

**IN THE HIGH COURT OF JUDICATURE AT JABALPUR,
MADHYA PRADESH**

CONTEMPT PETITION CRIMINAL NO. 11/98

**MADHYA PRADESH HIGH COURT BAR ASSOCIATION
THROUGH ITS SECRETARY, HIGH COURT
CAMPUS, JABALPUR**

.....APPLICANT

VERSUS

1. Sri Rajendra Sail & 2 Others

.....NON-APPLICANT

INDEX

S.No.	Description of Documents	Annexure No.	Page No.
1.	Answer to the show cause notice by the Non-Applicant No. 1		1-12
2.	Affidavit by the Non-Applicant No. 1		13
3.	List of Annexures		14-
4.	ANNEXURES:		
	a) Copy of the Registered Letter dated 8.7.1998 to the Press Council of India, New Delhi with Annexures	A-1	15-25
	b) The News-report in the Hitvada, Nagpur dated July 3, 1998 entitled : "CMM Condemns acquittal of accused in Niyogi murder case"	A-2	26
	c) Copies of the Hon'ble Supreme Court of India 3 Orders in Writ Petition No. 483/87	A-3	27-32
	d) Copy of the Hon'ble High Court of Madhya Pradesh in Miscellaneous Petition No. 1331/83	A-4	33-40
	e) A Copy of the Constitution of the People's Union For Civil Liberties	A-5	41
	f) News paper reports on some of the Statements On the Shahced Niyogi Murder Case Judgement	A-6	42-46

Jabalpur, M.P.
September 9, 1998

(Y K MUNSHI)
ADVOCATE
Counsel for the Non-applicant No. 1

**IN THE HIGH COURT OF JUDICATURE
AT JABALPUR, MADHYA PRADESH**

CONTEMPT PETITION CRIMINAL NO. 11/98

**MADHYA PRADESH HIGH COURT BAR ASSOCIA-
TION THROUGH ITS SECRETARY, HIGH COURT
CAMPUS, JABALPURAPPLICANT**

VERSUS

**1. Sri Rajendra Sail & 2 Others
.....NON-APPLICANT**

**ANSWER OF NON-APPLICANT NO. 1, RAJENDRA
K. SAIL, ORGANIZING SECRETARY, NATIONAL
PEOPLES' UNION FOR CIVIL LIBERTIES**

The Non-Applicant No. 1 as above named, most re-
spectfully begs to submit as under: -

1. An application under Article 215 of The Constitu-
tion of India, read with Section 12 of The Contempt of Courts
Act, 1971 has been moved by the Madhya Pradesh High
Court Bar Association, through its Secretary, High Court Cam-
pus, Jabalpur. The Contempt Petition is based on a news-
article appearing in the M.P.-LINE of the English newspa-
per Daily ' THE HITVADA' printed and published from
Nagpur, Maharashtra, on 4th of July, 1998.

2. This news-article has been filed by the Bhilai Bu-
reau of The Hitvada, purportedly on the basis of a speech
made by this non-applicant No. 1 on the SHAHEED DIWAS
on July 1, 1998 at Bhilai, District Durg, Madhya Pradesh,

(2)

paying homage to the martyrs of the Police Firing on July 1, 1992, killing 16 persons and maiming 153 persons, and also on the basis of what has been described by the said news-paper as " a private conversation" with the Bureau Correspondent at Bhilai on July 1, 1998.

3. At the very outset, it may be clarified that the reporting of the speech of this non-applicant by the Bhilai Bureau of The Hitvada contains falsehoods, is prejudiced, is motivated, and is part of a larger design to malign this non-applicant in the eye of the judiciary in particular, and public in general:-

4 This non-applicant did not give any interview to the Bureau Correspondent as claimed by him in the news-article that it was based on " a private conversation with this scribe". Or for that matter, this non-applicant never spoke to any member of the press either on that particular day or thereafter, in this connection.

5. The HITVADA Daily, through its Bhilai Bureau, has been filing stories and articles, specially in the recent past, which appear to be directly aimed at defaming both this non-applicant and the People's Union For Civil Liberties (PUCL), of which this non-applicant is the Organizing Secretary.

6. In specific, such stories spreading falsehoods appear in The Hitvada on 27th of June, 1998, on 28th of June, 1998, on 4th of July, 1998 and on 7th of July, 1998. All these stories have been filed by the Bhilai Bureau of The Hitvada, and specifically by Mr. George Kurian, of the Bhilai Bureau of The Hitvada.

7. In this regard, this non-applicant has already filed a complaint with The Press Council of India, Faridkot House (Gr. Floor), Copernicus Marg, New Delhi- 110 001, which is a statutory body of the Government of India, for that is the only forum available to do

ANNEXURE I

8. A copy of the Registered Letter dated July 8, 1998 addressed to the Hon'ble Justice P B Sawant, Chairman, Press Council of India, Fardikot House (Gr. Floor), Copernicus Marg, New Delhi — 110 001, is enclosed herewith (ANNEXURE I), along with the concerned news reports and articles as follows : -

a) " PUCL WORKERS HATCHED NIYOGI'S MURDER PLOT, ALLEGES BAGHADE" by Bhilai Bureau, Hitvada appearing on June 27, 1998;

b) " NIYOGI'S MURDER GOES UNAVANGED IRONY OF A SELF-DEFEATING POPULAR MOVEMENT" by George Kurian appearing on June 28, 1998;

c) " SAIL TERMS HIGH COURT DECISION ON NIYOGI MURDER CASE AS A 'RUBBISH' by Bhilai Burea, The Hitvada, appearing on July 4, 1998;

d) " CBI BLAMED FOR MISCARRIAGE OF JUSTICE" by George Kurian, appearing on July 7, 1998.

9. A copy of this letter to Hon'ble Justice P B Sawant, Chairman, Press Council of India, has been marked to The Managing Editor, The Hitvada, Pt. Jawaharlal Nehru Marg, Nagpur: 440 012 (M.S.) and sent by Registered Post.

10. A perusal of the above mentioned news-reports and articles would bring to the fore the inherent prejudices of Mr. George Kurian (who is presently with the Bhilai Bureau of The Hitvada), against this non-applicant and the PUCL.

11. As mentioned by this non-applicant in the complaint to the Press Council of India,

"What is more a matter of concern is the fact that Mr. George Kurian, who is presently working for The Hitvada at its Bhilai Bureau, was, at one time, associated with the Chattisgarh Mukti Morcha, and its trade unions. In the Year 1986, Mr. George Kurian was expelled from the union affiliated to the Chattisgarh Mukti Morcha, and subsequently, from the CMM itself. Thus, he has an axe to grind against this organisation.

ills in the organisation. In spite of the fact that the PUCL had issued contradictions to such falsehoods, Mr. George Kurian continued to nurse a grouse against the PUCL. (Newspaper cuttings of this period beginning January 1986 are enclosed herewith to bring home this point)"

In this context, it may be of value to note that Mr. George Kurian had carried out such a tirade against the above mentioned people's organisations, human rights organisations, trade union leaders, including Shaheed Shankar Guha Niyogi, and a human rights activist like this non-applicant till 1990.

12. This non-applicant was already aggrieved by the biased reporting by the Bhilai Bureau of The Hitvada, specially due to these falsehoods published by The Hitvada in its edition dated 27th June, 1998 and 28th June, 1998. Thus, this non-applicant had all the more reason not to talk to any press person associated with The Hitvada on July 1, 1998.

13. This non-applicant's speech delivered on the occasion marking the 6th Anniversary of the martyrdom of 16 workers who were killed in the Police Firing on July 1, 1992 at Bhilai, District Durg, was also reported in sum and substance by the other newspapers. These reports were prominently published in the local and regional newspapers on July 2, 1998. The Hitvada had also published the report covering this historic event in its edition dated July 3,

ANNEXURE II 1998. A copy of this news-report is also enclosed herewith (ANNEXURE II).

In this news-report on the Shaheed Diwas, reporting the public meeting, the Bhilai Bureau of The Hitvada has stated in its newspaper dated July 3, 1998 as follows:

" Addressing the rally, leaders of the Chattisgarh Mukti Morcha and allied organisations like PUCL and others unequivocally condemned the MP High Court judgement acquitting all the accused persons in the Niyogi murder case.

Prominent among those who addressed the rally were Janaklal Thakur, Ganeshram Chaudhary, Hari Thakur, Ms. Sasi Sail, president, Mahila Jagriti Sangathan, Prem Narayan, Ms. Elina Sen, Meghdas Vaishna, Ms. Leelabai, president, mahila Mukti Morcha and Jayant Verma of Bargi Dam movement "

14. The filing of the news-article on the basis of which this Contempt proceedings have been initiated and which is entitled "SAIL, TERMS HIGH COURTS DECISION ON NIYOGI MURDER CASE AS RUBBISH" appearing in its edition dated July 4, 1998 (four days after the event) appears to be part and parcel of a design by the Bhilai Bureau, The Hitvada, to dis-credit this non-applicant before the judiciary in particular, and public in general. It is pre-meditated, motivated and mischievous.

15. In the speech under reference, this non-applicant has not been dis-respectful to the judiciary.

In fact, as a human rights activist holding a responsible position in the People's Union For Civil Liberties, this non-applicant had, time and again, approached the Hon'ble Courts for redress of several public grievances. This non-applicant's faith in and high regards for the judiciary have been amply demonstrated through such Public Interest Litigations that he had filed in various Courts, including this Hon'ble High Court of Madhya Pradesh at Jabalpur.

16. This non-applicant was the main Petitioner in the Writ Petition No. 483/87 (Rajendra K. Sail V/s State of Madhya Pradesh) in the Hon'ble Supreme Court of India, in which the then Hon'ble Chief Justice of India, Sri R.S.Pathak had passed an order for the release and rehabilitation of about four thousand bonded labourers in the district of Raipur in Madhya Pradesh, where this non-applicant has been working for the identification, release and rehabilitation of bonded labourers for the past fifteen years. Later, in this same Writ

about 4000 released bonded labourers. Copies of some of these Orders of the Hon'ble Supreme Court of India, are enclosed herewith. (ANNEXURE III).

ANNEXURE III

17. This non-applicant was also a co-petitioner in the Raipur Slum-Dwellers Case, which was in the form of a Writ Petition appealing to this Hon'ble Court to protect and promote the Constitutional Rights of the thousands of slum-dwellers in Raipur in particular, and in the country in general. The Copy of the judgement of this Hon'ble High Court in the Miscellaneous Petition No.1331/83 is also enclosed herewith (ANNEXURE IV).

ANNEXURE IV

18. This non-applicant has been associated with the People's Union For Civil Liberties since its inception in 1976, which is a national organisation founded by Lok Nayak Jayprakash Narayan, and which has had the distinction of having as its office bearers and members in both the National Executive Committee and the National Council, former judges and well known lawyers such as Former Judge of the Bombay High Court, Mr. V. M. Tarkunde, Former Chief Justice of Delhi High Court, Mr. Rajendar Sachar, Former Chief Justice of the Calcutta High Court, Sri D. S. Tewatia, Senior Adv. K G Kamabiran, Sr. Adv. Soli J. Sorabjee, Sr. Adv. Ashok H. Desai, Sr. Adv. Shashi Bhushan, Sr. Adv. Ram Jethmalani, Sr. Adv. F S Nariman, Sr. Adv. K K Venugopal, and others.

19. The People's Union For Civil Liberties (PUCL) is known for its principles of protecting and promoting Constitutional Rights and, in turn, relying on judicial institutions with utmost regards for redress and restoration of these Constitutional Rights. This non-applicant has been holding responsible positions as the General Secretary of Madhya Pradesh People's Union For Civil Liberties from 1981-87, and later as the Organizing Secretary of the National People's Union For Civil Liberties. As such, this non-applicant has been committed towards maintenance and preservation of sanctity, dignity and prestige of judicial institutions. A Copy of the Constitution

20. This non-applicant is one of the main prosecution witnesses (PWN 70) in the SHAHEED NIYOGI MURDER TRIAL (Sessions Case No. 233/92 Central Bureau Of Investigation, New Delhi Vs. Chandrakant Shah & Eight Others at the Court of the Second Additional Sessions Judge, Durg, Madhya Pradesh, Presiding Officer: Hon'ble Sri T K Jha).

This non-applicant has been closely associated with Shaheed Shanker Guha Niyogi, who has been brutally murdered in the night of September 27-28,1991 at Bhilai, District Durg in Madhya Pradesh. Such a fact is borne out prominently in the judgements pronounced both by the Second Additioanl Sessions Judge at Durg, MP, and the Hon'ble High Court at Jabalpur in this matter. In his capacity as one of the main prosecution witnesses, this non-applicant had fully cooperated with the concerned Court during the trial, and with all due respect and regard for the judicial and legal systems.

It may not be out of place to mention that during the present times of growing "criminalisation" in our country, it is wrought with risk to be a witness specially in criminal cases. It is a common concern today that citizens hardly come forward to depose as witnesses in criminal cases because of the inherent dangers in such matters. Therefore, it must be realized that this non-applicant had deposed before the concerned court in a matter of such importance to the public and country. It is also a matter of record that the two concerned judgements have recognized this fact. This non-applicant was dissatisfied with the judgement of this Hon'ble High Court, which he had expressed in the passing, during the speech at Bhilai on July 1, 1998, and he wanted to assail it before the Hon'ble Supreme Court of India.

21. This non-applicant was not satisfied with the judgement of the Hon'ble High Court in the Shaheed Niyogi Murder Case, but he had

at Bhilai, Durg.

22. This non-applicant never made these specific statements in his speech which have been falsely attributed to him and as reported in *The Hitvada* daily dated 4th July, 1998. This non-applicant never stated that " he had substantial evidence to prove that Judge S.K.Dubey was bribed in this case and that he possessed properties disproportionate to his income". This non-applicant also did not say that " no body could have made much difference when already Judges were prejudiced in this case". This non-applicant also did not say that " ...High Court bench comprising Justice S.K.Dubey and Ms. Usha Shukla had belittled the respect for judiciary by bringing what he said, a biased rubbish judgement in Niyogi murder case". This non-applicant also did not state that "...the Judge who was on the verge of retirement should not have been entrusted with the responsibility of dealing with such crucial case"

This non-applicant had only made a bonafide analysis of the said judgement without bringing into disrepute the judiciary in general, and the judges in particular. The comments on the present case were of general nature, as the public perception of such cases of importance drawing nation wide attention. Such comments were bonfide criticism as an expression of one's own understanding of the the role and place of the state, and legal and judicial institutions vis-a-vis the present situation in the country.

23. While expressing opinions on the entire matter this non-applicant had no intention to bring the judiciary into disrepute: On the contrary, in the highest tradition of pursuing justice, this non-applicant had emphasized that he, along with others concerned, would knock the doors of the Hon'ble Supreme Court of India, thus displaying his own faith and respect for the judiciary. This non-applicant, along with others, had expressed in the speech on the Shaheed Diwas that he obviously did not agree with the findings of this Hon'ble Court in this matter.

University. In purposely opting to serve the poor and the oppressed, specially the working class, through available legal and judicial institutions in the country, this non-applicant has been demonstrating his faith in and respects for the judiciary through words and deeds both. Therefore, it is painful to see that by falsely and prejudicially reporting the said speech out of the total context, the Bhilai Bureau of The Hitvada has aimed at attacking this non-applicant's credibility as a human rights activist. By sincerely expressing an analytical opinion on the Hon'ble High Court's judgement in the Shaheed Niyogi Murder Trial during the speech on July 1, 1998 at Bhilai, Durg District, this non-applicant had only expressed his personal grief and emotional trauma that arises out of the murder of a renowned labour leader, who was also a friend of this non-applicant, about which one has spoken the truth as one of the prosecution witnesses during the trial, and about which detailed references are made in the concerned judgements.

The Judgement in the Shaheed Niyogi Murder Trial by the MP High Court had elicited nation-wide reactions by the people's organisations, intellectuals, social and human rights, and legal fraternity itself, expressing disappointment and shock. Some of these reactions were reported in a section of the press.

In its edition of July 5, 1998, The Hitvada, Nagpur itself has reproduced by arrangement with the Times of India, some of these statements decrying acquittal of Niyogi Case accused with the title : UNIONS DECRY ACQUITTAL OF NIYOGI CASE ACQUITTAL. Some of these statements published in the newspapers are enclosed v therewith. (ANNEXURE VI).

ANNEXURE V I

25. In tendering an apology and by directly writing to the Hon'ble Chief Justice of Madhya Pradesh High Court, with copies to the Hon'ble Judges and to the President, MP High Court Bar Association, Jabalpur, the management of The Hitvada has already accepted the local mischief of the Bhilai Bureau of The Hitvada which has

This completely supports this non-applicant's contention that Mr. George Kurian of Bhilai Bureau of The Hitvada spread falsehoods, was prejudiced, was motivated, and published such stories as part of a larger design to malign this non-applicant in the eye of the judiciary in particular, and public in general.

26. It may further be stated here that the trial of Shaheed Niyogi Murder Case started in the year 1992 at the District Court at Durg in Madhya Pradesh, and Mr. George Kurian and his associates started indulging in propogating false stories in relation to the murder of Shaheed Niyogi right since then. The said false stories were at tangent and totally contradictory to the prosectuion case. In their stories, they were trying to propogate the views that this non-applicant and PUCL workers were responsible for and instrumental in the murder of Niyogi.

It may be specifically mentioned here that the said stories were neither the case of the prosecution nor of the defence. The Hon'ble Second Additional Sessions Judge at Durg, and the Hon'ble High Court also did not record any finding that the present non-applicant and PUCL were involved in the murder case of Shaheed Niyogi. It may also be mentioned here that Mr. George Kurian and his associates never appeared as witnesses either for the prosecution or the defence to support and lend credence to their above stories. They only indulged in maligning the present non-applicant and the PUCL.

By putting forward fictitious theories based on personal prejudices and conspiratorial considerations, Mr. George Kurian of the Bhilai Bureau of The Hitvada has made a mischievious attempt to scandalize the Hon'ble Courts. This in itself is, on the one hand, defamatory, and on the other hand, interferes with the administration of justice.

27. This non-applicant is advised to submit that during the pendency of the present proceedings, by directly addressing a letter to the Hon'ble Chief Justice of Madhya Pradesh High Court, with copies to the Hon'ble Judges and to the President, MP High Court Bar Association, Jabalpur, the non-applicants 2 & 3 have also adopted a procedure unwarranted by law, since the Contempt matter is sub-judice before this Hon'ble Court.

28. This non-applicant is also advised to submit that the non-applicants Nos 2 & 3 have marked a copy of their apology to the President, MP High Court Bar Association, Jabalpur, who are also the applicant in this Contempt proceedings. This also amounts to the interference in the administration of justice, when the matter is sub-judice before this Hon'ble Court.

29. In the end, this non-applicant would once again like to emphasise that he never meant to demean the prestige of the judiciary nor scandalize the judicial institutions. This non-applicant has every respect for the judiciary amply demonstrated in his actions, and he can not conceive of making false and baseless allegations

In addition to the above submissions, this non-applicant is ready to tender an apology to this Hon'ble Court if the above does not satisfy this Hon'ble Court. However, this non-applicant's total approach to the judicial institutions as reflected in his life and works

should be taken into consideration.

30. Affidavit duly sworn by this non-applicant in support of this reply is filed herewith.

NON-APPLICANT NO. 1

(Y.K.MUNSHI)

ADVOCATE

Counsel For The Non-Applicant No. 1

Jabalpur : M.P.

Dated: 9th September, 1998

IN THE HIGH COURT OF JUDICATURE AT JABALPUR, MADHYA PRADESH

CONTEMPT PETITION CRIMINAL NO. 11/98

**MADHYA PRADESH HIGH COURT BAR ASSOCIATION
THROUGH ITS SECRETARY, HIGH COURT
CAMPUS, JABALPUR**

.....**APPLICANT**

VERSUS

1. Sri Rajendra Sail & 2 Others

.....**NON-APPLICANT**

AFFIDAVIT

I, Rajendra K. Sail, aged about 51 years, son of Shri Ram Din Sail, Organizing Secretary, People's Union for Civil Liberties, resident of 18/1422, New Shanti Nagar, P O Shanker Nagar, Raipur, Madhya Pradesh, do hereby state on oath as under: -

1. That I am the Non-applicant No. 1 in the above case and am fully conversant with the facts and circumstances of the above case and am in a position to swear this affidavit.
2. That the enclosed answer to the show-cause notice has been drafted as per my instructions.
3. That I say that the statement of facts contained in paras 1 to 30 of the enclosed answer to the show-cause notice are true to my personal knowledge and belief, and the legal averments contained therein are true to my knowledge derived from my counsel Adv. Y. K. Munshi, Advocate, Jabalpur, and believed by me to be true.
4. That I say that the annexures annexed to this answer to the show-cause notice are true copies of their respective originals.

Rajendra K. Sail
Deponent

VERIFICATION

Verified at Jabalpur, Madhya Pradesh, this 9th day of September, 1998 that the contents of paras 1 to 4 of the above affidavit are true to my personal knowledge; that no part of the above affidavit is false and that nothing material has been concealed therefrom.

Rajendra K. Sail
Deponent

**IN THE HIGH COURT OF JUDICATURE AT JABALPUR,
MADHYA PRADESH**

CONTEMPT PETITION CRIMINAL NO. 11/98

**MADHYA PRADESH HIGH COURT BAR ASSOCIATION
THROUGH ITS SECRETARY, HIGH COURT
CAMPUS, JABALPUR**

.....APPLICANT

VERSUS

1. Sri Rajendra Sail & 2 Others

.....NON-APPLICANT

LIST OF ANNEXURES

S.No.	Description of Documents	Original/Copy	Remarks
1.	Copy of the Registered Letter dated 8.7.1998 to the Press Council of India, New Delhi with Annexures	Copy	A-1
2.	The News-report in the Hitvada, Nagpur dated July 3, 1998 entitled : "CMM Condemns acquittal of accused in Niyogi murder case"	Copy	A-2
3.	Copies of the Hon'ble Supreme Court of India 3 Orders in Writ Petition No. 483/87	Copy	A-3
4.	Copy of the Hon'ble High Court of Madhya Pradesh Miscellaneous Petition No. 1331/83	Copy	A-4
5.	A Copy of the Constitution of the People's Union For Civil Liberties	Copy	A-5
6.	News paper reports on some of the Statements On the Shaheed Niyogi Murder Case Judgement	Copy	A-6

Jabalpur, M.P.
Date: September 9, 1998

Counsel For Non-applicant No. 1

Rajendra K. Sail
Organizing Secretary

People's Union for Civil Liberties



REGISTERED AID

SHALOM
House No 18/1422,
New Shantl Nagar,
P.O. : SHANKER NAGAR,
Distt.: Raipur (M.P.) 492007

To,

Justice P B Sawant
Chairman
Press Council of India
Faridkot House (Gr. Floor)
Copernicus Marg,
NEW DELHI 110 001

July 8, 1998

SUBJECT: Complaint against THE HITVADA, Nagpur for spreading
falsehoods against the People's Union For Civil Liberties.

AND

for carrying on a vilification campaign

Dear Sir,

On behalf of the People's Union For Civil Liberties (PUCL), and on my personal behalf, I would like to draw your attention to the following news-reports and articles appearing in THE HITVADA, Pt. Jawaharlal Nehru Marg, Nagpur: 440 012 (MS):-

1. June 27, 1998: "PUCL WORKERS HATCHED NIYOGI'S MURDER PLOT, ALLEGES BAGHADE" By Bhilai Bureau
2. June 28, 1998: "NIYOGI'S MURDER GOES UNAVANGED IRONY OF A SLEF-DEFEATING POPULAR MOVEMENT" By George Kurian
3. July 4, 1998: "SAIL TERMS HIGH COURT DECISION ON NIYOGI MURDER CASE AS A 'RUBBISH'" By Bhilai Bureau
4. July 7, 1998: "CBI BLAMED FOR MISCARRIAGE OF JUSTICE" By George Kurian

In general, these articles and news-reports are nothing but falsehoods against the People's Union For Civil Liberties (PUCL), and also against me, who is presently the Organizing Secretary of PUCL.

Such falsehoods are being spread against the PUCL and me, in a very systematic manner, so as to tarnish the image and credibility of the organisation and its office bearer, both of whom have been involved in the struggles for preservation and promotion of human rights, civil liberties and democratic rights in the country in general, and in Chattisgarh, in particular.

What is more a matter of concern is the fact that Mr. George Kurian, who is presently working for THE HITVADA at its Bhilai Bureau, was, at one time, associated with the Chattisgarh Mukti Morcha, and its trade unions. In the Year 1986, Mr. George Kurian was expelled from the union affiliated to the Chattisgarh Mukti Morcha, and subsequently, from the CMM itself. Thus, he has an axe to grind against this organisation.

Immediately after his expulsion from the Chattisgarh Mukti Morcha, Mr. George Kurian had carried on a trade against the CMM, its leadership, and also against the PUCL, holding it responsible for several ills in the organisation. In spite of the fact that the PUCL had issued contradictions to such falsehoods, Mr. George Kurian continued to nurse a grudge against the PUCL. (Newspaper cuttings of this period beginning January 1986 are enclosed herewith to bring home this point).

Thus, the question arises as to how a person already prejudiced against some organisations and persons can be expected to report and write objectively about the issues and concerns? Is it the journalistic ethics of a newspaper to assign the responsibility of analysing an organisation to one who was expelled from it some 12 years ago?

Specifically, the news-reports and articles in the HITVADA as mentioned above bear the falsehoods as follows:-

JUNE 27, 1998: "PUCL WORKERS HATCHED NIYOGI'S MURDER PLOT, ALLEGES BADIHADE"

By Bhilai Bureau

1st Para: It is sheer falsehoods. The Bureau never took the PUCL version on the statements/allegations made by Mr. Bheem Rao Badhade. Is it the policy of the news-paper to publish falsehoods against a reputed organisation and respected social workers without checking the facts?

The allegations are not the prosecution case, and the matter was sub-judice as the Appeal in the Niyogi Murder Trial was pending in the MP High Court on the day. In fact, the MP High Court had delivered the judgement on this very day.

2nd Para: Again a falsehood, which is baseless.

3rd Para: Last Sentence: False and baseless.

8th Para: Last line: False and baseless. I am not a member of the CMM, and it is not my responsibility to implement the Court Order.

The heading is mis-leading and malicious. At no point during the press conference as reported by the Bhilai Bureau of THE HITVADA, PUCL workers were named nor details given as to how they "hatched Niyogi's murder plot". In fact, Sri Bheem Rao Baghade is not a witness, nor did he offer to be a witness and provide evidence to the prosecution during the trial. The Trial Court Judgement in the Shaheed Niyogi Murder Case has also not pointed to this conspiracy as being falsely propagated by THE HITVADA.

28th June, 1998: "Niyogi's Murder Goes Unavenged Irony of a Self-defeating Popular Movement"

12th Para: Once again, referring to the press conference of Mr. Bhim Rao Baghade of yesterday, the writer, Mr. George Kurian, without verifying the facts either with the PUCL or me, publishes the falsehoods.

July 4, 1998: "SAIL TERMS HIGH COURT DECISION ON NIYOGI MURDER CASE AS 'RUBBISH'"

HEADING: The heading of this news-report/article is false, misleading and mischievous.

The entire reporting is fictitious, as I never gave any interview to any press persons on that day leave aside what the Bhilai Bureau refers to in fourth para of this news-report as "a private conversation".

All the statements with or without quote are false and baseless.

These are deliberately attributed to me, while the fact remains that I never spoke "privately" or "publicly" to the press.

As a human rights activist, I have never denigrated the judiciary. On the contrary, for several public grievances, I have personally gone to the courts for redress in the capacity of the Organizing Secretary of the PUCL. I have not been dis-respectful to the judiciary.

Seen from the point of view of a systematic campaign being carried out against the PUCL and me, such a story filed by the Bhilai Bureau and THE HITVADA is nothing but vilification and falsehoods.

July 7, 1998: "CBI BLAMED FOR MISCARRIAGE OF JUSTICE" By George Kurian

5th Para: It is false to say that I have full or any control over CMM. I am not a member of the CMM, but am the Organizing Secretary of PUCL.

6th Para: *It is again a falsehood.*

9th Para: *Again a falsehood, and amounts to insinuations.*

10th Para: *Again a falsehood, deliberate attempt to malign the under-signed although the facts of the case are otherwise.*

Reference to Bheem Rao Baghade's press conference without substantial evidence is deliberate. Once again, it may be pointed out that this has not been the prosecution case, and Mr. Bheem Rao Baghade was never a witness, nor offered himself as a witness to the prosecution or to the Hon'ble courts, or the investigating agencies.

18th Para: *The reference to PUCL as "an alien organisation, with national and international links" is false and malicious.*

19th Para: *The reference to the history of the PUCL is false and baseless.*

20th Para: *The reference to PUCL's entry in the CMM is also false, distorted and mischievous.*

22nd Para: *Again the reference to PUCL is false and baseless.*

23rd Para: *Again the reference to PUCL is false and baseless.*

25th Para: *Once again, the reference to PUCL is false and fictitious.*

26th Para: *The reference to PUCL is false and baseless.*

29th, 30th, 32nd Paras: *The motives and facts attributed to PUCL are false, and based on prejudices.*

In the end, it would suffice to say here that PUCL as an organisation is deliberately being painted in a damaging colour on the basis of these falsehoods. The fact is that the PUCL is a human rights organisation which was founded by Lok Nayak Jay Prakash Narain during the Emergency in 1976, and it has many legal luminaries, former judges, journalists, social scientists,

social workers as members all over the country. It has nothing to do with Chattisgarh Mukti Morcha and its activities.

Neither do PUCL involve itself in trade union activities.

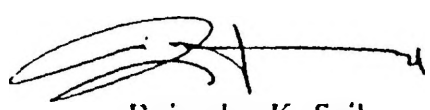
There are other such attempts to tarnish the image of such a reputed organisation, and THE HITVADA, along with its Bhilai Bureau and Mr. George Kurian, whose prejudices against CMM are known, which require immediate intervention by THE PRESS COUNCIL OF INDIA.

The concerned newspaper reports are being enclosed herewith, and the original of the same will be produced to the Press Council of India at an appropriate time, when called for.

On behalf of the PUCL and on my personal behalf, I would like to APPEAL to you to kindly take appropriate action in this matter and bring an end to the spread of falsehoods with an intention to malign an organisation and a social worker.

Looking forward to hearing from you, and with all good wishes,

Yours sincerely,



Rajendra K. Sail
Organising Secretary

cc: as stated above

1. The Managing Editor,
The HITVADA,
Pt. Jawaharlal Nehru Marg,
NAGPUR: 440 012 (MS)

2. Prof. Y.P. Chibbar,
General Secretary,
National PUCL.