



Oudegracht 36
3511 AP Utrecht

India Committee of the Netherlands

tel 030-321 340
bank ABN Utrecht 555383539

January 7, 1986

Dear friend,

With regard to the campaign which the India Committee of the Netherlands is undertaking we would like to ask for your support and cooperation. We have prepared a press release and 2 letters, one to Rajiv Gandhi and one to N.T.Rama Rao, Chief Minister of the state of Andhra Pradesh.

We would like your organisation to sign the 2 letters and to collect signatures from other sympathisers and organisations. You can send these letters directly to Rajiv Gandhi and N.T.Rama Rao as soon as possible and with as many signatures as possible. Please send us photocopies of these signed letters and of articles in your local press to the address given below, so that we know how many organisations and people have reacted to our initiative. We look forward to your cooperation and to hear from you.

In solidarity,

enclosed are:

- press release
- letter to Rajiv Gandhi
- letter to N.T.Rama Rao
- copy of an article from Frontier of dec.14 and 21
- copy of an article from EPW of dec.6 1985

Please send replies to:
Jenneke Arens
PO Box 15163
1001 MD Amsterdam
phone: 020 - 629953



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PRESS RELEASE-----PRESS RELEASE-----PRESS RELEASE-----PRESS RELEASE-----PRESS

january , 1986

An international campaign has been started by the India Committee of the Netherlands to protest against the arrests of human rights activists under the Terrorist and Disruptive Activities (Prevention) Act in India and particularly in the state of Andhra Pradesh; and to demand the immediate release of Dr.K.Balagopal, general secretary of the Andhra Pradesh Civil Liberties Committee (APCLC) and several other human rights activists.

Lecturers and professors of several universities sent an open letter to the Chief Minister of Andhra Pradesh, N.T.Rama Rao and to Prime Minister Rajiv Gandhi to demand normal legal procedures for Dr.K.Balagopal, a university lecturer in mathematics. Besides human rights' and other organisations are asked to write letters to demand the immediate release of Dr.K.Balagopal and other human rights activists.

Dr.K.Balagopal was arrested on november 16,1985 under section 3 of the Terrorist and Disruptive Activities (Prevention) Act (TDAP Act) and falsely charged with the murder of police sub-inspector Yadagiri Reddy, who was killed by a group of unknown assailants on september 2,1985. Under this TDAP Act, which was enforced in Andhra Pradesh in 1985, the definitions of 'terrorist act' and 'disruptive activity' are wide enough to cover any democratic protest, dissent or voicing of grievances. Once in jail the 'suspect' can be kept there for one year without having a charge sheet filed against him or her in court. Nobody arrested under this act can be released on bail, unless the court is satisfied that (s)he is not guilty. The trial is held in camera.

With the increasing political activities in the state, the state machinery has proved to be more repressive. Greater powers have been given to the police and with the introduction of new repressive acts (such as the abovementioned Act), a large number people are being harassed, arrested and shot dead. In the last year there have been at least 40 cases of rape by policemen. All this is done in the name of maintaining law and order in the state.

Human rights organisations have played a crucial role in investigating such police atrocities and bringing to public notice the facts of such incidents as they occurred. They were among the organisations that mobilised public protest in october 1984 when the present Chief Minister of Andhra Pradesh N.T.Rama Rao was undemocratically thrown out of office by the manipulations of Indira Gandhi.

The repression that members of an organisation like APCLC are now facing is an indication of their effectiveness: the exposure of brutalities of the police has become an embarrassment to the state government.

In this year alone several of the district level office bearers of human rights-organisations have been arrested and implicated on false charges. Some of them have been tortured while in police custody. On september 3, 1985 the police entered the clinic of Dr. Ramanatham, vice-president of the APCLC, and shot him dead. This was the day after the death of sub-inspector of police Yadagiri Reddy.

The arrest of several human rights activists on false charges and under one of the most undemocratic and arbitrary acts deserves to be condemned by people concerned with human rights all over the world.

For more information contact Jenneke Arens, phone number 020-629953 in the Netherlands.

Open letter to:
the Chief Minister N.T.Rama Rao
Govt. of Andhra Pradesh
Hyderabad
India

date:

Dear Sir,

We have come to know of the increasing repression that your government is enforcing on the people of Andhra Pradesh. In the last few months you have given far greater powers to the police and their atrocities on the people have increased tremendously, particularly after the enforcement of the Terrorist and Disruptive Activities (Prevention) Act in your state in 1985. Individuals and groups who are working for civil liberties and democratic rights seem to be one of your targets. The killing of Dr.Ramanatham and the arrest of Dr.K.Balagopal, both office bearers of the APCLC, are a reflection of this general trend. It is a contradiction that the Terrorist and Disruptive Activities (Prevention) Act is used against those very organisations and people that have contributed to the upholding of democratic rights in your country.

We object strongly to such a misuse of your powers and we condemn the arrest of Dr.K.Balagopal and others who like him have been falsely implicated in cases, arrested and often tortured under the guise of maintaining law and order in Andhra Pradesh. We demand the immediate release of all the victims of the increasing repression of your government.

Sincerely yours,

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Open letter to:
Prime Minister Rajiv Gandhi
Government of India
New Delhi
India

date:

Dear Sir,

We have come to know of the increasing repression that your government is enforcing on the people of your country.

In the last few months far greater powers have been given to the police and their atrocities on the people have increased tremendously, particularly after the enforcement of the Terrorist and Disruptive Activities (Prevention) Act in 1985.

Individuals and groups who are working for civil liberties and democratic rights seem to be one of the targets. The killing of Dr, Ramatham and the arrest of Dr. K. Balagopal in Andhra Pradesh, both office bearers of the APCLC, are a reflection of this general trend. It is a contradiction that this Act is used against those very organisations and individuals that have contributed to the upholding of democratic rights in your country.

We strongly object to such a misuse of powers and we condemn the arrest of Dr, K. Balagopal and others who like him have been falsely implicated in cases, arrested and often tortured under the guise of maintaining law and order in the country.

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Terrorist Act against Democratic Rights Activist

Case of K Balagopal

P A Sebastian

K BALAGOPAL, general secretary of the Andhra Pradesh Civil Liberties Committee (APCLC) and professor of mathematics in Kakatiya University in Warangal, was arrested in Hyderabad on November 16. The APCLC has been fighting for civil liberties and democratic rights in Andhra Pradesh and has repeatedly exposed the brutalities and unlawful activities of the Andhra Pradesh police. This year so far there have been about 30 deaths in fake encounters in the state. The APCLC has carried out detailed investigations into several of these deaths and established the falsehood of the police version in each case. The APCLC has also been responsible for recently exposing nine cases of rape in police custody. Balagopal, in his capacity as the general secretary of the APCLC, has filed four writ petitions against the Andhra police which are pending in the Supreme Court. He has also initiated proceedings against the Warangal police before the AP Lokayukta in which he has brought to the notice of the Lokayukta 532 cases of illegal detention and torture.

Balagopal has been charged with the murder of police sub-inspector Yadagiri Reddy, who was killed by unknown assailants at a railway station on September 2. An accused is normally charged with murder under section 302 of the Indian Penal Code. The maximum period for which an accused can be kept in police custody in such a case is 90 days. If the case is not committed to the Sessions Court within 90 days along with a chargesheet, he must be forthwith released on bail by the magistrate. If the accused is committed to the Sessions Court, the Sessions Court has the power to release him on bail. The Supreme Court has laid down that bail is the rule and jail the exception, until the accused is convicted and sentenced.

However, Balagopal has not been charged with murder under section 302 of the IPC. He has been charged with murder under section 3 of the Terrorist and Disruptive Activities (Prevention) Act. A person arrested under this Act need not be produced before a judicial magistrate within 24 hours. Instead, he can be produced before an executive magistrate. The Collector of a district is an executive magistrate. The executive magistrate being a government officer, judicial impartiality cannot be expected of him.

The maximum period for which an accused person can be kept in police custody under the Terrorist and Disruptive Activities (Prevention) Act is one year. Police custody is notorious. Unlike judicial custody, accused persons are invariably subjected to third degree in police custody. There is no assurance that even after one year Balagopal will

be released on bail. Nobody arrested under this Act can be released on bail unless the public prosecutor is given an opportunity to oppose the application for such release. Where the public prosecutor opposes, two conditions must be fulfilled before bail can be granted: (a) The judge must be satisfied that the accused has not committed the crime alleged against him. But how can a judge be satisfied that the accused has not committed the crime unless there is a full-fledged trial? (b) The judge must be satisfied that the accused will not commit any offence while on bail. How can any judge give a guarantee that the accused will not commit any offence while on bail? Thus both the conditions are incapable of being fulfilled. The result is that Balagopal can be kept in jail until the trial is conducted, which can take a few years. Whether or not he is acquitted of the charge may not really matter to the government. The purpose of the government would have been achieved: Balagopal will have been incapacitated for years from continuing his work in the area of civil liberties and democratic rights which has hitherto been so effective in exposing the wrong-doings of the AP government and police.

Even when he is eventually brought to trial, Balagopal will not be tried in an ordinary court. He will be tried in a designated court. The AP government has notified the

setting up of designated courts on August 28, 1985. A designated court may be housed in a protected place like a jail. The entire proceedings of the designated court will be held in camera. The well known legal maxim that justice must not only be done but must also be seen to be done is thus dispensed with. A trial is open to the general public with a view to achieving a specific objective—to ensure that no undue influence is exercised in the administration of justice.

The defence for Balagopal will not know the identity of witnesses who will depose against him. This would make cross-examination impossible. How can there be an effective trial unless there is effective cross-examination? And there cannot be effective cross-examination if the defence does not know who the witness is and what his background is. It is possible that all the witnesses are hirelings of the government or agents of landlords who have a vested interest in getting a person like Balagopal implicated in a murder case and ultimately punished. But the outside world will not know the truth because everything will be done in secret.

At the moment one does not know whether the trial will be conducted in Andhra Pradesh or outside. If any area in the jurisdiction of a designated court has been declared to be a disturbed area, the Central government can set up the designated court outside the state. Certain parts of Warangal district have long been declared a disturbed area. This will make defence further difficult.

The prospect is really dreadful. Balagopal may be hanged on a trumped-up charge. This will happen not under the martial law of Zia-ul-Haq, not in Pinochet's Chile, but in India under Rajiv Gandhi and N T Rama Rao.

LETTER TO EDITOR

Arrest of K Balagopal

IN the year 1978, at the Delhi Centre of the Indian Statistical Institute, we welcomed in our midst a frail looking, shy and young mathematician by the name K Balagopal as a post-doctoral research fellow. As per reports published in the *Deccan Herald* of Bangalore dated November, 19, 1985 he was picked up by the police at Hyderabad at 11 a.m. on November 16 and his whereabouts are unknown. We distinctly recall the esteem and affection that he commanded in our campus and also the lively seminars he delivered on the applications of limit theorems of probability theory to problems of operations research.

Sacrificing the pursuit of theoretical research in the comfortable atmosphere of our centre Balagopal decided to take up a teaching position in a provincial establishment and at the same time pay attention to some of the pressing social problems in a rural area. We in the academic community do not know how to help him in his present situation except by touching the conscience of fellow scientists and appealing to the concerned authorities to ensure that the normal avenues of justice are open to K Balagopal.

P L MUTHURAMALINGAM,
K R PARTHASARATHY, K B SINHA,
K G RAMANURTHY, B S MINHAS,
NARESH SHARMA, A N NANKANA,
B L S PRAKASA RAO, S K MITRA,
B RAMACHANDRAN, B K SARKAR,
S SAJENDRA PRASAD

Indian Statistical Institute,
New Delhi

2148

lock-up deaths continue unchecked. Sudersan, Saranga Pani and Suresh were killed in Kazipet and Warangal police stations.

NTR is determined to destroy all the democratic values and practices. No judicial inquiry has been announced about the Karamcheddu killings so far. On the contrary, the Dalit leaders, K. Padma Rao and Rajasekhar, who have been spearheading the Karamcheddu Harijans' cause have been thrown behind bars under NSA. The main culprit in the Karamcheddu killings, D. Chen churamaiah, NTR's brother-in-law has been made the chairman of a cooperative oil mill in Prakasam district.

In Warangal district there have been no students' union election in the last two years and Sec. 144 has been imposed in twelve colleges of Warangal town. No public meeting has been allowed in Warangal in the last six months, whether on the Bhopal tragedy or the Karamcheddu killings.

The NTR Government is particularly cruel in its treatment of student and youth activists. The latest news from Hyderabad is of mass arrests of college students and young persons. Mrs Ambika, an artist and leader of Arunodaya Sanskritika Samakhyha, was one of those arrested in a midnight swoop in Hyderabad on November 16. The students who were released later had been severely beaten up; their books, calculators and clothes seized by the police have not been returned. Mr Nammam (a former executive member of the Revolutionary Writers' Association and now the convener of the Democratic Writers' Federation) had to go through a similar experience. Not

even the lone CPI(M) MLA, Mr Gummadi Narasiah, was spared. By the middle of September, a massive raid converted all hostels of the Regional Engineering College (REC), in Warangal into armed police camps. Hundreds of students were arrested and about 35 detained in illegal custody for over three weeks.

These massive raids have become a recurrent feature of social life in the 'Disturbed Areas'. The police have also officially issued a pamphlet warning all house owners of Warangal not to let out their houses to any one in the age group of 18-30 without their prior sanction. Thus practically this city of four lakh people is under a state of siege.

NTR's police are determined to take away even the last remnants of civil liberties. The SP of Nizamabad has called upon the people to kill the Naxalites and assured

them of adequate protection. In Nizamabad, a Banzara tribal, Bhukiya Kishan, was killed by the police in the fields in front of his wife and children. People witnessed Amarendra Reddy getting killed by the police on the roads of Kamareddy. And so on goes the list of murders.

There are mobile police camps in Adilabad district, asking villagers not to give food and shelter to the Radicals. Identification cards are being issued to the students of BC and SC hostels at Warangal and also to the citizens of Karimnagar. Those without the identity cards will be considered 'outsiders' and so suspects in the eyes of the police.

Nobody is allowed to enter Jagtial town after 3 p.m. Coalmine workers and tribals of Adilabad are terrorised by police hunting.

(To be concluded)

Andhra Pradesh

Torn Asunder—II

By A Correspondent

In Andhra Pradesh today women, treating them as Radicals the police have been deployed in villages to play as it were the role of an occupation army. Selecting villages one by one they make all the people assemble at one place and then they beat up all the men and young

ed and some twenty of them were stripped naked and paraded in front of the police station.

Between September 17 and 20, 4,000 people (including a bank manager) were arrested from four localities in Warangal, kept in police lock-up for three days and tortured, following a constable's murder in the remote area of Warangal—which has become a hotbed of Naxalite-police confrontation. Unable to round up the political leaders who have built a solid underground network, the police have been harassing academicians and members of the intelligentsia.

Dr. B.V. Subba Rao, Associate Professor in REC, was arrested and implicated in a case that he had been harbouring top-ranking Naxalites in Warangal. When the Principal tried to intervene, he was asked to go on leave. Incidentally, the REC principal who is deemed vice-chancellor, was the chairman appointed by the NTR Government to go into the issue of the capitulation in private engineering colleges.

Mr A. Bobbili and Mr Nageswara Rao, lecturer and librarian respectively in Evening College, Kakatiya University, were arrested, severely beaten and then charged that they had been taking classes for Naxalites. Mr K. Sita Rama Rao, a lecturer of Kakatiya University and APCLC activist, was beaten black and blue when the police raided his house on October 29. Police threatened his wife that they would rape her.

Mr Rama Rao who claims that one of the aims of his Press Bill is to save the honour of women is silent about the rape of women by his policemen. Twenty-four tribal

being worked out. The top police officials of AP, MP, Maharashtra and Orissa met recently at Hyderabad to finalise the strategy. It is reliably learnt that this conclave decided upon a concerted operation in the forest zone where the Naxalites are said to have taken shelter following intensive weeding out in the countryside. Additional police reinforcements are being sent to Karimnagar and training courses for them are already under way in the Ambarpet area of Hyderabad city. These newly trained batches of policemen will very soon begin combing operations. Already the Mahadevapur area linking AP, MP and Maharashtra is the scene of indiscriminate repression, so much so that even the 'sarpanchs' complained to their MLA. The policemen do not seem to be very happy either, as they will be forced to live dangerously away from their families and the financial benefits promised by the government will not be enough for the risks involved.

Curb on the Press

When things are taking such an ugly turn, it is quite natural that the Chief Minister will try to gag the press. That is why there is talk of a Press Bill against which the working journalists and democratic forces are building up a movement. NTR's plea is that the Bill is intended to ban yellow journalism and check abusive and "scurrilous" writing which sometimes drive people to suicide. The real reasons are of course different. The film star, long used to public adulation, cannot stand a press criticism of his methods of dealing with the Naxalite opposition and his patronage of some of his rela-

Police Strategy

A police strategy to weed out Naxalites from the entire stretch on either side of the Godavari is

tives eager to make quick money and wield power. Mr P. Dasaram, editor of 'Encounter', a political fortnightly, was killed by goondas in Vijaywada on October 20, allegedly with the connivance of TDP top leaders including the Home Minister and the police. Mr K. Chenna Reddy, editor of 'Ea Tharam' (This Generation), a political weekly, was arrested and all the political weeklies in Vijaywada were forced to stop publication. Mr Karunakar Reddy, sub-editor of the 'Andhra Prabha' daily, was arrested and beaten up severely in Mothkur police station of Nalgonda district.

The Government is determined not to allow left literature circulate in the State. For this reason, the Peace Book Centre of Hyderabad has been forced to down the shutters. Three salesmen were arrested in quick succession and produced in court after prolonged illegal detention.

The proposed Urban Police Bill will give judicial powers to the police officers in the urban police districts. The SPs in these districts will be elevated to the rank of commissioners and vested with judicial powers. They will have powers of censorship too. It will be enforced, it is gathered, first in Vijaywada and Visakhapatnam and then extended to Warangal, Guntur and Karimnagar. The police in Vijaywada have already asked the magazines to submit the press material to the police before publication.

Civil Liberties

It is quite obvious that a Government that has no regard for democratic rights will come down upon

civil liberties activists. Here is a brief account of the attacks on them: Gopi Ranjana killed by RSS men; Dr K. Balagopal, Dr Ramnathan and K. Sita Rama Rao implicated in false cases, Mr Balagopal and Mr Sankar (an advocate) beaten up by the ABVP men in Jagtital; the Lalacheruvu conspiracy case—the latest in the series of conspiracy cases—foisted upon Mr Subramanyam, lecturer in Law, Nagajuna University, Mr Subhas Chandra Bose, advocate and executive member of the APCLC, Dr K. Narayana Rao, a popular doctor of Rajahmundry and Mr Venkateswara Rao, a lecturer in a government college and secretary, OPDR; Dr Ramanathan killed by police on September 3, Dr Balagopal's room raided on October 13 and his books and typewriter taken away.

Dr Balagopal is a lecturer in Mathematics at Kakatiya University and also general secretary of Andhra Pradesh Civil Liberties Committee (APCLC). After attending on his sister who is at Osmania Hospital with brain cancer, Balagopal went to K.G. Kannabiran's office (Kannabiran is the president of APCLC) on the evening of November 16. While returning from his office in Hyderabad city he was arrested by plainclothesmen and whisked away to the police control room and then shifted to Warangal. He was shown to have been arrested at Kazipet on the 17th morning. He was detained under the central Terrorist and Disruptive Activities (Prevention) Act, 1985 and implicated in a police SI murder case, obviously in order to stall his release on bail. Balagopal filed four writ petitions that are pending in the Supreme Court

is another major reason why the police administrations of the four States are working in close coordination.

Nineteen districts of the State are declared drought-affected areas. NTR's Government has released only Rs 5 crore for relief operations, while it is spending Rs 150 crore on the police. There are no drinking water facilities in thousands of villages where you find armed police camps. There the tribals and bonded labourers are forced to bring water, wood and food for the policemen from faraway places.

No parliamentary opposition party raises its voice against this state of affairs since all of them are in alliance with the TDP. To the TDP the only opposition is the Congress(I) which has a disgraceful record. The CPI of course does not openly support the repressive measures. Anyway it is almost non-existent in most parts of the

State. On the other hand, the BJP, CPI(M) and MCPI (a group that broke away from the CPI(M)) are demanding even severer repression and denial of all civil liberties for the Naxalites and their sympathisers. Interestingly enough, on November 13, two workers of the MCPI were arrested, stripped and paraded on the streets.

Representatives of seven mass organisations of AP—RWA, Jana Natya Mandali, APRSU, APRYL, APRCS, All India Revolutionary Students' Federation and All India League for Revolutionary Culture—are on a tour to let the people outside the State know the facts.

A new organisation—Movement Against Repression (MAR) has been formed. Like all dictatorial regimes, NTR's Government will have a disgraceful end. The ultimate victory belongs to the people.

(Concluded)

possibility as a superpower desiring to preserve international peace. Hussein made no attempt to conceal his willingness to make concessions to imperialist and Zionist pressure. Moreover, he announced his readiness to enter into "direct and immediate negotiations with Israel" on the basis of UN resolutions which make no mention of the political rights of the Palestinian people: "We are ready to begin negotiations with Israel under the auspices of a suitable and acceptable party as soon as possible, according to UN resolutions 242 and 338...."

Finally Egypt's Mubarak described Peres as being "flexible" and said: "We can come to an understanding with him on peace."

Concessions

The United States and Israel lost no time in responding to the concessions made by Arafat and King Hussein. A few days after Arafat and Hussein made their statements, Israeli Phantoms bombed the PLO headquarters in Tunis, causing devastating losses, 60 Tunisian and Palestinian martyrs and hundreds of wounded. Then Peres and Rabin levelled a direct warning at countries which harbour Palestinians, meaning Jordan in particular. They stressed that the arm of Israel is long, and there is no safe refuge for the PLO. They presented the raid on Tunis as a lesson and a warning.

Of course, the U.S. did not delay in making a statement on the Israeli terrorism, describing it as a justifiable act. Richard Murphy, U.S. envoy to the Middle East, commented on the results of the raid, saying that it will not slow down the peace process in the Middle East. He

The Days of Rage

By A Correspondent

Palestine

In September Yasir Arafat, in an interview with 'Al Jumhuriyah' newspaper (Cairo), called for negotiations between the PLO and Israel on the basis of "land in exchange for peace" as mentioned in the Amman accord. In the same interview, he praised Thatcher's decision to meet with the Jordanian-Palestinian delegation. In another interview with the Saudi newspaper 'Shark al Awsat' (Paris), Arafat said that Thatcher's decision gave a boost to the Amman accord.

Then King Hussein made a speech at the UN General Assembly, clearly indicating the extent to which Arab reaction places its hopes on the U.S. He said that after the signing of the Amman accord between the PLO and Jordan, the two began conducting many of the major Western capitals in order to revive the peace process, in the light of the special relations binding the U.S. and 'Israel', the latter having so far hindered all peace efforts. Jordan has made concentrated efforts in Washington, hoping that the U.S. will shoulder its res-