

CAMPAIGN FOR RELEASE OF POLITICAL PRISONERS



**Coordination for
Democratic
Rights
Organisations
(CDRO)**

September 2016

Release Political Prisoners!

“When they became criminal, they invented justice and prescribed whole codices for themselves in order to maintain it, and to ensure the codices they set up the guillotine.”

— Fyodor Dostevsky, *The Dream of a Ridiculous Man*

“If you want to establish some conception of a society, go find out who is in gaol.”

— John Dewey

“Those who are arrested for attempting to change conditions of injustice are not merely the prisoners of the state, but of their own conscience. The struggle for their release is therefore a part of the struggle to end injustice and gain true freedom for the people of India.”

— Anand Patwardhan, *Zameer ke Bandi/Prisoners of Conscience/1978*

One of the foundational demands of the Civil Liberties and Democratic Rights organisations in India was the demand for release of all Political Prisoners. In contemporary India the demand has acquired a new salience as members/supporters of proscribed/banned organisations are being charged under draconian laws and/or under other IPC sections for their politics.

A large number of people are being imprisoned largely under ordinary laws, just because they happen to live in regions where conflict/movement is going on. People are randomly picked up and booked under various sections of IPC. Many Adivasis and Kasmiri Muslims, democratic rights activists across the country and Northeast are languishing in jails for their activism and political dissent. With the new concept of ‘Production Warrants’ every one there is under perpetual threat of arrest.

With this broader understanding, we are starting a campaign for release of Political Prisoners with the aim to ensure release of as many as possible, eventually to result in release of all. We begin our campaign by taking up cases of six prisoners, each of whom belongs to CPI (Maoist). We intend to

include all those political prisoners who by our above understanding have been targeted by the state for their politics. Since this will be an on-going work, we hope to keep raising the profile, so as to keep public memories alive to the issue.

Why is CDRO taking up cases of Prisoners who belong to CPI (Maoist)?

There are a number of reasons why CDRO is flagging the case of prisoners who are members of CPI (Maoist). Foremost among them is that by proscribing the party, Governments, Central as well as States, have made criminals of each one of them by virtue of their membership. This has robbed them of even their rights and privilege as citizens, especially expression, speech, peaceful assembly and association. By demonising them as ‘criminals’/’terrorist’ robs them of their legitimate right to espouse their political perspective, and has resulted in their persecution. We urge readers to visit our website to know more about this. We draw attention of readers to two reports on UAPA [The Terror Law: UAPA and the Myth of National Security; CDRO 2012, and Banned and Damned: SIMI’s saga with UAPA Tribunals, PUDR (2015)], which brings out the pernicious nature of politics of ban.

Secondly, CDRO has consistently argued that ideas can never be chained and ought not to be criminalised, even if they “advocate”, albeit do not “incite” violence. This is all the more necessary when there is an armed conflict/war being waged by the Government against our own people. And in the name of ‘National Security’ it suppresses any view/opinion/perspective which conflicts with the official version. In war there are two sides. To rob the non-state protagonist of their right to be heard to explain their side, when both sides comprise our own people, is unacceptable in a Republic. A war without witnesses is taking place in ten states of central and east India, which does great harm to the institutions of our Constitutional Republic. Lawyers, journalists, social and political activists have been hounded out of Bastar. With lakhs of Adivasis being hunted in just the Bastar region of Chattisgarh, the civil administration and Police, enforcers and managers of laws, have become instruments of oppression through their acts of commission as well as omission. Supreme Court’s writ does not appear to run in Bastar. Dehumanising our own as “enemies” of the State has picked up.

Thirdly, whereas draconian laws as well as draconian provisions of the IPC makes intent a criterion for determining criminality, it shuns intent where

it really matters to understand the motivation and understanding behind CPI(Maoist) taking to arms and the conditions which propelled them towards it.

Most importantly, the region where war is taking place is a scene where Adivasis are resisting Government promoted mining and mineral based industry which has meant loss of land and forest, means of livelihood, and destruction of the ecology of the area. Even where, as in Niyamgiri, 12 gram sabhas had unanimously rejected the proposal for transfer of their rights to enable bauxite mining, the Odisha Government has moved the apex Court to hold another round of referendum, because they argue Adivasis will vote for mining and therefore destruction of the hills they consider sacred. This contestation in the zone of armed conflict or in its hinterland is a reality that PUDR has repeatedly encountered and enumerated in its reports. In other words, the politics behind this particular war demands that we as citizens remain vigilant in defending the rights of those whose perspective Government seeks to criminalise and silence.

Pattern of persecution of political prisoners

On an analysis of cases of six political prisoners, as enumerated in detail later, it becomes clear that there are certain commonalities in the way activists are being persecuted.

1. Laws under which charged: It has been observed that these prisoners have been charged under laws like the UAPA (Unlawful Activities (Prevention) Act), s. 17 Criminal Law Amendment Act, Chattisgarh Special Public Safety Act (CPSA), Maharashtra Control of Organised Crime Act, 1999 (MCOCA) etc and/or Chapter Six of the [Offence Against the State] the Indian Penal Code, in particular s.121 (Waging War) as well as s.124A (Sedition) which too play a similar role in criminalising dissent. However, in the cases profiled below all the charges principally flow out of the ban on CPI(Maoist) and by invoking the most draconian provisions of IPC whose arising itself lies in the Colonial era and was meant to serve the Colonial Raj.

2. Multiple Cases: The Government persecutes them through foisting multiple cases, which compels them to fight for bail in every case, a legal way of ensuring that they remain incarcerated. As a result the accused person remains imprisoned for years, often without even getting convicted. A large

number of cases are foisted on the accused where he/she is added to the list of accused in other cases or a production warrant is issued with regard to a backdated case even if the name of accused in that case only partly matches with the political prisoner like in the case of Sheela Marandi and Padma. The number of cases registered against these persons are as follows: Pramod Mishra (21), Angela Sontakke (18), Sheela Marandi and Bellala Padma (9 each), Kobad Ghandy (5), and Gaur Chakravarty (4). Besides, in one other case, that of Nirmala, it has to come to knowledge that 143 cases have been foisted upon her.

3. Bail, Re-Arrest and Production Warrants: Each has waged an onerous battle to be acquitted or to get bail. Getting bail, serving sureties in each instance of bail, providing legal fees adds to the burden on the accused both physically and psychologically. Once Chapter VI of IPC or UAPA gets invoked getting bail is virtually impossible because Courts defer to concern over “National security” in refusing bail.

Kobad Ghandy could not avail of bail granted on medical grounds in one case because he was not bailed out in other pending cases.

In Pramod Mishra’s case whereas he has been acquitted in 13 cases, and got bail in five, a case was foisted on him [43/08 Awatar Nagar, Chhapra, Bihar], and in this case his bail was rejected although the case relates to an incident which took place on 2nd July 2008, whereas he has been in jail since 9th May 2008! Yet, he could not get bail.

Sheela Marandi was victim of a kafkaesque situation. Because she was in Jharkhand jails she had no knowledge that a Non Bailable Warrant (NBW) was issued for her by Rourkela court. When she was given bail in all the cases against her filed in Jharkhand and was released she was re-arrested under the NBW. The 2nd Additional District Judge at Rourkela rejected her appeal that she could not appear before the Court because she was in Jharkhand jails and confirmed her arrest.

Similarly, Angela Sontakke who has been either acquitted or discharged in 16 out of 18 cases has been denied bail in the two pending cases. She has only recently been granted bail by the Supreme Court.

Bellala Padma when arrested had a single case against her in August 2007. When she was acquitted the same day she was re-arrested from outside the

jail gate. Since then cases have been foisted on her. Thus, on 17th December 2014 when she was acquitted in the last case, she was once again re-arrested on 18th December 2014 under four cases. So, even acquittals did not result in freedom because of 'timely' charging her in a 'new' case.

The sword of new 'production warrants' being issued in their name hangs forever over their heads as they remain uncertain about when such a warrant might emerge in their name.

4. Years in Jail: All of them have been in jail for more than five years. Before her release in early 2016, Sheela Marandi has been in jail for 10 years. Bellala Padma has been in jail for 9 years, Pramod Mishra for 8 years, Gour Narayan Chakraborty for 7 years, Kobad Ghandy for 6 years and Angela Sontakke 5 years.

At times cases are filed in different states such as Pramod Mishra has a case in Jharkhand, Bihar and Andhra Pradesh, Sheela Marandi in Jharkhand and Odisha and Kobad Ghandy has cases in Delhi, Punjab, West Bengal and Andhra Pradesh. In Kobad's case he faced a further hurdle which is that under S.268 of Cr PC [power of state Governments to exclude prisoners from being produced in court] every offence under UAPA is covered by this provision and he has been prevented from appearing before the Court in other cases.

5. Acquittals in maximum cases: It has been noted that these persons have been acquitted in a majority of cases foisted upon them. For instance, Angel Sontakke was acquitted/discharged in 16 out of 18 cases, Padma was acquitted in at least 6 out of 9 cases (status of 3 cases unknown), Pramod Mishra in at least 13 out of 21. This only goes to show that the criminal justice system is being subverted in order to frame such political activists.

Case Profile of Prisoners

SHEELA MARANDI, currently about 55 years, is the founding leader of Nari Mukti Sangh which was banned by the Jharkhand Govt. as a frontal organization of the CPI (Maoist). She was first shown to be arrested on 7th October 2006 in Sundergarh district in FIR no. 1958/2006 PS Laatthikata District, Sundergarh, Odisha u/s 121A, 123, 124A IPC r/w 17 CrLA Act.

Summary of cases: A total of 9 cases have been foisted upon her, out of which 8 have been booked in Jharkhand and 1 in Odisha as mentioned above. She has been acquitted in 2 cases, while in the rest trial is pending. In all these

cases she has been accused of offence under s. 17 Criminal Law Amendment Act, 1908. In 7 of these cases she has been accused of offence under section 13 of the Unlawful Activities Prevention Act, 1967. Other offences involve Sedition, Waging War against the State and other sections of Indian Penal Code, 1860, sections of the Arms Act, 1959 and Explosives Act, 1884.

FIR No	PS	Offences	Status of Trial
26 of 2002	Peertand, Dist Giridih, Jharkhand	124 A, 122, 120 B of IPC; 25 (1b), 26, 35 Arms Act; 3, 4, 5 Explosive Substances Act r/w 17 (ii), 18 CrLA Act and 13 UAPA.	Pending
04 of 2003	Chandrapura Govt. Railway PS, Dist Dhanbad, Jharkhand	147, 148, 149, 307, 395 of IPC; 27 Arms Act; 3, 4 Explosive Substances Act r/w 17 CrLA Act.	Pending
34 of 2005	Nimia Ghat, Dist Giridih, Jharkhand	149, 307, 353 of IPC; 25 (1b) a, 26, 27, 35 Arms Act r/w 17, 18 CrLA Act and 13 UAPA.	Pending
295 of 2005	Giridih Town, Dist Giridih, Jharkhand	147, 148, 149, 302, 307, 323, 324, 353, 427, 435 of IPC; 27 Arms Act; 3 Explosive Substances Act r/w 17 CrLA Act and 13 UAPA.	Pending
02 of 2006	Sonua, Dist West Singhbhum, Jharkhand	121, 121 A, 122, 147, 148, 307, 353, 386 of IPC; 25 (1b) a, 26, 35 Arms Act r/w 17 CrLA Act and 13 UAPA.	Acquitted
35 of 2006	Manoharpur, Dist West Singhbhum, Jharkhand	147, 148, 149, 307, 353 of IPC; 25 (1b) a, 26, 27, 35 of Arms Act; 3, 4 of Explosive Substances Act r/w 17 CrLA Act and 13 UAPA.	Acquitted
1958 of 2006	Laatthikata, Dist Sundergarh, Odisha	121A, 123, 124A IPC r/w 17 CrLA Act	Pending
25 of 2007	Bokaro Thermal PS, Tenu Ghat, Bermo, Dist Bokaro, Jharkhand	147, 148, 149, 302, 307, 324, 326, 353, 380, 436 of IPC; 27 Arms Act; 3, 4, 5 Explosive Substances Act r/w 17 (i) (ii) CrLA Act and 10, 13 UAPA.	Pending
01 of 2008	Peertand, Dist Giridih, Jharkhand	122, 124 A, 120 B, 147, 148, 149, 307, 353, 384, 411, 414, 504 of IPC; 25 (1b), 26, 27, 35 Arms Act; 3, 4, 5 Explosive Substances Act r/w 17/18 CrLA Act and 13 UAPA.	Pending

Torture in Police custody: She was tortured in police custody when she was arrested on 7th October 2006. She was beaten up in her stomach region and was not allowed to sleep for almost 6 days continuously. The medical report submitted on 15th October 2006 to the SDJM Pamposh, Rourkela by the police after 7 days of PCR indicated the same. She also told this to a women activists' team who visited her at the Rourkela Jail.

Ensuring continued detention by Continuous Foisting of Backdated cases: Sheela was first arrested on 7th October 2006 in connection to the Odisha case. Thereafter she has been released only recently after more than nine years of incarceration. On 25th June 2007 Sheela along with two other co-accused were granted bail by the High Court of Odisha at Cuttack, and were to be released on 11th July 2007. But she was re-arrested on 11th July in connection to production warrants issued in cases in West Singhbhum and Giridih. The Rourkela court did not respond to them and did not allow her production at Chaibasa and Giridih because the names and alias names did not match with those in her Rourkela case. She too had no information of such warrants against her.

She remained in Chaibasa jail in West Singhbhum till 2010. She was acquitted in the two cases there on 28.01.2010 and 20.02.2010. Even after acquittal she was not released but kept in custody and then taken to Giridih district jail on 9th March 2010 where 4 cases were foisted upon her. Again, she was informed at such late stage about pending production warrants against her in Giridih. Later two other cases from Dhanbad and Tenughat were foisted upon her. From 3rd February 2013 onwards she remained in Tenughat jail in Bokaro district.

Back in Rourkela because of her continuous detention in different jails in Jharkhand and because of her lawyer not being able to find out where she was, she was not being able to make herself available for her case in Odisha where her presence was required for framing of charges. As a result on 2nd July 2011, a Non-Bailable Warrant(NBW) was issued by the same court at Rourkela against Sheela Marandi and her co-accused to ensure their production for framing of charges in the case pending there. This amounted to a de facto cancellation of the bail that had been granted by the Odisha High Court. The court also punished the persons who stood sureties for Sheela Marandi.

In May 2015, a petition was filed in the Rourkela court to recall the NBW

issued on 02.07.2011 for the arrest of Sheela Marandi, and to recall the order cancelling her bail, on the grounds that she had been in the custody of various courts of Jharkhand throughout in various jails, and therefore her non-appearance was not intentional and she was in no way responsible for her non-production in the court at Rourkela. However, the petition was treated by the court at Rourkela as a bail petition, and rejected with a letter being addressed to her then court of trial, i.e., the court of the 1st Additional Sessions Judge, Bermo at Tenu Ghat, Bokaro, Jharkhand, under whose custody she was at that stage, to spare her from her ongoing trial if possible for the purpose of framing of charges in the Rourkela case. The Rourkela court in its bail rejection order had also suggested that she could apply for bail again in her Rourkela case as and when she may be released on bail from all her cases in Jharkhand.

Meanwhile, on 30th October 2015 she was granted bail in the Bokaro case, the last case in Jharkhand where she got bail and was released on 4th November 2015 but only to be re-arrested again in compliance of the NBW dated 2nd July 2011. By now she had obtained bail in all other cases in Jharkhand now. Thereafter, another petition for bail was made on 22nd December 2015 in the court of the 2nd Additional District Judge at Rourkela on the ground that her non-production was on the account that she was all along in jails in Jharkhand. The bail application was rejected on the ground that that she had “misused the liberty” she gained following her release on bail from Special Jail, Rourkela, adding that the charges were also yet to be framed in this case at Rourkela. In this manner she has faced continuous incarceration for over 9 years for no fault of hers and was later penalized for misusing the liberty she never got.

What is clear from the above information about Sheela Marandi is that continuous cases were foisted upon her, many of which were back-dated. In atleast two cases, at the time of registration of FIR she was in judicial custody in Jharkhand. Each time, she was told about production warrants pending in other cases only when she was set to be released in one case or the other. Prior to that, she had no information about any such cases pending against her. This is true even today. She has been granted bail by the 2nd Additional District and Sessions Judge at Rourkela vide order dated 17th February 2016 but she is still uncertain if more production warrants in other cases are pending against her and whether she will be released or not. On 20th February she was released from Rourkela Special Jail and got to know

that an NBW had been issued by Sessions Court, Giridih. On 30th May the Giridih Court finally granted bail to her accepting her plea that she was in custody and not violating directions.

PRAMOD MISHRA was a CPI Maoist polit bureau member. He was arrested on 9th May, 2008 at Dhanbad (with regard to FIR No. 326/2008 PS Dhanbad).

Pramod Mishra's continued detention and a delay in trial of his cases has also been deliberately ensured by the issue of production warrants of backdated cases unknown to him. For instance, the production warrant in the Karim Nagar case (see table) was issued to him only in January 2014. Two warrants from Aurangabad were issued to him only months after his arrest in Dhanbad. The information of the number of cases foisted upon him had to be obtained by his son through RTI. With a total of 21 cases foisted on him, he has been acquitted in 13 of them. He has been granted bail in 5 cases. His request for bail has been rejected by the Patna High Court in the last case foisted upon him pertaining to FIR No. 43/2008 PS Awatarnagar, District Saran (under sections 124A, 307, 435 and 120B of the IPC, section 17 of the Criminal Law Amendment Act, sections 3, 4 and 5 of the Explosive Substances Act and sections 150 and 151 of the Indian Railway) Act. This case is currently pending in the court of learned CJM, Saran at Chapra. It is to be noted that this last case pertains to an incident dated 2nd July 2008 while he was already in jail. And the rejection order for bail dated 16th April 2015 of the High Court most unfairly noted "*Taking into consideration the nature of allegation as well as criminal antecedent of the petitioner, I am not inclined to release the petitioner on bail...*" A petition for quashing of this FIR was also dismissed by the Patna High Court dated 13th February 2014 "*considering the nature of accusation*".

S.no	FIR No.	PS	District	Status of case
1	9/79	Rafiganj	Aurangabad	Acquitted
2	14/80	Madanpur	Aurangabad	Acquitted
3	337/86	Muffasil	Aurangabad	Acquitted
4	69/86	Rafiganj	Aurangabad	Acquitted
5	79/86	Rafiganj	Aurangabad	Acquitted
6	46/87	Rafiganj	Aurangabad	Acquitted
7	62/87	Madanpur	Aurangabad	Acquitted
8	74/87	Madanpur	Aurangabad	Acquitted
9	39/89	Kasma	Aurangabad	Acquitted
10	87/91	Goh	Aurangabad	Acquitted

11	23/95	Kasma	Aurangabad	Acquitted
12	30/95	Kasma	Aurangabad	Acquitted
13	115/97	Goh	Aurangabad	Bail granted
14	326/08	Dhanbad	Dhanbad	Bail granted
15	139/88	Kutumba	Aurangabad	Acquitted
16	07/96	Tekari	Gaya	Bail granted
17	12/88	Kunda	Chatra	-
18	15/88	Kunda	Chatra	-
19	131/03	Patrakar Nagar	Patna	Bail granted
20	01/08	Karim Nagar	A.P.	Bail granted
21	43/08	Awatar Nagar	Chhapra	Bail rejected

BELLALA PADMA, presently 41, was part of the women's movement in Andhra Pradesh before she was arrested and also worked with Chaitanya Mahila Samakhya (CMS). She is presently lodged in Jagadapur Central Jail as an under trial prisoner since 13th August 2007. After ten days of illegal detention she was shown to be arrested on 13th August 2007 in Criminal Case No. 17/2006 PS Sankapalli Madded. Though she was acquitted on 10th August 2009 by Dantewada Sessions Court in this case but was re-arrested again on 12th August 2009 from outside jail gate regarding a warrant the police managed to procure against her. Since then continuous cases have been foisted against her and her incarceration ensured. After her re-arrest in 2009 four cases were foisted upon her including one from 1989. In January 2010, a warrant issued by Jagdalpur sessions judge regarding a 1989 case from Bhopalapatnam in Bijapur. On 17th December 2014, she was acquitted in the last pending case against her at that time. Just as she was about to be released, she was re-arrested on 18th December 2014. This time, again she was implicated in four cases three of which pertained to 1999 and one from 2001. (See Table)

Apart from these ongoing trial cases, there has been an ongoing attempt to implicate her in other cases where accused with similar names were said to be involved. She has been interrogated several times and several enquiries have been made by different courts about production warrants for accused with similar names but different details like Padma w/o unknown, or Padmakka. For instance, on 7th February 2015 the jail administration showed her a production warrant issued by JFCM, Jagdalpur. The warrant pertained to a 1992 incident in Usur District of Bijapur (Crime No. 736/1992). The name of accused in this case is Padmakka @Satyanna, w/o Gopanna. Address:

Dushangabad, District Karimnagar. She wrote back on 12th February 2015 to the JFCM about her non-involvement in that case but has not yet received any response. The sword of more such cases being foisted upon her continues to hang over her head. There have been enquiries about her for atleast five other cases - two from Farsagarh PS (2004, 2008), one from Madded PS (2010), one from Mardum PS, Bastar and another from Rowghat PS of Kanker District (Case no. 15/1997).

It is clear that like many other political prisoners in her case also multiple cases have been foisted against her, production warrants in cases dating as far back as 1989 have been put before her only immediately before her acquittal and release, and there is an ongoing attempt to implicate her in other cases.

S.no	Case/ FIR No	PS	Offences	Trial Court	Status
1	17/06	Sankapalli Madded P.S Bijapur Dist.	302, 147, 148, 149, of IPC; 25, 27 of Arms Act	Dantewada, Sessions Court	Acquitted on 10.08.2009
2	03/99	Amabeda P.S Kanker Dist.	120 B, 124 A, 396/149, 302/149 of IPC 25, 27 Arms Act 3, 5 E.S. Act	Sessions Court, Kanker	Acquitted on 16.11.2000
3	31/06	Sankapalli Madded P.S. Bijapur Dist.	147,148,149,307,120 B, 121,122,125 of IPC 25, 27 Arms Act	Addl. Sessions Court, Dantewada	Acquitted in February, 2014
4	05/07	Sankapalli Madded P.S. Bijapur Dist.	307,147,148,34 of IPC 25, 27 Arms Act	Addl. Sessions Court, Dantewada	Acquitted on 17.12.2014
5	44/89	Bhopalapatnam P.S. Bijapur Dist.		Jagdapur Sessions Court	Acquitted on 14.01.2013
6	206/99	Narainpur P.S & Dist.	302, 147,148,149 of IPC	Addl. Sessions Court, Kondagaon	Acquitted on 18.01.2015
7	205/99	Narainpur P.S & Dist.	302, 323, 147,148,149 of IPC	Addl. Sessions Court, Kondagaon	
8	81/01	Benur P.S Narainpur, Dist.	436, 147, 148, 149 of IPC	Addl. Sessions Court, Kondagaon	
9	1168/99		435,147,148,506 (B) of IPC	CJM, Narainpur	

GOUR NAYAN CHAKRABORTY 78 year old Gour Narayan Chakraborty was the first person charged under UAPA in West Bengal after CPI(Maoist) was declared as banned. He was lodged in the Presidency Correctional Home, Alipur, Kolkata for seven years before he was released on 19th July this year by Additional District Judge, Kolkata.

According a Times of India news report (31st Oct 2012), he was the “first overground spokesperson of the CPI(Maoist)” and “was active in the Lalgarh movement and played a crucial role in uniting urban support bases in favour of the tribal upsurge in Jangalmahal”. He was arrested on 23rd June 2009 at Park Street as he stepped out of a television channel studio after giving an interview. He was subjected to mental torture in that he was forced to stay half naked on the cement floor of Lalbazar central police lock-up. No attention or care was taken for his medical condition. He suffered cerebral stroke in jail on 30th October, 2012, which resulted in partial loss of memory and speech.

A total of four cases have been foisted upon him. In one of them he was charged with UAPA while in the remaining cases he was accused of offences under the IPC and Arms Act, 1959. The trial in the UAPA case is over and he has been finally acquitted by ADJ, Kolkata. In the Bankura case, charges have been framed and witnessing is to commence. In the Purulia case, trial has not yet initiated while in the fourth case he has already been discharged.

He has never got bail since his arrest in 2009. His bail has been rejected in two cases, even though he has got bail in one of the cases. Following table gives details of some of the cases foisted upon him.

FIR No	PS	Offences	Status of Case	Court	Status of Bail
286 of 2009	Shakespeare Sarani P.S, Kolkata	Sec. 20, UAPA - Punishment for being member of terrorist gang or organisation	Trial over, judgment awaited	Chief judge, City Sessions Court, Kolkata	Rejected by Kolkata High Court in June 2013
19 Of 2009	Balarampur P.S., Dist. Purulia	302/34 IPC and 25/27 Arms Act	Trial not initiated	-	Released on bail by C.J.M. Purulia

28 of 2008	Barikul P.S., Dist. Bankura	121A/122/123/124A/120B IPC	Charges framed, witnessing to commence	Sessions court, Khatra	Rejected by A.C.J.M Khatra court and by Dist. Judge, Bankura, Now pending before Kolkata High Court
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ANGELA SONTAKKE a dalit student activist in Chandrapur since student days, was alleged to be a senior cadre of the banned Communist Party of India (Maoist).

Illegal Detention & Torture: Angela was arrested from Thane almost 24 hours before the actual time and date of arrest shown in the newspapers (25 April 2011) and court records ie almost 24 hours of illegal custody. During her initial Police Custody Remand (PCR) she was tortured with slaps and blows and the usual sleep deprivation.

Status of Bail Applications: Angela has only two cases pending against her as on date She has received bail in one of the cases (ST 29/2013, Gondia) but in the other case (ST 655/11, Mumbai), she obtained bail with difficulty. Her bail application was rejected by the Sessions court and twice by the High Court. The Supreme Court finally ordered to release her on 4th May 2016.

Cases foisted upon her: As indicated in the table below, a total of 18 cases have been foisted upon her out of which she has been acquitted/discharged in 16, one is pending trial and in another charges are yet to be framed. In 4 of these 18 cases she was made accused under provisions of UAPA, the remaining being under provisions of IPC, Arms Act and Explosive Substances Act. Majority of her cases in which she has been implicated she has been shown as an absconder in the chargesheets filed either before her arrest or after her arrest. All the offences in which she has been arrested are prior to her arrest. She has basically been charged for being an urban operative of the Maoist party, State Committee member and in some places for being the wife of the State Secretary of the Maharashtra unit of the Communist Party of India (Maoist).

S. No.	C.R. No.	P.S.	S.T. No.	Sections under which tried	Sessions Court	Status
1	10/07	ATS Mumbai	257/11	S. 10, 13, 16, 17, 18, 20, 23, 40(2) of Unlawful activities Prevention Act, S. 25(I-B)of Arms Act, S. 6,9 (B) of Explosive Act and S. 4(b), 5 of Explosive Substance Act, S. 120-B, 121-A of IPC	Nagpur	Acquitted on 25.06.13
2	14/07	Purada (Gadchiroli)	226/11	S. 147, 148, 143, 307 r/w 149 of IPC and S. 25 Arms Act	Nagpur	Acquitted on 30.12.11
3	23/07	Purada (Gadchiroli)	101/11	S. 143, 147,148, 120B of I.P.C., S. 307 r/w 149, 353 r/w 149 of I.P.C. and S. 3/25 of the Arms Act.	Gadchiroli	Acquitted on 29.01.14
4	32/07	Purada (Gadchiroli)	103/11	S.120-B, 302 of I.P.C. and S. 3/25 of Arms Act.	Gadchiroli	Acquitted on 17.01.13
5	34/07	Purada (Gadchiroli)	230/11	S. 147, 148, 149, 120B, 109, 115, 116, 151, 286 of IPC, S. 3/25 of Arms Act and S. 4 & 5 Explosive Substances Act	Nagpur	Acquitted on 14.10.11
6	40/07	Purada (Gadchiroli)	224/11	S.143, 147, 148, 149, 120-B of IPC and S. 4 of Explosive Substances Act	Nagpur	Acquitted 18.05.12
7	44/07	Purada (Gadchiroli)	225/11	S. 120-B, 147, 148, 149 r/w 149 IPC and S. 4 of Explosive Substances Act	Nagpur	Discharged on 15.12.11
8	45/07	Purada (Gadchiroli)	223/11	S. 120-B, 143, 147, 148, 149 IPC & S. 4 of Explosive Substances Act	Nagpur	Acquitted on 13.06.12
9	49/07	Purada (Gadchiroli)	231/11	S. 307, 143, 147, 148 r/w 149, 120-B of IPC, 27 of Arms Act and S. 4 of Explosive Substances Act	Nagpur	Acquitted on 20.01.12
10	12/09	Purada (Gadchiroli)	131/10	S.302, 307, 396, 397, 353, 143, 147, 148, 149, 120B of IPC, S. 3/25 of Arms Act, S. 4 r/w 25 of Explosive Substances Act, S. 10, 13, 16, 18, 20, 23 of Unlawful Activities (Prevention) Act, 2008	Gadchiroli	Acquitted on 5.08.14

11	25/09	Purada (Gadchiroli)	146/10	S. 120B, 143, 147, 148, 149 of IPC and S. 4 of the Explosive Substances Act	Gadchiroli	Acquit- ted on 10.04.13
12	26/09	Korchi (Gadchiroli)	145/10	S.143, 147, 148, r/w 149, 120-B of I.P.C, 171C, 353 r/w 149, 307 r/w 149 of I.P.C. and S. 3 r/w 25 of Arms Act	Gadchiroli	Acquit- ted on 31.01.14
13	46/09	Purada (Gadchiroli)	102/11	S. 307, 353, 143, 147, 148, 149, 120B of I.P.C., S. 3 r/w 25 of Indian Arms Act and S. 4 of Ex- plosive Substances Act	Gadchiroli	Acquit- ted on 13.09.11
14	54/09	Purada (Gadchiroli)	149/10	S. 143, 147, 148, 149, 120B, 427, 436 of I.P.C., S. 3/25 of Arms Act and S. 3 and 4 of Damages to Public Property Act	Gadchiroli	Acquit- ted on 29.04.13
15	55/09	Purada (Gadchiroli)	148/10	S. 302, 143, 147, 148, 149, 120B of IPC r/w S. 3 and 25 Arms Act	Gadchiroli	Acquit- ted on 05.08.13
16	57/09	Purada (Gadchiroli)	147/10	S. 148, 120B, 307, 353 r/w 149 of I.P.C. and S. 3/25 of Arms Act	Gadchiroli	Acquit- ted on 28.01.14
17	104/10	Duggipar (Gondia)	29/2013	Sections 121, 121A, 120(b), 465, 468 and 471 of the Indian Penal Code read with Sections 17, 20 and 39 of the Unlawful Activities (Prevention) Act, 1967	Gondia	Bail grant- ed in Sessions Case and upheld in High Court. Charge framing not done
18	19/11	ATS Mum- bai, Kala- chowki	655/11	S. 387, 419, 465, 467, 468, 471 IPC r/w S. 120B IPC and u/s 10, 13, 17, 18, 18A, 18B, 20, 21, 38 39 40(2) of the Unlawful Activities (Prevention) Act, 1967 as amended.	Mumbai	Trial Pend- ing. Bail rejected in Sessions case, twice in High Court and now pend- ing in the Supreme Court.

KOBAD GHANDY, 69 years, has been incarcerated in High Risk Ward of Tihar since September 21st September, 2009 as an undertrial. Details of the 16 cases pending against him are given below.

Inability to avail Bail: Through Order dated 24th September 2015 passed by the ASJ-02, Patiala House Courts New Delhi, Ghandy was granted interim bail for a period of three months on health grounds subject to certain conditions. He has been suffering from multiple ailments due to old age. But he could not avail of this benefit because he could not obtain bail in other cases pending against him. Meanwhile, the State had filed a petition against this Order in the Delhi High Court (Crl. MC 4875/2015 & Crl.M.A. 17453/2015 State v Kobad Ghandy). On 26th February 2016, the same was disposed off as dismissed by the Delhi High Court as it had become infructuous because Kobad Ghandy had not furnished the requisite bond due to the above mentioned reason and therefore was not released on bail.

Preventing Implementation of Production Warrants: Section 268 of the CrPC was imposed on Kobad Ghandy on 23rd June 2010 (Order No. 11/04/2010/HP-II) due to which his trials in other cases outside Delhi have not even started. According to this provision, the State Government may direct, that any person (or class of persons) shall not be removed from the prison where s/he is confined, for the purpose of appearance before any criminal court for an inquiry or trial or other proceedings. Such an order can be passed with regard to any person(s) after considering the nature of offences for which the person(s) is detained, likelihood of disturbance if removed from prison, or general public interest. On 27th November 2015, vide Order no. 8/398/2015/HP-II/9964 the earlier Order was revoked. This means that after 27th November 2015 onwards Ghandy is entitled to be produced in all out station courts after necessary permission is obtained from the courts of Delhi jurisdiction. But this Order has not been complied with. For instance, atleast four production warrants have been issued in his name with regard to the Telangana cases after 27th November but the jail authorities have not presented the same to the court. As a result, he has not been able to attend the hearings, thereby preventing speedy trial of the multiple cases foisted upon him.

A table showing the status of cases in which Ghandy has been implicated is given below:

STATUS OF KOBAD GHANDY'S CASES

(AS PER AFFIDAVIT FILED BY STATE OF A.P. ON 12/08/2013 IN SLP 850 OF 2012)

A. CASES IN WHICH INVESTIGATION OVER/CHARGESHEET FILED (OTHER THAN DELHI):

S.NO.	PARTICULARS	STATUS
1.	<p>CRIME NO. 81/2005 U/SS. 147/148/149/302/307/3 79/120B/109 IPCR/W SS. 25/27, ARMS ACT,</p> <p>PRC 20/2010 P.S. NARAYANPET (MAHBUB NAGAR) (NOW TELAN- GANA)</p>	<p>-ARRESTED & CHARGESHEETED -INVESTIGATION OVER -AP HC GRANTED BAIL VIDE CRL. PET. NO. 6422/2012 -IN SLP NO. 850/2012 BY STATE OF A.P., SC STAYED BAIL ON 27/01/2012 -ON 18/07/2014 SLP DISPOSED WITH DIRECTION TO EXPEDITE TRIAL IN AP COURT. -COGNIZANCE TAKEN -PENDING COMMITTAL BEFORE JFCM COURT NARAYANPET</p>
2.	<p>CRIME NO. 17/08 U/SS. 120B/147/148/307/302/396/149 IPC, 25/27 ARMS ACT, 3/5 EXPL. SUBST. ACT, 8(i)(b) APPS ACT, 15/16/18/18(a)/20/35 UAPA</p> <p>PRC 19/2012 PS GK VEEDHI, VISHAKHAPATNAM, A.P.</p>	<p>-ARRESTED & CHARGESHEETED -INVESTIGATION OVER -COGNIZANCE TAKEN -PENDING IN SPL JFCM COURT VISHAKHAPATNAM & POSTED FOR COMMITTAL TO D & S JUDGE -AP HC GRANTED BAIL ON 10/08/2011, -SC DISMISSED CRL. MP NO. 636-637/2012 OF STATE OF A.P. ON 23/01/2012</p>
3.	<p>FIR NO. 57/10 DT. 23/01/2010</p> <p>U/SS. 10/13/18/20 UNLAWFUL ACTIVITIES PREVENTION ACT, 419/120-B OF IPC</p> <p>PS SADAR, PATIALA, PUNJAB</p>	<p>-ARRESTED & CHARGESHEETED -INVESTIGATION OVER; CHARGESHEET FILED ON 23/05/2010 -SESSIONS COURT ISSUED PT WARRANTS BUT DUE TO S. 268 IMPOSED ON 26/06/2010 HE WAS NOT MOVED OUT -SESSIONS COURT DISMISSED BAIL ON 01/07/2011 AND ADJOURNED THE TRIAL SINE DIE DUE TO S. 268 CR.P.C. EMBARGO VIDE SAME ORDER -P&H HC DISMISSED BAIL ON 23.01.2012</p>

4.	FIR NO. 58/09 DT. 20/09/2009 U/SS. 10/13/18/20 UNLAWFUL ACTIVITIES PREVENTION ACT, PS SADAR, PATIALA, PUNJAB	-EARLIER IT SEEMED AS A REPITITION; -COMMITTED TO SESSIONS COURT ON 14/06/2010 -ADJOURNED SINE DIE BY COURT OF SESSIONS ON 13/01/2011 -NO FIR ON OUR RECORD; -EXACTLY SAME CONTENTS AS FIR 57/2010 -BEING TRACED/VERIFIED. -OUR RECORDS SHOW THAT HE WAS ARRESTED & CHARGSHEETED. -CHARGESHEET FILED ON 23/05/2010
5.	CR. NO. 37/10 U/SS. 120B/121A/124A/153AB/201 IPC R/W 38/39/40 UNLAWFUL ACTIVITIES PREVENTION ACT, PS KAMREJ, SURAT, GUJARAT	- NOT ARRESTED; NO ALLEGATIONS IN FIR WHICH IS GENERAL IN NATURE -CHARGESHEET AGAINST OTHER ACCUSED FILED -WARRANT SENT TO COURT IN 2012 BUT HE WAS NOT SENT BECAUSE OF S. 268 CR.P.C. IMPOSITION. -OTHER ACCUSED OUT ON BAIL. HIS NAME FIGURES AS WANTED ACCUSED IN MAIN CHARGESHEET. -ADDITIONAL CHARGESHEET ALSO FILED; SECS. 18A AND 18B UAPA ADDED; 7 MORE ACCUSED ADDED; KOBAD GHANDY REMAINS WANTED ACCUSED, NO OTHER ALLEGATIONS AGAINST HIM.

B. CASES IN WHICH INVESTIGATION PENDING/NOT PRODUCED/NO CHARGESHEET FILED:

S.NO.	PARTICULARS	STATUS
1	CR. NO. 45/05 U/SS. 147/148/307/149 IPC R/W 25/27 ARMS ACT, 3/7 EXPL. SUBST. ACT, PS AMRABAD, MAHBUBNAGAR, A.P. (NOW TELANGANA)	-NOT ARRESTED -CASE UNDER INVESTIGATION -JFCM COURT ACHAMPET HAS ISSUED PT WARRANT ON 12/03/2010 AND SAME IS PENDING EXECUTION
2.	CR. NO. 44/05 U/SS. 147/148/307/149 IPC R/W 25/27 ARMS ACT, PS AMRABAD, MAHBUBNAGAR, A.P. (NOW TELANGANA)	-NOT ARRESTED -CASE UNDER INVESTIGATION -JFCM COURT ACHAMPET HAS ISSUED PT WARRANT ON 12/03/2010 AND SAME IS PENDING EXECUTION
3.	CR. NO. 112/01 U/SS. 147/148/149/120B/302/307/395 IPC, 25/27 ARMS ACT, PS AMRABAD, MAHBUBNAGAR, A.P. (NOW TELANGANA)	-NOT ARRESTED -CASE UNDER INVESTIGATION -JFCM COURT ACHAMPET HAS ISSUED PT WARRANT ON 12/03/2010 AND SAME IS PENDING EXECUTION

4.	CRIME NO. 115/06 U/SS. 147/148/120B/302 R/W 149 IPC, 25/27 ARMS ACT, 20 UAPA PS AMRABAD, MAHBUBNAGAR, A.P. (NOW TELANGANA)	-NOT ARRESTED -CASE UNDER INVESTIGATION -JFCM COURT ACHAMPET HAS ISSUED PT WARRANT ON 12/03/2010 AND SAME IS PEND- ING EXECUTION
5.	CR. NO. 54/99 U/SS. 147/148/397/342/149 IPC R/W 25/27 ARMS ACT, PS BELAMPALLI (ADILABAD), A.P.(NOW TELANGANA)	-NOT ARRESTED -INVESTIGATION PENDING -CI OF POLICE FILED PETITION BEFORE JFCM COURT SIRPUR FOR ISSUANCE OF PT WAR- RANTS -COURT ISSUED WARRANTS TO PRODUCE HIM BY EXECUTING WARRANTS ON OR BEFORE 15/07/2013 BUT NOT IMPLEMENTED DUE TO BAR OF S. 268 CR.P.C. -COPY OF FIR NOT AVAILABLE
6.	CR. NO. 53/99 U/SS. 147/148/307/149 IPC, 25 ARMS ACT, PS BELAMPALLI -II (ADILABAD), A.P.(NOW TELANGANA)	-NOT ARRESTED -INVESTIGATION PENDING -CI OF POLICE FILED PETITION BEFORE JFCM COURT SIRPUR FOR ISSUANCE OF PT WAR- RANTS -COURT ISSUED WARRANTS TO PRODUCE HIM BY EXECUTING WARRANTS ON OR BEFORE 15/07/2013 BUT NOT IMPLEMENTED DUE TO BAR OF S. 268 CR.P.C.
7.	CR. NO. 01/08 U/SS. 120B/121/121A/122/153A/302/307 /436/427 IPC, 3/5 EXPL. SUBST. ACT, 17/18/19/20/21/25 UNLAWFUL ACTIVITIES PREVENTION ACT, R/W SCHEDULE 2(i)(m) abd, 25/27/35 ARMS ACT P.S. KARIMNAGAR (RURAL), A.P. (NOW TELANGANA)	-ACCUSED NO. 10 -INVESTIGATION PENDING -GRANTED BAIL ON 16/06/2010 BY AJMFC KARIMNAGAR, A.P. ON THE GROUNDS THAT CHARGESHEET WAS NOT FILED IN TIME -AS PER INFORMATION OF POLICE, SOME MORE EVIDENCE IS TO BE COLLECTED FOR WHICH SPL. TEAM IS FORMED BY SP KARIM- NAGAR & CASE IS STILL UNDER INVESTIGA- TION -NO CHARGESHEET FILED AS PER LAST IN- FORMATION
8.	CASE NO. 25/07 G.R. 259/07 PS THER- MAL(BOKARO) JHARKHAND	-NOT ARRESTED -SECTIONS NOT KNOWN -3 CO-ACCUSED HAVE BEEN ACQUITTED. -ONE CO-ACCUSED'S TRIAL IS IN ITS LAST LEG, WILL BE OVER BY OCTOBER. -IN STATEMENTS AGAINST THESE ACCUSED, KOBAD JI'S PRESENCE AT THE PLACE OF INCI- DENCE HAS BEEN CLAIMED BY 1 WITNESS. -TRIAL AGAINST ONE CO-ACCUSED HAS NOT YET STARTED, THOUGH CHARGES HAVE BEEN FRAMED. -ARREST WARRANT HAS BEEN SENT FOR KO- BAD JI THIS MONTH

9.	<p>FIR NO. 81/08</p> <p>U/SS. 121/121A/123/12 4A/325/326/307/186/ 353/332/333/427 IPC R/W 3/4 EXPL. SUBST. ACT, 3/4 PDPP ACT, 25/27 ARMS ACT P.S. SALBONI, WEST BENGAL</p>	<p>-NOT ARRESTED -INVESTIGATION PENDING -WARRANTS SENT FOR PRODUCTION IN 2010 BUT NOT PRODUCED DUE TO THE FACT THAT HE WAS TAKEN HALFWAY BY TRAIN AND THEN BROUGHT BACK AS MEDIA REPORTS SAID CHANCES OF ESCAPE PLAN IN APRIL/MAY 2010. -AFTER THAT S. 268 CR.P.C. IMPOSED AND NO PRODUCTION WARRANT ISSUED, NOT PRO- DUCED ANYWHERE -PRODUCTION WARRANTS SENT FOR PRODUC- TION FROM ADDL. CJM, PASCHIM MIDNIPUR FOR 30/04/2013 BUT NOT PRODUCED TILL DATE</p>
10.	<p>CRIME NO. 8 OF 96</p> <p>U/S 147/148/302/427/436/395/149 R/W 25/27 ARMS ACT R/W 5 EXPL. SUBST. ACT PS SIRPUR(ADILABAD) A.P.(NOW TEL- ANGANA)</p>	<p>-INVESTIGATION PENDING -ON 23/04/2013 JFCM, UTNOOR REFUSED TO GRANT PT WARRANT -AGAINST THAT ORDER STATE OF AP PRE- FERRED CR. REV. NO. 9 OF 2013 BEFORE FIRST ADDL. DISTT. & SESSIONS JUDGE, ADILABAD -ON 26/04/2013 COURT OF SESSIONS PASSED ORDERS AND ISSUED NOTICE TO KOBAD GHANDY AT TIHAR JAIL BY DIRECTING HIM TO APPEAR ON 23/05/2013 FOR FILING COUNT- ER. -NOTICES SERVED AND CASE WAS POSTED FOR 02/09/2013 & LASTLY ON 20/03/2015</p>
11.	<p>CRIME NO. 4 OF 98</p> <p>U/S 148/436/149 R/W 3 PDPP R/W T CR. L.A. ACT R/W 3/5 EXPL. SUBST. ACT PS SIRPUR(ADILABAD) A.P.(NOW TEL- ANGANA)</p>	<p>-INVESTIGATION PENDING -ON 23/04/2013 JFCM, UTNOOR REFUSED TO GRANT PT WARRANT -AGAINST THAT ORDER STATE OF AP PRE- FERRED CR. REV. NO. 10 OF 2013 BEFORE FIRST ADDL. DISTT. & SESSIONS JUDGE, ADILABAD -ON 26/04/2013 COURT OF SESSIONS PASSED ORDERS AND ISSUED NOTICE TO KOBAD GHANDY AT TIHAR JAIL BY DIRECTING HIM TO APPEAR ON 23/05/2013 FOR FILING COUNT- ER. -NOTICES SERVED AND CASE WAS POSTED FOR 02/09/2013 & LASTLY ON 20/03/2015</p>

COORDINATION OF DEMOCRATIC RIGHTS ORGANISATIONS CONSTITUENTS:

1. Asansol Civil Rights Association, West Bengal
2. Association for Democratic Rights (AFDR), Punjab
3. Association for Protection of Democratic Rights (APDR), West Bengal
4. Bandi Mukti Committee, (BMC), West Bengal
5. Campaign for Peace & Democracy, (CPDM), Manipur
6. Civil Liberties Committee (CLC), Andhra Pradesh
7. Civil Liberties Committee,(CLC),Telengana
8. Committee for Protection of Democratic Rights (CPDR), Maharastra
9. Committee for Protection of Democratic Rights(CPDR),Tamilnadu
10. Coordination for Human Rights (COHR), Manipur
11. Jharkhand Council for Democratic Rights(JCDR)
12. Manab Adhikar Sangram Samiti (MASS), Assam
13. Naga Peoples Movement for Human Rights (NPMHR)
14. Organisation for Protection of Democratic Rights (OPDR), Andhra Pradesh
15. Peoples Committee for Human Rights (PCHR), Jammu and Kashmir
16. Peoples Democratic Forum (PDF), Karnataka
17. Peoples Union For Democratic Rights (PUDR), Delhi
18. Peoples Union for Human Rights(PUHR),Haryana