

## KERALA HUMAN RIGHTS MAPPING

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### **I. HUMAN RIGHTS VIOLATIONS:**

- 1.1 Mr. Abdul Nazar Maudani, chairman of People's Democratic Party (PDP) was incarcerated as an under-trial in the 1998 Coimbatore blast case for 10 years before being exonerated and set free in Aug 2007. In September 2010 he was again arrested as an accused in the infamous 2008 Bengaluru blast case. But none of the alleged offences has been proved against him. Till date he has not been given a charge sheet. This is in gross violation of all national and international laws.
- 1.2 A weird threat prevails everywhere, more especially among environmental and human rights groups. The state government deliberately creates an impression that certain regions (Wayanad, Attappadi, Athirappilly, Peravoor etc) of the state are "Maoist-infected" areas. This might be because the Union Govt. has allocated huge funds for Maoist hunt. Therefore the State Home Dept. is in need of constructed stories of Maoist terror for appropriating Central Funds. The state police units of 'Thunder Bolt' and 'Anti-Naxal Squad' occasionally bring out cooked up stories of Maoist presence in hill stations and tribal belts of the state. The arrest and illegal custody of Shyam Balakrishnan in 2014 from Vellamunda in Wayanad district was one of such police excesses. Shyam Balakrishnan and his spouse have settled at Vellamunda for more than four years and were engaged in agriculture and yoga. There was no complaint against them from the local people. One evening a team of more than 20 armed police stormed into their hut and took Shyam Balakrishnan into custody and spent more than 5 hours searching the house. They confiscated his computers and mobile phones, books and files and kept him in custody for several days. He was set free only because the police later came to know that Shyam Balakrishnan was son of a high court judge. Similarly Advocate Thushar Nirmal Saradhy of Kerala High

Court and social activist Jaison C.Cooper were arrested alleging Maoist links. They were in custody for several months. Nothing has been proved against them. Recently a team of human rights activists Dr. P.G.Hari, Shijilkumar, Nazeera, Mathews, Subin, Aparna and others who were visiting a tribal hamlet at Peravoor Ambalakuzhy in Calicut district on a facts finding mission of death by starvation were taken into police custody.

- 1.3 Our society is divided today on the basis of religion and caste. It is paradoxical that when there are significant improvements in economic and social segments, the society is getting increasingly polarized and our right to live without fear is constantly under threat. We lost our trusts in our fellow beings. Our interactions and socialization are limited to people of same faith or caste. The top brass of every religion conspire against other religions in an attempt to hold people together under their yoke. The seeds of this menacing and threatening religious hubris and intolerance are sown in the minds of children in private schools that are reflected in religious indoctrinations and emerging clericalism in all communities. Hate politics prevails over and above this. Fascism gets incarnated in different forms in all stages of life. In the result citizen's fundamental right to live with dignity and freedom are taken away from them.
- 1.4 Whistle-blowers including RTI campaigners and activists are personally attacked, fake and fabricated criminal cases are alleged against them, they are kept under illegal custody for weeks and months, their family members are unnecessarily harassed, their business-career prospects are adversely affected and eventually they all are silenced, they are compelled to retreat to safer zones. There are more than 200 criminal charges against the Action Council Members of Kathikkudam, in Thrssur District for their attempts of saving Chalakkudy River and adjacent paddy fields from devastating industrial pollution by Nitta Gelatin India Limited. Government officials easily get irked by RTI activists. Recently a village panchayat made a complaint to the State Information Commissioner against Ms VV Vijitha, an activist, asking to declare her a public nuisance and to take penal action against her. Her offence according to Panchayat Council was that she had lodged around 35 RTI pleas in the panchayat regarding illegal stone quarries.
- 1.5 Political killing happens quite often in Kerala. In rare cases only the murderers are prosecuted and punished. In majority of cases the ruling parties engage in political bargaining with offenders for political gains resulting in orchestrated defeat of criminal justice. Departments of vigilance, intelligence and criminal investigation are part of ministry of home affairs and hence the government collude with offenders and undermine criminal investigation.

- 1.6 Caste system as in other states is one of the brutal forms of oppression in Kerala. It leads to cold blooded murder, sexual violence, untouchability, slavery and other forms of feudal terrible discrimination used against people of most oppressed castes. Government Welfare Lower Primary School at Perambra in Calicut district has only 40 students, all of them belong to SC/ST communities. There are non-dalit families residing in the village. The school is very good in infra-structure as compared to many other schools in the area. Nevertheless, no one else than the dalit families want to send their children to this school only because of the presence of *paraya* students (SC) in the school. "I don't want my children to sit with *paraya* children" said one guardian of a school going child to the teacher of the school.
- 1.7 Mr. Satnam Singh Mann was arrested on Aug 1, 2012 on charges of attempt on the life of Mata Amritanandamayi. He was brought to the Karunagappilly police station where he was found in perfect health. Later he was taken to a mental asylum at Peroorkada, near Thiruvananthapuram where he was beaten to death reportedly by the warden of the hospital and some of the inmates. He was in police custody and hence his was a clear case of custodial murder. When a crime is committed by a religious institution or by a 'holy' man/woman, the authorities make every effort to sabotage the investigation process and to protect the culprits.
- 1.8 LGBT Community in Kerala, by and large, is denied their rights to live together and to make their choice. They are abused, intimidated and are physically and psychologically assaulted. Kerala, despite its much advanced human development indices, does not afford its LGBT community the freedom provided neighbouring states. Fear stalks them wherever they go and their efforts to come out of the closet still remain tentative and fraught with many dangers. For them life is perilous journey and through difficult terrains of entrenched gender prejudices and social proscription. More than 1000 LGBT members had to leave the State to other parts of the country for threat to their life. They are refused medical certificates; they are not admitted in the hospital for emergency cases. They are forced to undress when they approach for health check up. (Couple of days ago, the State Government has released a Gender Policy the details of which are awaited).
- 1.9 Persons with disabilities are treated as if they have no rights. Disability Act ensures several rights but none of them are implemented by authorities concerned. The society puts numerous barriers as expressed in education, employment, social mobility, transport, health etc. Public places like government offices, banks, bus stations, railway stations, transport buses, schools, colleges, hospitals, hotels, hostels etc are not user-friendly as

persons with disabilities are concerned. Their quota in employment opportunities are not duly reported and availed to them.

- 1.10 Women and children are not safe in Kerala. They are not safe at home, in society, neither at work places, nor at places of worship either. Atrocities against women and children are steadily on the increase. Instances of gender based abuse and sexual violence are not properly investigated while perpetrators are generally protected for socio-political reasons. A three year old baby girl who was sleeping with her mother was kidnapped recently at Thirur in Malappuram District and was raped by 14 persons. The child was later thrown on the road side. The child was rushed to the Thaluk hospital and was shifted to the Calicut medical college where she underwent two major surgeries. Girls, both infants and adolescents, are subjected to abuse and rape at home even by guardians, care takers and relatives. Child trafficking is rampant in tribal settlements, dalit colonies and poor peasants' villages.
- 1.11 Self-styled moralists (moral policing) enforce their religious rules and habits on people across the society and those who do not subscribe to their fundamentalist and fanatic ideology are been physically assaulted, killed, fatally injured or are forced leave their homes for unknown destinations. Recently a teenager girl committed suicide at Kodungallur in Kerala as her friend boy was terribly beaten by a mob alleging illicit relations with the girl. In fact there was nothing wrong done by the boy who just visited his school mate at her home. The wide spread scandal and the social stigma were too severe that the uncle of the girl also attempted to kill himself in the following days. Instances of honour killing also take place in Kerala, though the number is not as huge as in some other states.
- 1.12 Dozens of Bangladesh citizens are being languished in Kerala jails. They do not have any document to prove their nationality. They are not accepted by Bangladesh government. They bribe Indian Boarder Security Forces and enter into Indian land without any document and finally reach Kerala in search of fortunes.
- 1.13 Illegal clinical drug trials connected with the numerous medical colleges and para-medical establishments pose a big threat to innocent people who trusts and confides in their physicians. Further the government sponsored vaccinations that are forced upon people without their informed consent raises several concerns. Last year there were 15 casualties in the State following pentavalent vaccinations. Clinical drug trials are done on illiterate and vulnerable population who are completely unaware of the trials. Their signature in blank papers is collected by consulting physicians and later such papers are manipulated as informed consents. There is absolutely no security

measures to check casualties following such trials. This amounts to human rights violation and actionable offence of unethical and corrupt clinical practices.

1.14 Access to Justice is a fundamental right of every citizen. But it remains in principles and dogmas. The poor, marginalized, illiterate and vulnerable sections of society - the tribals, dalits, victims of physical and mental disabilities in particular – are a neglected lot in the area of justice administration. Free legal aid in the courts does not work effectively. The benefit of mediation and adalat often goes definitely not to the weaker sections.

## **II. Attack on Civil & Political Rights:**

- 2.1 The civil and political rights of people in Kerala are increasingly in jeopardy. Religious bigotry, caste and religion based discriminations, massive corruptions among members of State Cabinet and downwards, colossal failure of fair trial and criminal investigations have led to an unbridled state of violence and desperation in the State's civil sphere. Kerala police have been issuing look-out notices against social and environmental activists with clear evidence of criminalizing them. Such outrageous acts from the side of the police and the intelligence agencies have become a pattern, specifically designed to create in the public memory a sense of acceptance of such perceptions or representation of people/activists and their activities as something to be viewed with suspicion, bordering on that what is accepted or perceived as 'crime'. This is nothing but to isolate such people/activists from public life, so that the denial of their fundamental rights by the State is coerced into consent from the public, as a necessary step in consonance with the general maintenance of 'law and order'; for the safeguard of the so called 'national interest'. To publicise the names and pictures of persons, leading active public life with commitment to the people, participating in democratic struggles taking place in different parts of the state as the alleged Maoists who are supposedly operating in the forest terrain of the state shows beyond doubt the intentions of the police and the intelligence agencies to prepare further ground for their unhindered long history of impunity that has characterised the scenario of growing instances of gross violations of the rights of the masses.
- 2.2 Encroachment on the civil and political rights of the civilians is manifested by the presence of CCTV cameras installed everywhere in the public domain, no matter if it is in the premises of university colleges, places of worship, public parks, public libraries, *sahitya* academies and the like.

- 2.3 Many RTI activists have been harassed and constantly under threat for seeking information to "promote transparency and accountability in the working of every public authority" in Kerala. People seeking information from their gram panchayat and the local administration also face social ostracism. Unlike other human rights defenders, a majority of the RTI activists are not part of an organisation; they often act alone, moved by anger at corruption and other illegal activities. RTI activists are vulnerable to retaliatory assaults and harassments because they live in the same areas as public authorities and political leaders who do not want information about their activities to be disclosed. The Right to Information Act, 2005 provides inadequate protection to whistleblowers.
- 2.4 The right to freedom is one of the fundamental rights in the Indian constitution that also includes the freedom of speech and expression. This means, in principle, there is creative freedom. Nevertheless, the government does not want people think freely or engage critically their intellectual acumen. *Keraleeyam* is a monthly magazine in Malayalam focusing on agriculture, environment and health issues. It often voiced in favour of tribal communities, farmers, environmental activists and human rights defenders. Its office was raided one midnight, the volunteers who were sleeping in the office were picked up by the police on the orders from the State heads of the police department on alleged links with the Maoists. The government using the police wants to terrorise people so that no one would dare to challenge the government.
- 2.5 Salman, a Muslim youth in Thiruvananthapuram along with few of his Hindu friends went for a film show in a theatre. Before the film started there was recorded National Anthem and the crowd in the theatre got up from seats in respect for national anthem. Salman did not rise but remained quietly seated. So did his friends. Salman alone was arrested on sedition charges. Another youth was arrested for his comments against the Prime Minister on Face Book. In a college, the annual college magazine was banned and the student editor and his committee members were charge sheeted for sedition because of certain critical comments in the magazine against the prime minister. An academic from Switzerland who was a researcher in his university on People's Movements for Civil Rights was attending meetings in Calicut District, and also at Kodungallore in Thrissur district. He was later arrested by Kerala police for alleged anti-national activities.
- 2.6 Under Art.244 of Indian Constitution, the Adivasi population should be given self rule in designated areas. In several of Indian States it has been implemented. Kerala has never been ready to permit its Adivasi population to have their land under their rule as conceived by the Constitution. Forest Act

2006 has conferred several rights to tribal communities in the forests. Even such entitlements are not honoured by the State government. Amendments 73 and 74 of the Constitution have clearly outlined their rights for self rule in the designated areas.

- 2.7 In the name of faith and morals the clergy of all segments of society have sealed their domination and upper hand even to the extent of invading into the private domain of individuals and societies. 'Kiss of love' as a mode of protest was direct reaction to the fascist and extremist policies of communal forces in Kerala society. The so called moral policing have become a real threat to the peaceful life of law abiding people. The State government in its desperate attempt to appease the vote banks has given silent approval to the undemocratic, uncivilized fascist tendencies.
- 2.8 Religious fundamentalism and clericalism have wiped out politics and political thinking from campuses in Kerala. This has resulted in colossal damage on the creative thinking and democratic engagements in the campuses giving space for religious fanaticism and communal polarization. Faroke College near Calicut has been witnessing this '*Thalibanism*' in the campus for quite some time. Girls and boys are not permitted to come face-to-face, they cannot sit together, they cannot work together in common projects and those who do not abide by the rules arbitrarily forced on them are suspended/dismissed from college. And strangely this undemocratic and uncivilized trend is been spread all over the State. The other day boys and girls in Maharajas College, Ernakulam in Kochi were warned with dire consequences for an 'offence' of eating their lunch together in a room. Students of Government Arts College, Thrissur had similar bitter experience in the same week. The Education Minister of Kerala State has come out heavily on the issue saying that boys and girls can not be allowed to sit together, an if they do it will invite severe penalties.
- 2.9 There is no such thing as 'free media'. Paid news is no more a speculation, it is a reality. Corporatization of media has ended up in glorifying and legitimising all perverted and corrupt practices flouting rule of law and ethical norms. Sometimes the over enthusiastic media (particularly visual media) causes great harm and legal injury to individuals and families
- 2.10 Constitutional rights of women are denied by government by not allowing women to travel on KSRTC buses to Pampa during the season of Sabarimala Pilgrimage. The justification of violating women's rights, according to the Department, is that women travelling with pilgrims will offend the feelings of Ayyappa Devotees who are travelling to Sabarimala. It is an insult to women and an injury on the principles of parity and equity.

### III. Deprivation of Socio Economic & Cultural Rights:

- 3.1 In Kerala people are experiencing the perils of social development unaccompanied by corresponding economic growth. There are many new problems as well as old ones, including persistence of poverty and unfulfilled elementary needs, occurrence of famine and widespread hunger in marginalized communities, violation of primary political freedoms as well as civil liberties, extensive neglect of the rights and freedoms of women, disserted children, worsening threats to our environment and to the sustainability of our economic and social lives. The political governance is too keen in projecting the visible socio-economic progress made, but it just ignores the fact that there are several social ills in our society that does not allow vast majority of our people to enjoy the benefits of development.
- 3.2 Arbitrary and forceful acquisition of land by the government whenever and wherever the government wants, for public or private enterprises. The saddest part of it is that the government undervalues the compensation amounts, much lower than the market price. Resultantly people who lose their much valuable land gets only nominal rates with which those people are not able to acquire another piece of land of equal extent for putting up a house. Consequently there are hundreds of refugees who are thrown into the streets having no recourse to justice. The government does not make on the socio, economic and environmental impact before the forced acquisition.
- 3.3 'Capital parking' by domestic and international corporates is a threat to local people. They 'deal' with political higher-ups, influence local governments, easily ensure that they enjoy unobstructed passage to local resources by bribing trade unions, law enforcement agencies like pollution control board, geology department, department of health and sanitation etc. The environmental havoc of such developmental schemes becomes detrimental to the lives and livelihood of the ordinary people.
- 3.4 There are farmers in jail for not being able to repay educational and agricultural loans. A government that is keen on waiving off thousands of crores of bank loans by business magnets and big corporates has no scruple in arresting poor famers for not re-paying a loan of one or two lakhs. Like Maharashtra and Andhra Pradesh Kerala also ranks high in farmer suicide. Falling prices, crop failure and mounting debts have been identified as reasons behind these incidents. Varghese (48), Asokan (45) and Sasidharan (35) have ended their lives in 2014 in Wayanad district due to a steep fall in the prices of ginger and plantain.
- 3.5 There are more than 5 million migrant workers in Kerala mostly from Orissa, West Bengal and north east states. It is estimated that out of 3 million



construction workers, more than 2 million are from outside of Kerala state. Another 7 million workers are in Shops and Establishments and in Service Sector. More than half of them are migrant workers. Only 1.5 million workers are organized and unionized in Kerala. Hence the majority of work-force in the State are unorganized and therefore are devoid of collective bargaining. Their basic rights like healthy accommodation, safe drinking water, toilet facilities, payment of wages, decent and dignified living and work environment etc are often denied to them. The police implicate them in criminal cases where they are unable to book real culprits. The Kerala society does not treat the migrant working population with respect; instead there is a tendency to look at them with contempt as criminals.

- 3.6 *Adivasis* in reality are 'existential outsiders' in Kerala State. There is total denial of life saving supports to them, say food, shelter, health care, education, livelihood etc. Death by starvation is quite common among the tribal communities. Recently social media had highlighted children of a tribal village eating filth at open public garbage. A tribal woman in Wayanad District gave birth to triplets in an ambulance and at a primary health centre, lost all three kids allegedly due to medical negligence of the concerned doctor at District hospital at Mananthavady. The doctor refused to attend the delivery of Anitha, a tribal woman, and hence she had to go to another hospital that was far away. On the way she delivered in an ambulance.
- 3.7 Attappadi in Palakkad district is the second largest tribal population in the State. Hundreds of new born babies there died soon after delivery. The reason reportedly is mal-nutrition of pregnant women. It also indicates to the larger issue of wide spread poverty, unemployment, communicable diseases, polluted drinking water, adulterated food, substance abuse, drug and alcoholic addiction etc. Huge funds are released for them under various projects and packages but none of them really reach the tribal hamlets.
- 3.8 Government favours private investments in health and education. Hence both health care and education have become very expensive and it creates unequal societies. It appears that the Government has absolutely no control on both these fields resulting in the old theory of 'survival of the fittest'.
- 3.9 Victims of gender based and sexual violence, child abuse and trafficking are again victimised on account of the lengthy and inordinately delayed court proceedings. Often the judicial officers have no special training to deal with such cases. Some time gender bias of the concerned court also defeats the cause of justice. Like Green Tribunals, special courts/tribunals exclusively for women and children are the need of the hour.

- 3.10 Despite there is a law for the maintenance and welfare of senior citizens in the State, state government as well as the local bodies do nothing for the well being of the older people. There numerous cases being reported almost on every day of older people been thrown on the streets, physically assaulted, dumped in destitute homes or simply dropped in railway stations or hospitals.
- 3.11 Kerala is a consumer state. Everything is brought from other parts of the country. Large quantities of pesticides, chemicals and other toxic materials are administered as preservatives on the eatables – vegetables, meat products, milk, soft drinks and packet foods. There is no proper checking or close monitoring of illegal practices. This has become a big threat to our public health.
- 3.12 The government, political parties and trade unions joined hands with managements of tea plantations in Kerala to defeat the recent agitation by the women labourers in Munnar, the tea town of Kerala in Idukki district. The protesters openly stressed the gender aspect of the mobilisation — *Pembila Orumai* (Unity of Women) is how they called themselves. The protesters were part of the organised sector and members of trade unions including the AITUC (affiliated to CPI), INTUC (Congress) and CITU (CPM) but they were tired of the self defeating and corrupt practices of the unions. The women were discovering and identifying trade unions as a male preserve, a trend increasingly visible in women dominated work sectors. It also exposed the patriarchal nature of the state's trade union politics. Munnar struggle becomes significant because it shows that gender-discrimination can be fought on women's own terms. This uprising draws attention to many aspects of the Indian economy and the role women play in it. It also affirms the need for women to organise themselves across differences – caste, colour, politics – for justice and bringing in change.
- 3.13 The government is in collusion with profit making companies exploiting and cheating the public in the name of national highways. 'Build, operate and transfer'(BOT) is a dubious strategy introduced by the government in construction of national highways. In Kerala the existing national highway was broadened by a private company but using public money. Hence forceful collection of huge amounts as toll is an assault on the fundamental right of the people for movement and transportation. The government takes retaliatory steps against those who protest against the toll. Dozens of false and fabricated criminal cases are pending before Magistrate courts against those two lawfully challenged the unethical and illegal collection of toll.

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