th evening, causing severe head injury to Dr. Mihir sirkar and Ashim ghosh and at least 10 other including para medical staffs, were admitted to the hospital 12 doctors were arrested later released on personal bond. The All Bengal Junior doctors federation namely JDF had launched fresh agitation against proposed pay-cut and adjourment of certificates. They are demanding the unconditional and full payment of their stipend and furnishing completion certificates to the house staffs who had completed their term on september 30.83. Left front govt. taken this punitive measures after the junior doctor's week long cease-work. Even the Front porters like RSP and CPI are

Binoy Choudury, Our land and revenue minister, a veteran peasant leader told the newsmen on 6th that 'police have made lathicharge for their self-protection. junior doctors are going beyond the limit of trade union movement. State govt. will never tolerate any chaos in hospital in any situation. Junior doctors are taking undue advantages of govt., benevolence. We want to see the ultimate stages of the movement, by no means state govt. will bow down to their

arrogance we will reply, them at the point of bayonet. Being asked, that whether the C.P.I.M. Cadres are attacking the doctors, he told, 'you have seen our lakhs of Cadres in Brigade parade ground. God forbid, let there be no need to deploy them on the streets, Aajkal 7th. However news Report carried on 8th, that 'S.F.I. the student wing of ruling party are coming down to the street from today.' Aajkal. on the other hand, govt. expressed desire to create an atmosphere for negotiation. And Benoy Choudhury dubbed the lathi charge as unfortunate on 9th

JDF movement has been going on for last 6 months demanding mainly 1) Steady supply of essential drugs and equipments to the hospitals and health centre including supply of essential antibiotics to outdoor. 2) Arrangement for 24 hours x-ray. E.C.G. and pathological and biochemical investigations. 3) Jobs for unemployed doctors 4) Remuneration of Rs 600/- to internes and Rs. 1000/- to house staffs with additional allowance linked with price-index.

At the early stage chief minister Jyoti Basu also sought legitimacy of these demands. But later he found it 'politically motivated', it is impossible to give job to all the unemployed doctors until socialism sets forth. It is also impossible to provide 24 hours pathology and x-ray services in all hospitals. Life-saving drugs cannot be supplied because it is not always available in market. However Govt. have send drug lists in hospitals, but he has agreed to enhance stipend the doctors usefully inadequate 50 Rs. for stipend. which owfully.

Chief Minister also alleged that the movement is for the petty economic interest of the doctors, and they have launched a war against patients, on the other hand doctor accused the govt. of is hiding the grave reality of our hospitals and health-system and trying to make the junior doctors scapegoats in the face of peoples anger. They also pointed out that even after the long 36 years of independence, there is no such health policy both on National and state level. So there is already a pandemonium in the hospitals and health centres. But people are not aware of the root causes. Harassed, bereaved they often became furious with the junior doctors. So we started such a movement where the peoples interest is their interest. Now they are arranging parallel out door and emergency squad inside hospitals

But the Govt. taken all of this as a method of 'blackmailing and to create 'disorder.' During May the Superintendent of Burdwan Medical College had suspended 2 Junior doctors, without any show cause alleged due to assault on him by them. That added spark to the fuel. On the verge of total collapse of hospitals, State Govt. appointed an enquiry Committee. But even after a couple of months the report has not published. However the suspension was withdrawn. At that time Ram Naryaan Goswami, one of the State Minister for health was proclaimed that 'I am a C.P.I.M. to the back bone. I will fulfil their desire for movement to their hearts content' There was havoc controversy on this comment at that time. But it is not at all on isolated incident or any personal impatience, Even in the recent stage, a Govt. spokesman warned that. Agitating in this way, doctors are inviting hospital bill in our state.

West Bengal Govt. is also afraid of Police Officers

(Yes, the Left Government headed by Shri Joyti Basu did not dare to prosecute Police officer, as was recommended by the Emergency Excesses commission of W.B.)

Considering everything I am of the opinion that there is strong prima facie case to the gross misuse of power during the Emergency as is evident from the complainant's illegal detention in the S.B. Office for about three weeks from the 19th September 1976 to 9th October 1976 by three officers of the S.B, namely, Shri Ashoke Khasnabis, Shri Santosh Kumar Sen and Shri Mihir Kanti Mitra. Physical tortures inflicted by the S.I. Shri Mihir Kanti Mitra obviously to extort information regarding Amherst St. P.S. Case No. 315, dated 26th September 1975. The seizure list produced was but created on 9th October 1976 to substantiate the false story of arrest of the complainant that day and Shri Mihir Mitra who fabricated this document would be liable for prosecution u/s 193 of the I.P.C. as well Shri Ratan Lal Mukherjee would also be liable under that section for causing the Crime Register prepared that day for falsely showing him arrested only on that day in connection with Amherst St. P.S. Case No. 316 of 1975. Sri Santosh Kumar Sen would also be liable for the offence, helping for the offence, helping to create the false circumstances of the complainant's arrest on 9th October 1976 by purchase of a ticket for palasi that very day and including it among his other possession for seizure.

As regards the allegation of acceptance of bribe from Ajit Bairi and Priya Biswas by Shri Santosh Kumar Sen on an oblique assurance of freedom from harassment if the money was paid, the complainant, it appears, went to the length of writing a letter (produced by the opposite parties) to Shri Ashoke Khasnabis on 18th March 1977 immediately on his release and knowledge of the same from his friends. Shri Khasnabis of course stated that on receiving the letter, he called the complainant and asked him to produce witnesses to substantiate the allegation which however the complainant failed to do as his friends were not allegedly willing to pursue the matter. Ajit Bairi, while deposing before the Commission however, stated that Shri Santosh Kumar Sen did in fact demand money in subtle way on 20th January 1976 and that 3/4 days thereafter both he and Priya Biswas met Santosh Sen and paid him Rs. 520. A prima facie case u/s 161, I.P.C. has thus also been established against Shri Santosh Kumar Sen.

I would therefore recommend prosecution of Shri Santosh Kumar Sen u/s 161/193/344 I.P.C., of Shri Ratan Lal Mukherjee u/s 123. I.P.C. and of Shri Ashoke Khasnabis u/s 344, I.P.C.

Send the entire record along with the documents submitted and called for to the Government, except the Court record which be returned to the concerned.

H. CHAKRABARTY

Chairman

**Emergency Excesses Inquiry Commission
West Bengal**

30.4.79

Resolution by all India Convention Condemns Police-goondas combined atrocities in West Bengal

Calcutta

10-4-83

This all India Civil liberties Convention strongly condemns the brutal atrocities perpetuated by the police and private goondas on peaceful demonstration against the rise in the tram bus and train fares in West Bengal and demands immediate release of all those demonstrators who have been arrested in this connections well as withdrawal of all cases against them.

- | | | |
|-------------------------|------------|------------------|
| 1. Madhab Sathe | Secretary | CDDR, Bombay |
| 2. Sumanta Banerjee | " | PUDR, Delhi |
| 3. Smitu Kothari | Ex. member | PUCL, Delhi |
| 4. P. V. Bhaktabatsalam | President | OCDR, Tamilnadu- |
| 5. Rabindra kumar | | |
| | Choudury | " PUCL, Singbhum |
| 6. Debasis Bhattacharia | Gen. Sec. | APDR, Calcutta |

Terror Resumed : Police tortur on Junior doctors

PRESS STATEMENT

5-10-83

We note with serious concern and deep shock the incidents in which the police lathi-charged indiscriminately on the junior doctors in different hospitals while they were demonstrating before their respective authorities on the 4th October, 1983 in which at least 25 doctors were injured, some of them serious. We also note with great Indignation the refusal by some police officers to allow the doctors to their injured colleagues.

Words fail to express our indignance and condemnation of these brutal attacks unleashed on peaceful demonstrators by the police and demand immediate punishment of those responsible for such incidents so as to prevent such events in future.

Police Murdered 7 Political Activities in Tripura

To

The Chief Minister

Government of Tripura

September, 16, 1983

Through : Governor West Bengal

MEMORANDUM

Sir,

On February, 25, 1980, a police-C.R.P. combine. numbering 48, murdered in cold blood seven 'Naxalites' while raiding their hide-out at Hurta village, District Dharmanagar, Tripura. Light machine guns and Sten guns were freely used by the police and C.R.P. in the said incident. Your Government was compelled to order for a judicial by a Commission under the Chairmanship of Mr. Justice A. K. De

In his report, Mr. Justice A. K. De stated that the police, after killing the said seven naxalites, had connected the story of an 'encounter'. The Commission also rejected the plea of the police that they opened fire in 'self-defence' and stated that the allegation that the naxalites were also firing from their hide-out was totally false as all of them were shot outside their said hide-out. Besides, none of the police or C.R.P. was injured. The Commission found that those killed were unarmed and were shot at from a very close range.

The said report was submitted to the Government of Tripura as early as on April 14, 1982 but it was placed before the assembly only on July 26, 1983 while the incident took place on February 25, 1980.

We are shocked to note that instead of honouring the findings of Commission's Report, you preferred to plead for the officials responsible for the murder,

We demand immediate punishment of those found guilty by the A. K. De Commission of murdering seven political workers.

Yours faithfully,
(DEBASIS BHATTACHARYA)
General Secretary

Association for the Protection of Democratic Rights

You are not alone today.....

Deaths of Undertrial Prisoners

10-8-82

The Inspector General of Police,
Govt. of W. Bengal, Writers' Bldg.,
Calcutta-1

The District Magistrate,
Howrah Divn. Howrah.

Dear Sir,

Death of one under-trial prisoner inside
Howrah Jail due to tetanus infection.

We draw your attention to the news appearing in the Statesman of 9. 8. 82 (page 1, column 1), wherein the Food

Corporation of India Workers Union stated that one of their members was arrested on 26-7-82 at Howrah Railway Goods Shed and was confined in Howrah Jail. They alleged that this person was maltreated inside the jail and subsequently died of tetanus—while in confinement. A demand for judicial enquiry into the allegation was also voiced by them.

On behalf of our Organisation we request you to please help us ascertaining the fact in the interest of Civil Liberty and

- (1) allow our delegation to inspect Howrah Jail on 15-8-82 (around 2 p.m.) and talk to other prisoners to ascertain the actual condition prevailing inside the jail,
- (2) furnish us full name and address of the said deceased prisoner,

Awaiting your reply,

Yours truly,
Debasis Bhattacharya

Copy for information to :

The Secretary, Food Corporation of India Workers Union,
Mr. Anthony Hyman,
Asia Research Dept.,
Amnesty International,
10, Southampton Street,
London WC2E 7HF, England,

Left Govt. have not
Permitted APDR to visit
Jail

Dear Sir,

Your letter of 7th October, 1982 reached us. Please note that Various complaints reached our office to the effect that under-trial prisoners were not given charge sheet within

nintey days or released on bail, as directed by the Supreme Court of India. We wrote to the West Bengal Government on 1.10.82 seeking permissions to visit different jails to investigate into the conditions of undertrial prisoners, but till now no such permission has been accorded to us. Again, on we wrote to the West Bengal Government to interview some particular under trial prisoners, lodged in different jails of West Bengal, but when we met the Jail Minister on he told us that such permission could not be given, now we are filing a Writ Petition before the Hon'ble High Court praying for permission to visit different jails, to investigate into the conditions of undertrial prisoners.

There are complaints of violation of civic and human rights in West Bengal to which we have drawn the attention of the West Bengal Government.

Please continue correspondence with us.

Yours Sincerely,
for A. P. D. R.
(Debasis Bhattacharjee)
General Secretary

Shri Jyoti Basu,
Chief Minister,
Govt. of West Bengal
Writers' Buildings,
Calcutta

Tally of Lock up
Deaths

Through : The Home Secretary, Govt. of West Bengal
Sir,

4-5-83

West Bengal experienced a horrible period from 1970-76, when the condition of Civil Liberty was jeopardized to the last extent.

When the Left Front came to power on 21st June, 1977, we hoped that i) all the offenders for violation of Civil Liberty in the regime of 1970-76 would be punished and ii) such type of violation of Human rights and Civil Liberty will not recur.

And what we have noticed is that i) none of the criminals or erring Police officials, who could be blamed for the numerous incidences during Congress regime or President's rule has been punished, rather notorious Police Officers have promoted. ii) The people of other states get horrified with the increasing number of deaths in police custody in West Bengal, where the Left Front Govt. rules.

A.P.D.R. strongly opines that all the antisocial elements should be arrested with specific charges and must be produced before the Court within 24 hours. They should be charge-sheeted within 60 days, according to the provision of the Cr PC. And then the Court will try them. And within the jail they should be provided with human treatment so that the offenders get the scope of reforming themselves.

But unfortunately what we notice today :—

a) Criminal move at large, as they are largely in connivance with the police. The alleged connivance in between the decoits and Ashis Mukherjee, an Inspector of the Detective Dept. is a glaring example of our grievance. It created a stir in March, 1982.

Our question is today : What is the position of that case ?

b) It is not uncommon even today that the police do not produce the arrested persons before the Court within 24 hours.

Dr. Indranath Bakshi, a Naxalite leader was arrested from Barrackpore Sub-division on June 26 but he was produced before the Barrackpore SDJM on June 30 (Now Indranath got release. However some others are there.....)

Our question is therefore today : Would you investigate the case and inform us ?

c) Torture in Police Custody :—Torture in police custody violates Article 5 of the Universal Declaration of Human Rights and Section 161(1) of Cr. P.C. It is strictly prohibited by the order of the Supreme Court also.

But the practice goes on in West Bengal even today. After the Left Front Govt. came to power, the first case of death in Lalbazar Central lock-up was of Sachin Sarkar dated 18.8.77.

The second case, Jyotish Chandra Naskar in New Alipore Police Custody was held on 20.9.77.

And what we bear in mind is many other cases,

Dulal Mandal, who was beaten to death in Entally P.S. in 1980. Kamal Bhattacharya, in Golabari P. S., Howrah on 27.2.80. In this case Chief Minister assured the members of the Assembly on 3.3.80. that the Govt. is firm in its resolve to take appropriate action as may be required by law against persons, whose complicity in the tragic and regrettable affair may come to light in course of the investigation.

Khagen Chowdhury, a Govt. Employee was beaten to death in Silighuri P. S. in May, 1982.

P.U.C.L. (W.B.) went in an investigation and its fact finding report says that Nanta Seikh, of Sahibdanga, Shantipore, an alleged naxalite, had not committed suicide, as said by the Police, but was beaten to death in Kaiyani P.S. on 28.12.81.

On 4.9.82, Sridam Nag (50), a private tutor was beaten to death in Shyampukur police lock-up, Calcutta.

On 14.10.82. Sridhar Kaibartya was arrested and beaten to death in Kandi Police lock-up (Murshidabad). The Home Secretary was entrusted for the enquiry. Sri Debabrata Bandopadhyaya, a Minister, Govt. of West Bengal, and an M.L.A. from the same district said in Writers Buildings on 22.10.82, that in april, 1982, another man was beaten to death in Kandi P.S. (Murshidabad).

In the mjd-82, Girin Dutta, a popular D.Y.F. (C.P.M.'s youth wing) worker beaten to death in Mekhliganj thana in Kuchbihar Dist.

And lastly we have noticed that one Promode Mishra was beaten to death in Alipore Police lock-up on 6.5.83.

Torture in Police custody is a routine affair of the police. Saumitra Ghosh, a member of the APDR was mercilessly tortured in Alipore Police Station by Sukhendu Ghosh, S. I., on 15.10.82. APDP drew the attention of the commissioner of Police but it bore no fruit.

*

Our third question is therefore : In how many cases out of these, the erring Police Officials have been punished ? Give specific answer against the specific instances, mentioned in this memorandum.

d) Arrests for connected charges are also noticed. Uttam Saha of Krishnanagar, Nadia, a council Member of our APDR, was arrested on 14-2-83 Four cases (Nos. Howrah P.S. 23/7/82, Krishnanagar P. S. Case Nos. 56/1/83 & 102/1/83, and Shantipur P. S. Case No. 2/2/83) have been Instituted against him. Uttam Saha is an innocent boy. We demand his immediate and unconditional release.

e) We, as a Civil Liberty body, need your co-operation and permission to look into the registers of the police Station, as to how many cases have been duly charge-sheeted within 60 days before the Court.

Condition of Civil Liberty in West Bengal

Excerpts from the Letter to the Chief Minister

Dear Sir,

The left front Govt. has been installed in power for the 2nd term with the mandate of the people of West Bengal.

We are happy that the authoritarian forces represented by Cong. (I) have been defeated in the last assembly election.

We, as an organization, dedicated to the protection and extension of democratic rights of the common people, are glad to note that in West Bengal different political parties and people largely enjoy the democratic rights of holding meetings, and demonstrations and of expressing their views. We also hail the declaration of the Left Front Govt. not to use NASA, ESMA—the notorious acts passed by the Central Govt.

But despite all these, We feel concerned to find that the high-handed behaviour of the police shows little sign of change, notorious police officers remain in position and are promoted. This is proved by the fact that on the one hand the activities of the anti-social elements are assuming menacing proportion and on the other harrassment of the

common people on mere suspicion goes on unabated. It is well-known that the anti-social elements cannot act day after day, without direct or indirect connivance of the police.

The reason for such state of affairs should be sought in depth.

The first Left Front Govt. took the very welcome steps of appointing some enquiry commissions such as Haratosh Chakravorty Commissions and Sarma-Sankar Commission etc. to enquire into the atrocities and murders committed by public servants inside and outside jails, inside thana lock-up and other places between 1970 and March 1977. But unfortunately none of the commissions' recommendations saw the light of the day, nor the work of the commissions was finished. We understand that some interim reports were submitted by the Emergency Commission but neither these were pulished nor any action was taken by the Government on the basis of recommendations made by the Commission. Not a single guilty public officer or personnel was punished. One may argue the legal difficulty stood in the way of continuing the work of commission. But such argument is not valid in our opinion. If the Govt. was sincere and earnest about continuing the work of the commission, ways and means could surely be found. The attitude of the Government in this respect showed that the Govt. was not earnest in finding out the truth about the greusome murders and atrocities commltted during the period mentioned above. This emboldened the police—particularly the notorious police officers.

On the other hand the reports appearing in

the press, it can be seen that there has been 533 rapes between 1st January, 1981 to June, 1982 (Anandabazar dated 11.7.82). From another report appearing in Basumati dated 2.8.82, it is seen that in June, 1982 there has been 1094 cognisable offences in the City of Calcutta ; out of these murders account for 7, dacoity 6, robbery 30, thefts about 600. In May '82 there were 936 cognisable offences, that is in one month there has been an increase of 158 offences. This should cause alarm to the peace-loving citizens.

Even after Left Front regime, members and supporters of CIP(M) the leading ruling party in West Bengal, have been murdered by anti-social elements belonging to Congress (I), Ganasakti (dt. 31st Aug. '82) reports that between 1977 11th June to 1981 26th August, 251 Left Front workers have been murdered. Between 1981, 27 August, 1982 22nd August, 74 workers have been murdered, of whom 72 belong to CPI(M) and 2 to CPI. This reveals a very serious state of affairs.

There has been another report appearing in the Statesman of 16.7.82, that the alleged link between cheat and IPS officials is being investigated. In this background, it is really disturbing that you have praised the police for its efficiency in curbing anti-social activities though you have admitted that crimes are on the increase, but you have stated that present social condition is responsible for increase in the number of crimes. (Jugantar or Basumati dt. 2.8.82). Social conditions are no doubt responsible for breeding crimes but the role of the police in this respect should not be ignored.

While the police fails to curb the activities of the anti-social elements, it shows undue earnestness in curbing alleged extremist activities. In doing so, it does not hesitate to harrass the innocent people or throw to the winds the rule of law.

We therefore urge upon you to take the following steps which have become very urgent.

1. Continue the work of Haratosh Chakrevorty and other commissions appointed by your Govt. in 1977.
2. Strict instructions should be issued to the police not to resort to torture in police lock-up. Police officers and personnel guilty of torture should be forthwith punished.
3. Instructions should be issued for releasing all prisoners forth with whose jail term had already expired.
4. Instructions should be issued to give charge-sheet within 90 days and release on bail all those where period of being undertrial had exceeded 90 days.
5. Instructions should be issued to produce those arrested before the court within 24 hours.
6. Some organizational arrangements in co-operation with Civil Liberties Organizations to look after strick adherence to principles enumerated in Nos. 2 to 5.
7. Necessary instructions should be issued to recognise all Naxalite prisoners as political prisoners and arrangement of their speedy trial should be made.
8. Formation of All party Citizens' committee to crub the activities of anti-social elements in the effected areas.

Yours faithfully
Biren Roy
Working President

25-11-82

**Mother arrested for son's
Offence : APDA women activists reports**

1. A fact-finding team of our Association went to Subhasnagar College (P. O. Nilganj) under the jurisdiction of Barasat P. S. 24 Pargs. The investigation report states that some boys of that area are allegedly involved with bank decoity case. Your subordinate officers of the Detective Department raided the area sometime on August 10-11, 1982 by night.
2. They went to the house of Narayan Biswas (40), a bire-maker poor man and wanted his son Nirmal Biswas (18). Narayan Babu's wife Pabitra Biswas was beaten on the head by the torch by the police men. Her head was swollen. His daughter (14/15) was also assaulted.

Nirmal Biswas, alias Bhaitu and his father Narayan babu were arrested and taken to Lalbazar at dawn. With handcuffed NarayanBiswas was kept in the D. D. offiic for twelve days. He was not produced before any Magistrate during these twelve days and afterwards released. Next morning when Pabitra devi went to Lalbazar accompanied by a neighbour Khukupisi, to enquire about her husband and son, she also was detained in the D. D. office for the whole day, and taken to Nilganj In a police car.

Then police went to Rabi Bappen's house. Since they did not find Rabi, arrested his 65 years' old mother Surabala Bappen, a widow, She was arrested for his son's alleged offence, and tortured in Lalbazar. She was kept their for fifteen days and a case was lodged against her. Her daughter Sm, Shyamali was also arrested and tortured.

We know that in 1980, Sm. M Burney, the then Union Home Secretary (presently Governor of N, E. States) wrote a circular to all State Home Secretaries, I, G.s and Commissioners of Police, not to arrest any women from dusk to dawn and during the day-time, if the women are arrested, the police squad accompanied by lady police squad.

Over and above this, torture in police custody is unlawful. Sec. 161(1) of Cr.P.C. states that an officer can examine an accused orally. Art. 5 of the UNO's Human Rights Declaration also states such.

We also find that harassment of women by anti-social is on the increase. A number of cases of rape have been brought to our attention. Consequently we are keen to know the total number of rapes committed in the last two years and more importantly the number of charge-sheets issued in such cases under the Sec. 375 and 376 IPC.

And lastly, we want to know from you that what step has been taken by you against the policemen who are responsible for the death of Mr. Sridam Nag a 55 year old teacher in Shyampukur Police custody.

Thanks,

Yours truly

- 1) Tilotoma Bhattacharya
- 2) Jharna Bhowmick
- 3) Amiya Roy Chowdhury
- 4) Dipti Mukherjee,

Police under Left Front Government

Excerpts from (A Report Published in E.P.W. based on APDR letter to Chief Minister)

Of the 13,311 prisoners in different West Bengal jails at the end of June, 1981, as many as 8,216 were under-trial prisoners, while the number of convicted prisoners was 4,700. In other words, the police have neither given chargesheets nor released on bail. Particularly in the case of the Naxalite undertrial prisoners.

Many prisoners, especially tribals, are not released even after the expiry of their term. There are 24 such prisoners in Midnapore jail.

Then there are allegations of torture—and even death—in police lock-up. Anwar Ansari, alleged to be a dacoit died at the Sadar Hospital at Asansol soon after he had been transferred there from police lock-up. There were angry demonstrations before Barakar police station demanding punishment of the officer-in-charge. There have been other such instances. Though enquiry was ordered in all these cases, the results are not yet known.

The behaviour of the police is especially atrocious when dealing with alleged Naxalites, particularly those belonging to the so-called second Central Committee of the CPI(M-L). Even according to police reports, only some 20 'actions' have been committed by the Naxalites, in different districts in the last two years. But the police have arrested more than a thousand persons and have let loose a reign of terror in certain areas. One such area is Saktinagar in Nadia District.

The Association for Protection of Democratic Rights (APDR) sent a fact-finding team to the area and, on investigation, the team came to the conclusion that there was enough evidence of police excesses. There are complain's of police using third-degree methods on persons arrested on snspicion of alleged connection with Naxalites. It is no wonder that the police practise torture since Chief Minister Jyoti Basu has maintained that his government does not recognise Naxalites as political worker and has given the police a free hand to deal with Naxalites.

Here are some glaring instances of police treatment of Naxalites.

Tapas Sarkar, an alleged Naxalite, was wanted by the police. Failing to arrested him, the police arrested his elder brother Sanat Sarkar but released him on the same day, Later Sanat Sarkar wae re-arrested along with his ailing elder sister, Shovana Sarkar. Both were released on bail. The police also arrested two brothers-in-law of Tapas Sarkar. Ajit Seth and Rabindra Nath Seth, and they too were later on released. They also arrested Tapas Sarkar's wife, Swapana Sarkar, and later released her on bail. Thus, Tapas Sarkar's brother, wife, sister, brothers-in-law were all arrested simply because they were related to Tapas Sarkar. The police even arrested, Dipak Ghosh, a senior engineer of Government of India, for giving shelter to Swapna Sarkar. Tapas Sarkar was also arrested on June 22 and is now in jail.

Swapan Saha, a third year student of RG Kar Medical College was arrested from Islampur, West Dinajpur, for alleged connection with extremists. He was brought to

Calcutta and was mercilessly tortured at 'Retreat', the CID lock-up at Tollygunge. Uttam Saha, an employee of Kanchrapara railway work-shop and resident of Saktinagar, Nadia district, was arrested on October 22, 1981, and was kept in Kotwali PS for five days, where he was mercilessly tortured. He was later on sent to Kalyani PS where he was subjected to further torture by CID and DIB men. On November 5 he was sent to Krishnagore jail where he was kept in solitary lock-up for 24 hours. He was released on bail in January 1982, but was again arrested on October 10 and tortured. He was sent to Krishnagore jail where he along with other prisoners went on a hunger strike against jail conditions. He was then sent to Dum Dum Central Jail. Fifteen cases have been registered against him under different sections at different places. Uttam Saha has been suffering from nervous break-down and also walks with difficulty as a result of the torture inflicted upon him.

Another case worth mentioning is that of Dipak Guha who has been charged in nine cases under different sections of IPC, three of them relating to Bihar and six to different places in West Bengal, Indranath Bakshi, a medical doctor, was arrested on June 26, 1982 but was produced before SDJM, Barrackpore, only four days later, on June 30, in gross violation of the legal provisions. The trial of all these persons has not yet begun, though they were arrested a considerable time back.

According to information provided in the Lok Sabha (*The Statesman*, October 17), there were more cases of police firing resulting in death in West Bengal than anywhere else in the country last year. Of the 751 cases of police firing,

resulting in 337 deaths, West Bengal's share was 248 firings and 62 deaths. The West Bengal government has maintained that firing was not resorted to against any democratic movement; nevertheless, this repeated resort the police firing has been a very disturbing feature under Left Front rule.

Thus under the Left Front regime in West Bengal, the police carry on torture inside lock-ups, harasses relatives of wanted persons, do not produce arrested persons before the Court within the stipulated time and do not release prisoners even after the expiry of their prison terms. The APDR has in a memorandum drawn the attention of the state government to this state of affairs. It has also organised poster exhibitions in different parts of Calcutta (the last one was on October 4) drawing the attention of the public to police excesses. APDR has sought permission to visit jails. **Note :** (till now neither the jail minister nor the judiciary minister found opportunity to permit APDR 11th Oct .83.

In the process of co-ordination in all India civil liberty movement ADPR aspire to take it's due part in all possible way. So we took the oppertu-naty to join tke fact-finding team with fraternal organisations like APCLC in khammam CPDR in Nagpur and PUDR in Jehandabad.

Organize and be killed

Excerpts from a joint fact-finding conducted by Association for the Protection of Democratic Rights, Calcutta and the People's Union for Democratic Righths, Delhi.

JEHANABAD is a 100 year old Sub-Division in Gaya district, Bihar. Bihar is one of the most backward states in the country and Gaya is one of the most backward districts in Bihar.

According to the 1871 census, out of 114 villages in Jahanabad, only 40 villages have electricity. Land reforms are totally non-existent in these villages. Less than 2% of the total number of households own 80 or more bigheas of land. Nearly 10% of house holds own between 6 to 25 bhigas of land. Rest of the 75% households are landless agricultural labourers. Besides, Gaya district faces severe drought conditions. Even when rainfall is normal, 12% of the land is irrigated. A Mazdoor Kiassan Sangram Samity activist told this team "for a long time we have been demanding a permanent dam at Motelpur, across the river Poon-pon, but the adminstration hasn't conceded".

A startling fact, and an evidence of the existing feudal system is, that in all these villages, wages are paid in the from of grain. There are two types of agricultural labourers in this area the Banihars and the Choota Mazdoor.

The Banihars are the yearly contract labourers whose relationship with the landlord is a blend of tenancy and wage labour. This is so formulated that it does not come under the purview of the tenancy act. Nearly 80% of the agricultural labourers are Bhanihars. Prior to the Sangram Samity's struggle the Banihars used to get 1 seer of pucca rice and one seer of khesadi satto (which is harmful to health) during the sowing season and one bundle out of every 16 bundles of grain reaped during the harvest. The landlord supplies

the seeds and other things necessary for cultivation on tenancy land. During harvest he takes back, not only the seed he provides but other by products like hay. Any breach of contract leads to exorbitant interest being charged on loans given. Besides, the Banihars have to work around 12 hours a day and any banihar falling ill is harassed by the landlord for pretending to be sick. The uncontracted labourers used to get only 2 seer of pucca grain for day's work, much less than the minimum wages stipulated by the Government.

In most cases the land owners are upper caste people and the landless labourers lower caste. During elections, booth capturing is a common phenomenon and the poor villagers were never allowed to cast their vote in the last 30 years. One villager said angrily, "the police never helped us in exercising our franchise. We, under the banner of Sangram Samity, for the first time resisted booth-capturing and cast our vote." Normally, the entire administration machinery have been entire administration machinery have ignoring these these villagers, but of late, because of "disturbance", officers have started 'visiting' the villages in jeeps with armed escorts. Armed police patrol the village and a police camp since 19th May '81 has been posted there.

That the police indulge in heavy corruption needs no mention. Landlords possess illegal fire arms. In August, 1979 a big gun factory was unearthed in the village Titai bhig.

The landlords also maintain a parallel armed mercenary force called the Bhoomi Sena. Earlier, each landlord had half a dozen armed bodyguards. Later, to resist the growth and spread of the peasant movement, they organized the Bhoomi

Sena. This organization is also notorious for looting and dacoity. It is alleged that they operate hand in glove with the police.

The democratic consciousness spread by the movement led by Jayaprash Narayan, resulted in the formation of the athy Reddy, Gopal Reddy and Linga Reddy appear to have been active in organising the Sanghom.

Mazdoor Kisan Sangram Samity. The Indian Constitution guarantees the right to form association, propagation of ideas etc. But without honouring the Constitution and other laws of the land, the police, in connivance with and under the direction of the landlords are violently suppressing the the legitimate democratic struggles of the peasants. They either actually joins the side of the Bhoomi Sena in acts of violence or remains a silent spectator.

On August 13, 1982, Umeshwar Singh, the leader of the Bhoomi Sena received information about the arrival of Lakman Manji, a sangram Samity activist on the occassion of a festival. Immediately, he gathered together some 20-30 Bhoomi Sena armed goondas and led them to surround the harijantola ef Bhagwanpore village. They caught Lakhman Manji, Swadeshi Manji who was accompanying him and another Sangram Samity activist named Balkeshwar Mnaji. According to eyewitness accounts, they were dragged on the ground and simultaneously beaten up. They were then illegally detained in another landlord's house named Binde-shwar Singh.

As the news of the illegal detention spread to neighbouring villages, villagers poured into Bhagwanpur to rescue their

co-activists. One of the people who went to Bhagwanpur, told the team that the Bhoomi Sena people hurled bombs and fired shots at the villagers. It is learnt that the tussle went on for an hour or so. Umeshwar Sing and some villagers were hurt.

A Samity activist said. "The three activities who were illegally detained in the land lords house, in the meantime, discovered some hidden lethal weapons. By then it was dark—the landlords realized their mistake and could not dare to open the door. The landlord opened the ceiling of the room and shot dead all the three young harijan leaders aged around 20 years."

The villagers said that the police arrived late in the night, took the corpses to the nearby field and burnt them. This happened even though Bhagwanpur is connected by metal roads to Jehanabad police station and is situated at a short distance of 7/8 kms away.

Attempts at organizing are further curtailed by the police disrupting meetings organized by the Mazdoor Kissan Sangram Samiti, though the Sangram Samiti generally informs the police about their meetings and seek permission. Seven meetings were proposed to be held in Jehanabad. The first of these was held successfully. However, the enraged landlords the following day—i.e. 1st July, '82 set fire to the harijan jhuggis to 'teach them a lesson'.

On July 2, the second meeting was held at Jamuk village on the banks of the rivulet Mohar. As the villagers arrived in a procession at the venue, the armed police unexpectedly

surrounded the area and began an unprovoked lathi-charge. Taking advantage of the situation, the Bhoomi Sena began firing at the fleeing villagers.

Smt. Indra Sania Devi, widow of Sudeshwar Manji narrated her experience : 'My husband found that our seven year old daughter was missing among the among the fleeing villagers. So he went back to fetch her. I don't know what happened latter except that his corpse was found in a nearby field.

After the police landlord attack, two other bodies were found. On July 3, '82 at third meeting, The armed goon-goondas started firing at villagers, an ojha became a victim. 5 Sangram Samity activists were arrested. Indeed, the notorious Crime Control Act is being used often against political activities. The fact-finding team has demanded that those imprisoned under the Crime Control Act be released immediately, Bhoomi Sena members to be arrested and prosecuted; all illegal weapons of the landlords to be seived; instead of branding poor peasants as 'extremists' The problems need to be tackled at their roots. The latest Report came that another 6 peasants were killed by police before 2nd October.

Why this long March ?

Prevalence of wide-spread ignorance of the basic human rights as stated in U.N.O's Human Rights declaration of 1948, which are essential pre-requisites in the life of a human being has been a major hindrance standing in the way of promotion and protection of these rights. The need for constant propagation of these rights among the millions of Indian people can hardly be overemphasised. Legal and administrative measures alone cannot make much headway unless the people for whom such measures are taken become conscious of their rights.

APDR (Association for the Protection of Democratic Rights) being a Civil Liberties organisation, considers it to be a bounden duty to ceaselessly endeavour for the protection and promotion of human rights. With its limited resources and ability, APDR has been making efforts to educate the people about their rights. As a part of this basic programme, APDR has now undertaken a venture to march to New Delhi by cycle from Calcutta. En route, the marchers will propagate among the people their rights through various forms of propaganda like mass meetings, exhibitions, cultural programmes etc.

We are sure that we will not be deprived of the fullest support, co-operation and assistance, financial and otherwise, from all of those who have sincere regard for human rights.

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