

# *Police Repression in Uttarakhand*

**(Bogey of 'Left Extremism' and  
Attack on Political and Social  
Activists)**

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## **Preface**

There has been a spurt in police action against activists of several people's organizations in Uttarakhand since 2004. Scores of people have been booked since 2004, in particular in 2005 and 2007, under various charges ranging from treason and sedition to membership of banned organizations. These charges when invoked invariably disable accused of their rights and in such cases his political beliefs (real or alleged) render him especially vulnerable. The basic rights of the accused- from getting bail, to protecting the dignity, reputation and indeed physical security of a person- all are denied. Since PUDR had undertaken a fact finding into the Haspur Khatta incident in August-September 2004, i.e. alleged training camp run by Maoists, we decided to investigate the matter once again in view of persistence of reports from Uttarakhand regarding arrests being made, cases being filed, as well as alleged attempts by police to browbeat those whom they considered to espouse "left extremists" views. Our terms of reference were the following:

1. To meet the accused in jail and get their version of story of the arrests and what transpired during their interrogation;
2. To meet those out on bail and find out what befell them when they were arrested and the difficulties they encountered;
3. To meet the family members and friends of the accused to find out if they faced harassment at the hands of the police and to inquire into the status of the cases filed against the accused;
4. To meet activists who were being harassed because of their ideology;
5. To meet officials and find out what they had to say regarding allegations made by the accused of torture, harassment and threats, as well as to find out how serious was the threat posed by the so called "left extremists".

A five member core team, accompanied by others at various points, undertook a fact finding from October 23-26, 2008 and 6-7 November, 2008 to investigate these instances of state repression of individuals and crackdown on organizations. In the course of the first phase of the investigation the team visited, in chronological order: Haldwani, Almora (from where it went to Someshvar and Dasau near Petsal,) Ramnagar, Dineshpur (via Kashipur and Gadarpur,)

and Rudrapur. In the second phase the team visited Haridwar, Rishikesh and Dehradun. We also visited the jails at Haldwani, Haridwar and Dehradun to meet those still incarcerated. PUDR would like to acknowledge the other members- Rajendra Dhasmana (President of Uttarakhand PUCL), Anand Swaroop Verma, Pankaj Bisht, Hem Mishra and Khem Singh (Dakhal), and Bhupen Singh-without whom such an exhaustive fact-finding would not have been possible

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## **Introduction**

The presence of Maoists and their activities became a matter of official concern in Uttarakhand in the second half of 2002 when the issue of displacement of people and submergence of villages due to the then under construction Tehri Dam project was the subject matter of public debate. The agitation was spearheaded by, among other organizations, the “*Uttarakhand Kisan Sanghatan*” (UKS). It was the district police of Garhwal which decided to focus on activists of UKS working in Bhilangana and Bhagirathi valley villages of Garhwal, and accused them of being Maoists. A propaganda campaign was launched against them to ensure that the activists of UKS did not succeed in mobilizing support against the Tehri project.

Eighteen months after this there was a spurt in news reports claiming presence of Nepali Maoists in Udham Singh Nagar, Nainital, Almora and Champawat. Soon thereafter a combing operation was launched in August 2004 in Udham Singh Nagar where it was claimed that Nepalese Maoists had entered and held a training camp. Subsequently, it was claimed that the camp was run by the MCCI and yet later that in fact it was conducted by the newly formed CPI (Maoists). Be that as it may. Police arrested several persons, a BA first year student Ishwar Fulara from Haldwani, and eight landless peasants from villages falling under *thana* Nanakmatta and Sitarganj- namely 70 yr old Kalyan Singh, 20 yr old Kailash Ram, 45 yr Hayat Ram, his son Prakash Ram and neighbour Rameshlal, 17 yr old Lalit Ram and Harish Ram and Santosh Ram. Three cases were filed- one in Rudrapur, another in Champawat and yet another in Haldwani as a fallout of the Haspur Khatta case.

Of the nine persons arrested under these cases seven were given bail and two Harish and Santosh Ram continue to remain inside jail.

Of those released 20 yr old Kailsah Ram died due to TB which he may have caught during his incarceration in the jail. Two more persons were later implicated in the 2004 cases, after their arrest in an alleged case of encounter in 2005. One of them was Anil Chaudakoti who was arrested in September 2005 in an alleged encounter at Radhakantpur which falls under Dineshpur *thana*. In this alleged encounter two other persons namely Jeewan Chand Arya and Neelu Ballabh too were picked up. All the three were first booked under National Security Act and subsequently charged in the case of alleged encounter.

The third round of arrests took place in December 2007 when well known journalist Prashant Rahi was arrested from Dehradun. It was claimed that three months prior to his arrest, i.e. in August 2007, he had helped organise a weapons training camp for the Maoists at Haspur Khatta. This happens to be the same area where in 2004 an alleged training camp had been run by the Maoists. Following his arrest, in February 2008, two more persons Gopal Bhatt and Dinesh Pandey were arrested. Call it coincidence but at the time when Prashant Rahi was arrested the Uttarakhand government had applied for Rs 208 cr from the central government in the name of fighting Maoist threat. Could it be that these cases came in handy to lend weight to the state government's claim of heightened Maoist threat in Uttarakhand? Gopal Bhatt was accused of being a member of “3 U Sac Committee” of North Bihar-UP-Uttarakhand of the banned organization CPI (Maoists). **It is significant to note that not a single case related to any incident of Maoist violence of any kind has been registered in Uttarakhand!** What then is this so called Maoist threat in the name of which the state government is carrying out arrests, and demanding more funds? Given that there are no incidents of armed resistance in the region, who are these people whom the state has incarcerated and why?

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## **Arrests & harassment**

### ***1. Stories of the accused:***

The team met the accused and/or their families to hear what their experience had been. What we heard revealed a range of crimes and rights' violations by the police ranging from false arrests and recoveries, to torture, threatening of bailees and delaying bail, to threats of encounters. The people who bore the brunt of such

repression were mostly poor farmers or agricultural workers, some of who had long political histories in the public realm, and others who seemed to be unaware of what the nature of the charges brought against them by the administration meant. What we heard from officials in the course of our investigations only confirmed our understanding, because pre-emption seemed to be, as we will explain later, a major cause of repression of social activists and others considered threatening.

**Gopal Bhatt's** family told us he had been picked up, along with his brother Keshav, on the 28<sup>th</sup> of December, 2007. They were detained for one night and one day. Their home was searched by the police on the evening of 29<sup>th</sup> December. One of the men present was heard by the family members telling someone on the phone that nothing had been found in the house and Gopal ought to be released. The same night Gopal returned home.

Exactly two months later, on the 29<sup>th</sup> of February, 2008, close to 3:30 a.m., 6-7 policemen came to their house in a jeep to take Gopal away in order to help 'clear some confusion.' His wife was taken with him and interrogated. She was set free soon after. Gopal however, was not released. He was sent to Khatima on 5 days police remand. On the 5<sup>th</sup> day of remand Gopal was brought home ostensibly to meet his ailing father (who was bedridden at the time and continues to be very unwell.) The police forced their way into one of the rooms in the house, began writing things. When Gopal's mother asked them what they were doing they shoved her away and she fell unconscious. There were no independent witnesses and nor were the persons who ostensibly carried out the search frisked before they conducted the search. The family was not shown the alleged recoveries made from their house.

The next morning papers announced that Gopal had "voluntarily" shown the police the wooden almirah where he had hidden subversive literature and weapons in his house. Gopal later told his family members that he had been tortured and made to sign blank pages and warned that failure to obey their instructions could result in his "encounter". The police also warned his neighbours not to come out in public in favour of Gopal and took down their names. Three cases have been registered against Gopal (3150/05 under S 121A, 124A, 153B, 120B, of the Indian Penal Code (IPC) and the 7<sup>th</sup> Criminal Act; 491/08 under S 121A, 124A, 153B, 120B, of IPC and 10/20 Unlawful

Activities Prevention Act (UAPA); and 492/08 under S 121, 121A, 124, 120B of IPC.)

**In the case of Dinesh Pandey** his family told us about how he was picked up from the office of a local advocate but officially police claimed ~~that they had arrested him on the 28~~ of February, 2008, from the forests of Dhyampur. According to them local papers reported, on the 19<sup>th</sup> and 20<sup>th</sup> of February 2008, that the police were on the lookout for Dinesh Pandey who, it was claimed was absconding. Four days later, Station Officer in charge of Nanakmatta thana came with an inspector, searched Dinesh's house and found nothing. On their way out they instructed the family to produce Dinesh to the authorities within the coming week. On 27<sup>th</sup> February his family informed the court that they want to surrender Dinesh before the court and filed an application. On 28 February four advocates (including his brother and uncle who too are lawyers) accompanied him to the court at Khatima. While they were waiting there the police arrived and persuaded the family to allow them to take Dinesh for questioning, assuring them that he would be brought to the court the very next day and they will not demand his remand. Taken in by their assurance family members gave their consent. However, the very next day the SO of Nanakmatta presented Dinesh before the Court and claimed that Dinesh had been picked up after police laid siege in Dhyampur forest and it was from there he was taken into custody on 28<sup>th</sup> February. The case # 3222/07 for which he is sought is not related to any particular incident but purports to be a case in which all the accused are shown to be members of, or somehow linked to the banned organization CPI (Maoists). **This is the same case in which the prime accused is Prashant Rahi.**

We met **Neelu Ballabh** in his village day after he was released on bail. Neelu, as we discovered during our conversation, was politically active in the farmers' movements in the area, which worked mainly to try and secure land rights for the dispossessed. It appeared to us from talking to him that his arrest was most likely an attempt by the administration to 'deter' such grassroots movements. He was arrested on September 25<sup>th</sup> in 2005 from Gadarpur but the police showed his arrest as having taken place in Radhakantpur three days later (28<sup>th</sup> September) where an alleged encounter had taken place between a gang of seven "extremists" and the police. It took him two years to get bail, and more than a year to fulfill bail formalities because police threatened those who came forward to offer bail bond,

as well his family and neighbours who also persisted with their efforts to furnish bond/sureties. Finally after 37 months of incarceration he was bailed out on October 25, 2008. Neelu was in tears as he showed us the hands of his 15 year old son who together with his wife had to work in the farms to earn money to run the house whereas he had dreamt of getting him education, something which he himself never got. He was active prior to his arrest, with *Mazdoor Kisan Sangharsh Samiti* (MKSS). Their struggle was over enforcing ceiling laws in order to distribute land to the landless as well as for operationalisation of the *chakbandi* system of land assessment instead of the *bandobast* system. A nexus of *patwaris* and big farmers has worked to consistently deprive the landless of their right to land. The land rights struggle in this area has also, it would seem, attracted the attention of authorities because a large number of those seeking these rights are Bangladeshi migrants who came to this area in waves at different points of time from the 1950s onward. Crucially, while these migrants were recognised by the state at the time, in recent times there seems to be a systemic process of intimidation of this community. We will see some aspects of this intimidation later. He kept asking us that all he did was within law and asked only for what he was told were his constitutional rights. Yet when he demanded these he suffered, clearly revealing that the police were actively working to protect the interests of the ruling elite.

**Anil Chaudakoti** too was implicated in the same case of alleged encounter at Radhakantpur and was shown as being arrested from there whereas he was arrested from his house in Champawat on 27<sup>th</sup> September, 2005 and, therefore, was in police custody when the alleged encounter took place the next day! When it appeared that he would get bail in this case he was implicated in two cases registered after Haspur Khatta incident of 2004 and shown as being a “zonal commander” of the Maoists. He, like many others who were arrested, was subjected to torture, he told us when the team met him in Haridwar jail. Although he got bail in the 2005 case and seems likely to get bail in another case registered in Rudrapur police were doing everything possible to delay his getting bail.

In Dehradun jail we met **Prashant Rahi** who said that he was picked up from Dehradun on 17<sup>th</sup> December 2007 but shown as arrested five days later on 22<sup>nd</sup> from near Haspur Khatta. When he was arrested he was told that his name was Ram Singh who was being

**Box 1: Excerpts from an Appeal to Media Persons from Jail by Jeevan Chandra, Anil Chaudakoti and Neelu Ballabh; I July 2006.**

Uttarkhand police and administration should follow the law instead of raising the bogey of Naxalism and Maoism and invoke dictatorial laws of English imperialists. How can we call ourselves a democracy if people are now allowed freedom of expression and ideology? Our ancestors fought foreign empires to free our nation and we too fought by participating in the struggle for Uttarakhand. But now the police and administration considers suppression of ideology of people's emancipation as a contribution. If this trend continues then very soon struggle of the unemployed and even public's demand for road, electricity and school could invite repression.

This is a test for democracy. Media is the watchdog of democracy. But in our case the injustice inflicted on us saw the media, with few exceptions, play a negative role. It is the responsibility of vigilant journalists to avoid becoming a spokesperson for the police. It is painful for us to note that in our case police used the news reports which appeared in newspapers to buttress their allegations. After all how many reporters have been to Haspur Khatta? They have carried police version of reports about training camps run by Maoists but they did not carry news about the arrest of a 20 year old Kailash Ram.....Our government can auction our sovereignty and turn our villages into military camp but it can not provide food or employment. The state government can amass money in the name of suppressing Maoists by concocting false stories and use crores of rupees for the debauchery of ministers and officers but in 58-59 years of fake freedom they have forgotten to accord hundreds of villages in *terai-bhawar* the status of revenue village..

The struggle for change cannot be fought so long as media doesnot support or cooperate. If it is your compulsion to publish the official version then is it not your obligation to print our side of the story? Newspapers have carried all kinds of stories about us but not a single reporter has visited us in the jail to find out what befell us in jail or our families. This did not happen when Bhagat Singh

was accused of being a terrorist and then put behind bars. He was allowed to read newspapers and literature. Is it that status of political prisoners is reserved for the likes of Shahabuddin, Pappu Yadav, Raja Bhaiya, D P Yadav or Mukhtar Ansari? The part of Uttarakhand, *terai-bhawar*, from where we have been shown as being arrested is notorious for the nexus between big landlords, corrupt politicians, land mafia, police and bureaucrats. It would be a sad day if the media were to become part of this nexus....

...WE appeal to you to respect the main principles of media and investigate our case and oppose the harassment and intimidation of political activists.

[The letter appeared in 1-14 July 2006 issue of Nainital Samachar]

sought for a case of robbery. He protested and gave his name. They placed a mask on his face and dumped him in a car. He was taken to some undisclosed place where senior officials interrogated him, including someone, he said, with a south Indian name who was obviously a ranking officer because the other police officers addressed him as "Sir". He was tortured. He told us that during his interrogation he was asked about Maoist activities and asked to provide names of others who were involved. To him it appeared that police were fishing for information rather than asking him about anything specific.

Both **Harish Ram**, who is in Dehradun jail, and **Santosh Ram**, who is in Haldwani jail, have been incarcerated since September 2004. Both told us they had been picked up from their house. They said that they were agricultural labourers and that police beat them badly and made them put their thumb prints on blank papers, which they did to escape third degree. Being illiterate they do not know what was written in those pages. Since they are poor their family members can not afford to help them or even come to visit them. Police claim that after they were arrested from near Haspur Khatta they took the police to a spot from where weapons were recovered.

## **2. Harassment of the families:**

Police repression however takes the form not just of arrests, harassment and torture of accused, but extends to the harassment of their families, threatening their physical safety and livelihoods. We have already recounted the interrogation of Gopal Bhatt's wife by the

police, as well as their intimidation of Gopal's parents. Neelu's family also complained of harassment, and one can argue that his 15 year old son having to work because Neelu is in prison in itself constitutes some form of harassment. However, the parents and wife of three persons wanted by police who are absconding have suffered most. Fear of torture appears to be one reason for these three to remain on the run.

**Khemraj Bora**, age 40 years, has been absconding for nearly 11 months. A warrant was issued against him in the same case # 3222/07 as Prashant Rahi. Khemraj's family has a political lineage- his grandfather was a freedom fighter and a socialist. His father, was active member and office bearer in *Lohia Vichar Manch*. Khemraj himself has had a long activist life. He was secretary of the Vyapar Sangh, and active in the *Boraro Vikas Manch Andolan* (for which he was also arrested.) He was also active in the anti-liquor campaign, the *Binsar Andolan* (in 1992,) and the *Lisa Shramik Andolan* (in the 1980s.) He was also a member of *Srijan Sahityik Sanskritik Sanskara* (established in 1993-94.) Khemraj was with the Vyapar Sangh till 2003-04. On the 20<sup>th</sup> of December, the SP of Udhamsingh Nagar and the *Somesvar thana daroga* came to his house in plainclothes at around 8 a.m, with 5-6 police cars and several women police persons. They searched the premises without identifying themselves. They asked for Khemraj and were told he had been in Nainital for the past 3 days. They took several of his photographs, as well as literature- including copies of 'Nainital Samachar' and what they designated "banned literature." They announced to the family, at this point, that Khem Singh was a Maoist. The squad left, but local police came back later. On the 8<sup>th</sup> of May, 2008, *kurki* was done (following a month's notice.) Since these repeated attempts at intimidating the family, Khem Singh's wife Nirmala, who was working in Gandhi Ashram on daily wage of Rs 35, has stopped going to work fearing police harassment. Her greatest fear is that Khemraj may already have been killed. This fear was based on police threat to the family that unless they found Khemraj, he might get 'encountered.'

In Dasau we met the family of Devendra Chamiyal, against whom there is a warrant, and who is also absconding. Devendra has been on the run since 2005, the year when the police first came to his house. They asked Devendra's father his whereabouts, but were told

that his father knew nothing. His father heard the police call Devendra a “*Maowadi*,” but said he had no idea what that’s supposed to mean. He asked the police a question which in the course of our travels, we heard from several effected families: ‘if you can’t find him, how can we?’ The policemen who came here were also from Udham Singh Nagar. Devendra’s wife, Kamla, has borne the brunt of the police’s brutality. They constantly intimidated her and made her landlord at Almora to throw her out of her rented accommodation saying she is the wife of an “anti-nationalist”. Driven by this psychological torture she became homeless, and is unable to work to fend for herself and her child of eight years.

Family of Chandrakala (who is Prashant Rahi’s life partner) are upset at police routinely visiting his house. Her father had been in the military, and is now retired. Her mother suffers from chronic arthritis. Chandrakala used to visit them to care for her mother. Since the warrant came out, her father said, they have not heard from her. The police frequented their house and still does periodically, keeping a watch on who they meet and- he suspected- perhaps even tapping their phone. This has made life extremely difficult for her parents, who, as her father said, ‘can’t hold their head high in public and have to walk in the shadows.’

### **3. Torture:**

**All the accused, barring Dinesh Pandey, were subjected to torture.** In the case of Prashant Rahi he bore the brunt of the torture which included pressing rollers on his legs, kerosene being poured through his anus, beating etc. Neelu Ballabh told us that he was made to stretch on the floor and then beaten black and blue with rods which he fears has permanently damaged his lower back. He was stretched, and a rod inserted in his anus. Since he was Bengali i.e. displaced Bangladeshi rehabilitated by the government in Terai area, he was stripped of his clothes because police wanted to make sure whether he was a Muslim or Hindu. He feared inability to work anymore on farms because of this the torture. Gopal’s family too said that he was brutally tortured- however they were reluctant to describe what was done to him. Santosh Ram who has been in jail since 2004 too has been tortured. Unfortunately the jail and judicial authorities regard whatever transpired in police custody as having nothing to do with them and therefore, have not bothered to record what the accused

have to say. The very fact that jail authorities did not allow us to speak to the accused alone appears also as an attempt to keep unpalatable facts from spilling out. They also appear to be unmindful of their own responsibilities as per the jail manual in denying them either reading material, table and chair to sit or pen and paper to write. As undertrials they are entitled to meet their lawyers, family and friends, have access to reading and writing material etc. All this is within the powers of the jail authorities. However, in these cases police personnel in anti-naxal cells give clearance before jail authorities can do anything. National security has become a synonym for arbitrariness of police and even jail authorities responsible for the welfare of the jail inmates have no choice but to follow their diktat. However, inside the jail they are not mistreated or abused and from our interaction it did appear that jail wardens were lot more humane and keen to follow the rules and treat the undertrial with due respect. However their hands were tied.

## **Some Questions Regarding the charges made**

### **1. Hapur Khatta 2004:**

**Both PUCL (Uttarakhand) and PUDR (Delhi) had independently investigated** this incident which took place in August 2004. Both had found the police version baseless. We had then said that 8 persons were picked up from their houses on 31<sup>st</sup> August 2004. However, police claimed that they had caught these eight from “*sau footia*” jungle during combing operation. According to the police and local media several articles were seized from the jungle which included tents, vessels, cooking material as well as what police described as “*aslaa banana ke auzar*” (instruments to make weapons). The first three items do not have any criminal association, whereas the instruments recovered in the fourth item could arguably have an alternative use and entirely peaceful purpose. Yet on the basis of this entirely circumstantial, if not blatantly concocted, evidence sedition laws were invoked. Later police claimed to have recovered five weapons and some ammunition. Local newspaper (Amar Ujala, 7<sup>th</sup> September, 2004) reported seizure by police of five weapons, 10 detonators and communist literature. Police also claimed in their chargesheet (FIR #119/04) that they recovered 5 weapons on 17<sup>th</sup> September 2004 with the help of Santosh Ram and Harish Ram.

Significantly, on 7<sup>th</sup> July, 2006 in the case # 119/04, the sessions court convicted Santosh Ram and Harish Ram under S.25 of Arms Act. Significantly it rejected charges of sedition and waging war invoked against them as well as dismissed charge of being members of a banned organization, for want of evidence. They were awarded sentence of one year and nine months, which they have already served. It must be noted that the court went by the seizure memo for the weapons recovered as the evidence. Something which the two accused denied. PUDR in its 2004 fact finding had reported that the arrests which were made in 2004 appears to be a case of police trying to invest their claim of Maoists running a training camp in the jungles of *terai* region with some credibility by leaking 'information', most of which, significantly, found no place in the police charge sheet. Media then sensationalized the alleged plans of the Maoists in Uttarakhand to prepare the ground for armed resistance in order to overthrow the government. Under the garb of cracking down on Left Wing Extremism (LWE,) several activists of organizations such as Progressive Students Forum, Democratic Students Organisation, *Parivartangami Chhatra Sangathan, Krantikari Lok Adhikar Sangathan, Uttarakhand Kisan Sangathan* and CPI (ML) Liberation were picked up for questioning and accused of working for the Maoists.

## **2. The 2005 Encounter:**

We decided to visit the spot where the alleged encounter had taken place. According to the police Neelu Ballabh, Jeewan Chand Arya and Anil Chaudakoti were arrested on September 28, 2005, at around 11:00-11:30 a.m from the spot. The police claim 7 Maoists were present in Radhakantpur, three were arrested after exchange of gunfire, and 4 escaped into the jungles next to the crime spot. What is important to note is that if encounter took place on 28<sup>th</sup> September 2005 then how come two of the accused were picked up on 25<sup>th</sup> September, 2005 from Budh Bazar, Gadarpur and the third person arrested from his house on 27<sup>th</sup> September, 2005! Apprehension was that police wanted to enact an encounter and kill these three but because of the intervention of Commissioner Kumaon this could not be carried out. Besides, the spot where the encounter took place is close to houses nearby as well as to a doctor's clinic and a school play ground. The small bridge, or Pulia, is right next to a plot of land which belonged to Piyush Kant. It was this land which local power broker Khokon

Goldar and 'patwaris' had shown as belonging to a big farmer Sardar Amreek Singh, who also happens to be the head of BJP's Kisan cell. Several people we spoke to confirmed that there had been no gunfire in the area. Even *pradhan* of the gram *sabha* told us that the entire police story is wrong and is meant to ensure that dispossessed Piyushkant does not challenge the illegal land transfer. All around us lay visibly fertile- mostly paddy- fields. No Maoists could possibly have escaped the police in such an area during daytime. The jungle, locals told us, was a good 5 kms away and it was impossible for people to have missed noticing anyone running away. Yet this is the case in which three persons were implicated and detained for years.

## **3. Case # 3222/07:**

In this case - Prashant Rahi is the main accused. This is a case which is not related to any particular incident or commission of crime. It is a case under S 20 of UAPA (1967) i.e. being a member of a banned organization. Which is to say that were the organization not banned, none of the acts for which they have been accused, tortured and remain behind bars would be considered anything but legitimate. But once an organization is proscribed under UAPA every activity of the organization as well as every member or sympathizer can be brought under the purview of the Act and projected as a criminal.

It is claimed by the police that they have "incriminating" documents which they recovered from a laptop, allegedly belonging to Prashant Rahi. However, Prashant Rahi told us he was first shown a damaged laptop when he was police custody. The police personnel asked him if he knew how to operate a laptop. When he said he could he was shown a laptop which was damaged and would not start. But he was emphatic that it did not belong to him. Therefore, to link him to the documents found in the laptop is clearly a matter for the court to look into.

## **4. Intimidation of activists**

In Lakhipur village, a stones throw from the scene of the alleged encounter, we visited the house of Piyush Kant, who has been subjected to frequent threats by the police. We spoke to a number of people who complained about state/police repression in its different forms. For instance policemen who first came to his house in 2005 demanded to know from Piyush Kant why he had put up posters of Bhagat Singh!

And indeed advised him to put up pictures of gods and goddesses instead.

Asit Kumar Sarkar (from Durgapur village No.1) told us about how, after he joined the *Akhil Bharatiya Bhrashtachar Evam Aparadh Nibaran Parishad*, he was advised by the organisation to inform local authorities of his membership. However, when he went to the *thana*, he was insulted by Inder Singh Rana, (the SHO of Dineshpur thana.) who warned him against "*netagiri*". Indeed many people complained to us about I.S. Rana, who we were told, has been awarded the President's Medal. Birendra Halder, a member of CPI(ML) Liberation, too described how he was beaten and brutalised in the *thana*. He had been part of a land struggle in Rambagh, where a BJP MLA had occupied between 100-200 acres, dispossessing the locals who had tenurial rights over the land.

Dinesh Kumar Halder, a doctor who was earlier a member of BSP but fought the last *vidhan sabha* elections as part of the CPI(M), told us about the steady process of 'de-identification' of Bangladeshi migrants: their voter cards and ration cards were being taken away and declared illegitimate. The fact that they had come from Bangladesh also made them suspect in the eyes of the authorities who tended to see them as potential troublemakers. During Neelu Ballabh's interrogation in police custody he was stripped because, he told us in anger tears in his eyes, they wanted to know if he was a Muslim or Hindu.

It appeared increasingly to us that in a context where, in that entire area, from Rajpura No.2 to Lakhipur (and possibly beyond) a peasant struggle was building up voicing the concerns of the landless, landed poor and agricultural labourers, the state government had decided to snap into actions using a battery of repressive mechanisms, psychological and physical. It is against this background indigenous versus outsiders/migrants binary etc were being employed. This part of Uttarakhand has seen strong, organised grassroots movements, thus the process of 'de-identification' of Bengali settlers is only one step away from de-legitimization of their claims. That thwarting the peasant struggle from becoming strong was a guiding reason was evidenced in what befell a local school teacher and social activist.

We met Master Pratap Singh who was president of MKSS. In November 2005 at the behest of SSP Udham Singh Nagar he was

arrested by Bareilly police when he was traveling in a bus. He was told that he was accused of being a trainer of Maoists and then kept in illegal detention for 6 days and five nights and then released on 16 November 2005. His eldest son Viresh Kumar was detained by police in September 2004 and accused of being a Maoist. His other son Rupesh Kumar, a journalist, was detained in September 2005 and accused of being a Maoist. Masterji is a well known social activist and also brings out a magazine "Prerna Anshu". The common factor behind all these stories we heard was their role in mobilizing the toiling masses.

### **5. The case of 'Nagarik':**

In Ramnagar we met people associated with a fortnightly newspaper Nagarik. They have been publishing 'Nagarik- *adhikaron ko samarpit*' since the last ten years. They have raised a number of different social issues in their newspaper. The newspaper propagates progressive ideas and condemns reactionary thoughts. It is not a declared or undeclared organ of any party or organization. The readership of the newspaper includes individuals who are either political activists or general masses.

On 15th July, 2008 the Nagarik staff came to know from one of their readers, resident of district Mau (Uttar Pradesh) that he was visited by someone who claimed to be from CBI and warned him not to read Nagarik. The subscriber was told that he was supporting antinationalist and terrorist propaganda by reading this news-paper. He was informed by the said person that he was being investigated because Uttarakhand government has demanded details of Nagrik readers from U.P. Thereafter information came pouring. They received many phone calls from a number of 'Nagrik's' annual subscribers from U.P. to the effect that they were being threatened and terrorized by the U.P. intelligence department. Many of the readers frightened by these investigations conveyed their desire to discontinue their subscription. Interestingly, no one from intelligence department or any other government agency contacted the 'Nagarik' publisher or editor. It is also intriguing why and how the intelligence department of Uttar Pradesh was threatening the readers by making allegations that 'Nagarik' is a anti-national newspaper. It also appears that the intelligence department of Uttarakhand has prepared a list of those



readers who receive their issues by post since last several years so that they can be threatened thereby forcing the newspaper to close down.

The wide reach of this crackdown was exhibited on 6<sup>th</sup> October, 2008 when *Krantikari Lok Adihikar Sanghtana* were holding a protest against non-supply of water to people living in Nagina Basti, Lal Kuan and demanding BPL cards for residents as well as compensating those whose houses were damaged due to the collapse of a *basti* wall. That is when the local goons attacked them. The local police, instead of coming to their aid, sided with the goons, and took the victims of attack in their custody. Indeed they did so after male constables beat women and men mercilessly. While an FIR was lodged against the protestors the police refused to allow the victims of their highhandedness to lodge their complaint against the goons and the police.

In Rishikesh we met a young couple Arun and Dipti who were harassed, and continue to be visited by intelligence personnel, because they had offered to provide a bail bond for Neelu Ballabh. The police made sure that his bond papers, which comprised ownership papers of his scooter, did not receive the requisite NOC from the local RTO. Indeed next day after our visit police turned up to find out who had come to visit them and for what purpose.

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### **'Encountering' officials**

As we were about to leave Piyush Kant's home, two men in plainclothes walked into the open courtyard with a silent sense of purpose. One of them began filming the gathering without even bothering to ask the owner of the house for his permission or asking the team members for their consent. For a minute or two no one said anything. It was only when we insisted they tell us who they were that they answered that they had come from Dineshpur thana and had been sent by their SO Inder Singh Rana. This was apparently sufficient to give them the authority to barge into the house of the villagers and begin recording our presence. People who were present there told us that police in uniform or in plain clothes frequently enter their houses, abuse and threaten residents including young women. When we were leaving Piyush, and some others, voiced their concern that once we leave the SO might very well summon them to

the *thana* and harass them for inviting human rights activists. We therefore decided to meet the SSP, Udham Singh Nagar.

When we narrated what had happened he told us that unless we have come to meet someone for their "daughter's wedding" we were obliged to inform the police about our plans. Going so far as to say that we might wish to inform them of our tour itinerary prior to starting our investigations, since the police doesn't know who might preach what "ideology" to whom. He in fact claimed that "outsiders" are obliged to inform the police which village we wanted to visit and which villager we wanted to meet. In support of his statements, he cited the Uttarakhand Police Act (2007). The team members contested this claim and told him that it is well nigh impossible that any such power vested with the police and that our constitutional rights cannot be violated by such arbitrary acts which amounts to infringement of our fundamental rights. Yet, the SSP (Rudrapur) claimed that the new police act authorizes the police to demand the itinerary of outsiders. We managed to get the copy of the Uttarakhand Police Act (2007) and found that there was nothing in the Act which authorizes the police to make such outrageous demands. Obviously, the SSP was either ignorant of the provisions of the Act or pulling a fast one on us believing that we would accept their offensive claims. For a senior police officer to advance such a claim was not just astounding but also dangerous because this seems to us to signal a '*police raj*' in the making. We decided to take up this matter with senior police officials in Dehradun.

When we met IG (Law and Order) M N Ganpathy in Dehradun and requested him to find out from the SSP on what basis he advanced such claims he chose to remain silent. We then asked him whether his department could provide us with records of Maoist incidents, how many of them had taken place over past four years and what were the nature of such incidents he said that he could confirm that there had been no act of violence. If this was the case, we asked, then why had the police arrested scores of people since 2004 and accused them of waging war, conspiring to overthrow lawfully constituted government etc? His answer was that those who have been arrested subscribe to Maoist ideology. We asked him if there is anything in the law which bars a person from holding any view or opinion. He replied that while this may be true theoretically, police is duty bound

to nip in the bud the activities of those organizations, which believe in overthrowing the government. We inquired if this meant that the police had acted in a pre-emptive manner. He replied in the affirmative. However, he added that Maoists are right now in the first phase of resistance before they begin armed actions. Therefore, it is necessary to stop them before it reached the stage of armed actions. According to him Uttarakhand being a border state, political developments in Nepal have a bearing on the state. When we asked that given the emergence of Maoists in Nepal as a single biggest political force and the formation of government led by them how can the threat perception of earlier years still prevail. Should it not change? There was no answer. We asked him to explain the harassment of readers and subscribers of Nagarik newspaper published from Ramnagar. He told us that the group which brings out the newspaper holds views which are similar to those held by Maoists and they too believe in non-parliamentary politics. When asked if views expressed in the newspaper were found to be objectionable then why did the police not proceed against them rather than intimidate the readers, his response was that just as left extremists propagate their views, the police is fully justified to engage in counter-propaganda against them.

Every official we spoke to admitted that not a single incident of violence by Maoists has been reported or recorded in Uttarakhand. District officials we spoke to also admit that police and intelligence authorities tend to go overboard at times. As evidence of this a senior district official told us that the intelligence and police personnel had prepared a list of subversive literature seized from a suspected "extremist" supporter which comprised books of Marx, Engels etc. The official reminded the personnel of Local Intelligence Unit (LIU) that these books were also available in that official's possession. We were told that even cultural activists were considered as anti-national simply because they parodied or criticized government policies or sold left wing literature. When we asked some of the officials we met whether this crackdown on Maoists/Naxals was taking place on the basis of specific information gathered/generated by the local authorities, we were informed that this was not the case. The crackdown, it was pointed out, was carried out on the orders from state and central authorities. It was inputs provided by the state and central agencies which formed the basis for arrests or interrogation

of suspects. Officials concurred with our view that by cracking down on legitimate activities being carried out by these groups, the space for peaceful resistance would get restricted and pose a far graver challenge.

It is interesting to note that the annual report of the Ministry of Home Affairs 2007-2008 too does not record a single instance of Naxalite violence from any of police stations in Uttarakhand between 2003-2007. Annexure V, in the annual report, which purports to be a table of state wise number of police stations which reported Naxalite violence between 2003-2007 remains conspicuously blank. As a border state Uttarakhand did receive Rs 871 lakhs in 2006-2007 and Rs 1895 lakhs in the following financial year, 2007-2008. In other words Uttarakhand has recorded none and reported no instance of Naxalite violence but its receipts from the centre have more than doubled. This further corroborates that there is lot of make believe in the Uttarakhand police claims regarding left extremist activities in the state and it could as well be to justify their claim for a larger share of the pie set aside for fighting LWE in the Union Ministry of Home Affairs.

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## **Conclusion**

After speaking to both, officials, district as well as police, and the family members of the accused and activists, we consider the Maoist threat in Uttarakhand to be more conjured than real.

State repression is happening for chiefly three reasons:

1. Insecurity resulting from emergence of CPN (Maoists) in Nepal as a major political force and the likelihood of its appeal spilling over into India;
2. Availability of central government funds to states for combating Maoist;
3. An attempt on the part of the regime to pre-emptively crack down on opposition against large scale alienation of land and privatization of river water.

The Maoist bogey has come in handy for local power wielders too to use against their opponents such as peasant or social activists etc raising demands for land ceiling laws and distribution of land to landless peasants. Repression broadly functions in a couple of ways: either through arrests, brutal torture in police custody, being

implicated falsely in cases, and/or through a sinister campaign of striking fear in the everyday lives of people, a microcosm of which we ourselves witnessed in Lakhipur village under Thana Dineshpur. In this connection something Neelu Ballabh told us is worth recalling.

He said that a month before he got out on bail the new jailor asked him that soon you will be going out. "Do not get entangled in any activity. Do what Prime Minister Manmohan Singh says. There is nothing left in any ideology". He told us that personnel from Local Intelligence Unit (LIU) had come to see him a year ago. He was told that "you have very high thoughts. What do you plan to do once you are released?" He told them, he said, that "I have seen that fighting for justice got me jail. On being released I will behave like an old man. I will see nothing. I will hear nothing...." The LIU personnel told him "yes this is the best thing you can do".

To us it sounded like these activists were being told to give up their fight for justice and just get on with their life. It was as though right to organize and protest against injustice, and demand what more often than not were their Constitutional rights, was something that was frowned upon and considered in our contemporary times to be an anathema, never mind what the Indian constitution says.

It is easy for police to arrest any social or political activists and implicate that person in a crime which never took place because once an organization is banned then anything remotely linked to that organization becomes a crime. Also if a person is accused of posing a threat to "national security" then not only the media but even the judiciary tends to believe whatever is said by the police to be true. So much so that it has become easy for police to declare any literature seized as being "banned" material or printed matter brought out by a proscribed organization. Thus it is not impossible to lodge false cases invoking national security provisions of IPC and other laws which make it difficult for the accused either to get bail or even be treated as under trial entitled to certain rights in accordance with Minimum Standards prescribed by UN for prisoners and to which India is a signatory. A cause for particular outrage is the stories of brutal torture of the accused during the course of their interrogation. What is most threatening is the police's seeking to dictate and regulate what people choose to believe in, what they choose to fight for, where they travel, even what they read! We fear that what is happening in Uttarakhand

is an early sign of making of a police raj where police and intelligence decides which political and social activities are "anti-national" and which are not. Which printed material is to be proscribed and which is not. Indeed they preach to the people to give up path of struggle and just get on with their lives. This, we are convinced amounts to a subversion of the constitutional freedoms in body and spirit.

We therefore, demand that:

1. Government of Uttarakhand withdraw false cases filed by them to showcase Maoist activities in Uttarakhand;
  2. Set up an inquiry into allegations of torture of the accused in police custody;
  3. To provide a list of banned literature;
  4. To prosecute those police officers who carried out intimidation of readers of Nagarik and continue to harass villagers who dare raise their voice against injustice;
  5. To provide families of the accused compensation for endangering their right to life and liberty, which also means their right to earn their livelihood.
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## **Box 2: Honda Workers Struggle at Honda Siel Power Products Ltd.**

Uttarakhand, in the years to come, will in all likelihood see a major battle over industrialisation, displacement, and labour rights. The vast tracts of land being given to corporations in areas like Pantnagar- under SIDCUL (State Infrastructure & Industrial Development Corporation Of Uttarakhand Ltd.)- will become a main theatre for these struggles. Officially, SIDCUL is being hailed as the state's pathway to industrialisation and progress in an "investor friendly environment." The SIDCUL website says the enterprise was "incorporated as a Limited Company in the year 2002 with an authorised share capital of Rs. 50 Crores and Rs. 20 Crores paid up capital through Government of Uttarakhand in order to promote Industrial development in the State." The state government's 'Vision' for the enterprise includes, among other things, an emphasis on "scientific exploitation of mineral resources of the state," as well as the simplification and rationalisation of labour laws in tune with "current day requirements." [http://www.sidcul.com/: 'About' and 'Vision'] Of course, as courtesy it is mentioned that workers will share in the economic prosperity of the state. But we have reason to be suspicious of this bold statement.

The union agitation currently going on in the Honda Siel Power Products Ltd. (HSPPL) Rudrapur has occupies an important position in this context. Six years ago, the *Shriram Honda Shramik Sangathan* (SHSS) fought bitterly against the management's decision to move the aluminium shop out of Rudrapur to Greater Noida. [Shifting Sites; Workers Resistance at Honda Power Products, PUDR 2002] Today, their confrontation with the management has erupted over the latter's decision to shift the entire plant to Greater Noida, allegedly to increase the company's economic viability.

On the 1<sup>st</sup> of August, 2008, the management of Honda Siel announced its decision to shift the location of the factory. In a letter addressed to PUDR, the SHSS informs that on the 24<sup>th</sup> of the same month, following resistance from workers to the shift, the management attempted to stealthily and illegally shut the

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factory at midnight. Such a move would mean over a 1000 families being thrown into the street. The management did not inform either

the government or the police before carrying out its covert plans on the 24<sup>th</sup>. Moreover, it also deceived workers, who had been assured two days prior that shifting would only take place under peaceful conditions. The SHSS contends that what is being passed off as 'shifting' is actually 'closure,' and the process followed by the management violates sections of the Uttarakhand Industrial Disputes Act (including 6W, wherein prior notice has to be given if a factory employing more than 300 people is to be closed.) The union also points out that this ploy is not new. The management has been trying to close the Rudrapur unit for 8 years, and they were granted permission to shift the aluminium shop in 2002 only after they gave an assurance to *both* the High Court in Nainital and the state government that the factory in Rudrapur would not be closed.

After the management's closure/shifting notice on August 1, the Deputy Labour Commissioner (Kumaon,) intervened on the 4<sup>th</sup> and 16<sup>th</sup> of August and directed the management to terminate all such plans and seek state permission first. However, the company flouted the Deputy Labour Commissioner's directive. The Labour Department then initiated proceedings to look into the dispute.

The state has been generally supportive of the union, with the Labour Department coming out repeatedly in support of the workers. It is more than likely that this concern on the part of the government is directed less towards the workers of Honda Siel than towards preventing the flight of capital at a time when the state is trying to attract more and more. Ever since 1987-88 (when the company set up in Rudrapur,) the state had given it favourable economic breaks: HSPPL was granted government subsidy, land on lease, and tax breaks for 5 years (till 1993,) and 7 years (thereafter.) Management's attempt to shift the factory began once these breaks expired. In 2002, in a letter to N. D. Tiwari, an affidavit to the HC in Nainital, and through tripartite negotiations the management made it clear that after the shifting of the aluminium plant, no further shifting or closure would happen. However, even

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after this agreement, the HSPPL secretary secretly moved the assembly division out of the state. Now, there is talk of shifting the whole factory.

On the 25<sup>th</sup> of August, SHSS reports that 50-60 ruffians who had accompanied the management to the factory the previous night, attacked workers who turned up for duty the next day with sticks. Intimidation and abuse of workers by these henchmen continued the next day, even as the police sat back and did nothing. In letters to the management on 26/8/08, 2/9/08, and 6/9/08, the ALC and the Deputy Labour Commissioner called the closure illegal and asked the management to reopen the factory. On the 2<sup>nd</sup> of September, the District Magistrate of Udham Singh Nagar sent a letter to the Chief Secretary, the Labour and Industries secretaries, wherein he held the management responsible for causing the industrial dispute. The ALC and DLC also sent letters to the management. On the 27<sup>th</sup> of September, in a letter to the management, the Labour Department asked the question pointedly: how is shifting, in this case, not closure? Meanwhile, neither permanent nor contract workers have been paid their wages since August when the most recent dispute began. When workers reacted to non-payment of wages, the management deterred, abused, and threatened to kill them. Section 452 was slapped on 15 workers, some of whom were not even in town at the time.

The management for its part has repeatedly assured the workers that there will be no job losses of permanent employees. In a letter to the ALC on the 24<sup>th</sup> of August, T. R. Dabral, factory manager, informed the government of its concern for employees who are “keen to shift.” According to the management’s plan, such employees will be given:

- “One time School Admission fees maximum to two children up till 12<sup>th</sup> class.
- “Difference in monthly School Tuition fees to be paid maximum for two children up till 12<sup>th</sup> class.
- “Transportation of Household goods for Travel for self and family as per the available guidelines.
- “Bachelor’s accommodation for maximum period of one year at Greater Noida if employees do not shift with family.”

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In the same letter, Dabral also states that those who are not willing to shift have been offered a “suitable separation scheme” for rehabilitation.

Significantly, in a letter dated 27<sup>th</sup> of September, the Labour Commissioner came down hard on the management, accusing it of disturbing industrial peace, intimidating workers etc. The Labour Commissioner’s letter also focuses, blatantly, on what is now the major point of contention in this struggle: the question of ‘shifting’ against ‘closure.’ The Commissioner asks the management to explain how exactly is shifting of the plant *not* tantamount to closure?

When the fact-finding team met with the SHSS, they were shown an advertisement which the management had sent to the press, announcing shifting of the factory from Uttarakhand. Reading the advertisement one realised that the management had interpreted a recent judgment (17/10/08) to a civil writ petition it had filed in the High Court as being in its favour. However, the judgment only upholds *one* of the things asked for by the petitioners, i.e. protection for the management and staff as well as the plant and machinery in the plant. There is no reference to granting the company the right to shift the plant to NOIDA.

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