

Writers' tight-lipped on deportation

Sabera founder sent packing

ASTAFF REPORTER

Calcutta, Dec. 25: Sabera India, known for its celebrity sponsors, found itself under the glare of a scandal this festive weekend, with founder-director Carlos Duran deported late tonight.

The founder of the Kalitala-based NGO that has played host to Ricky Martin more than once, was, according to airport sources, put on the Royal Jordanian flight after being detained at Dum Dum airport since yesterday afternoon. (Delayed by about two hours, the flight took off around 1 am.)

Home secretary Amit Kiran Deb told **The Telegraph**: "We had orders from Delhi to deport him and we are just doing that. We do not know the reason."

The Spanish national claimed that he was called to Bhabani Bhavan on Friday morning for a "routine" check and then taken to the airport, where he was kept in the customs office.

"It was a normal call, and I took my passport and went to see the officials. After a long chat, they suddenly bundled me into an Ambassador and took me to the security control



Carlos feeds a child at Sabera's Kalitala home during a visit in 2002

office on AJC Bose Road. I was made to sign some documents and then taken straight to the airport around 4 pm. I don't know why I am being deported," Duran said over his cellphone this afternoon.

Around the same time, a contingent of children from the NGO's home in South 24-Parganas, along with Duran's wife Celestine and a few volun-

teers, went to Raj Bhavan to meet the governor. Chief minister Buddhadeb Bhattacharjee was also petitioned.

"We must know why they are sending him back. They can't just deport him suddenly after five years," said a tearful Celestine, a Calcutta girl. "We will not give up. What will happen to the more-than-100 children when he leaves? I can't follow him because I have to stay here and look after them."

Duran said he was being looked after by the officials, but not allowed to meet anyone. He was reportedly taken to RG Kar Medical College and Hospital this evening when he complained of ill health, but was back in the airport a short while later.

Duran started the NGO for young girls in 1999, along with friend and Spanish singer Nacho Cano. The duo had a high-profile list of supporters, including Hollywood actors Penelope Cruz and Melanie Griffith and, of course, singer Martin.

All three stars sponsor Sabera children and have visited the city. Following a rift, Cano and Duran split, after which Griffith and Cruz allegedly snapped ties with the foundation.

26 DEC 2004

THE TELEGRAPH

NGO success in Darfur

By Jeevan Vasagar

AMIRA GRASPS the foil packet and squeezes out the paste inside, licking up a nutritional supplement that tastes like sweetened peanut butter.

In a landscape seemingly devoid of hope, this is a small triumph. In October, Samira weighed just over 6 kg; she should weigh 11 kg. Back then, the four-year-old had a poor appetite, and was suffering from diarrhoea. Now her weight has gone up to 7 kg and she is eating happily again.

Good news is in short supply at Hajeleja camp in west Darfur. Some 1,500 families live here amid the sand and scattered bushes, under plastic sheeting spread over shelters built from tree branches. They are black Africans, scattered from their villages in devastating attacks by the government-backed Janjaweed militias. Most are women and children, like Samira and her grandmother Mariam Abaker — who cares for her and seven other children from her extended family.

It is safer to live without the men, who are hiding in the bush. The Janjaweed once terrorised this camp, riding through shouting: "Where are your men? Where are your men?" But there is one cause for relief: the disastrous famine predicted in Darfur this winter has not come to pass. There are malnourished children here, but none at death's door.

The reasons are twofold. First, the United Nations and aid agencies such

as Concern have provided a food lifeline. Second, the resourcefulness of the people themselves, who have gathered wild plants, managed to hide some goats and cows from the Janjaweed, and made use of secret stores of grain squirrelled away in the bush.

family with under-fives.

In Hajeleja, Samira is one of seven children considered severely malnourished. She seems animated, but her body is fighting a cough which is slowing up her weight gain. The medical assistant working in the camp for Concern suspects TB, but there are

communal dynamic builds up as the women pet their neighbours' babies and push tiny shoes back on to dangling feet.

Samira and her grandmother's home village, Khadjar Habil, was attacked by the Janjaweed last August. As villagers fled, their livestock was looted and property stolen or burned. The loss of the animals is felt keenly. "We don't have any animals now," Samira's grandmother said. "They were all stolen. We had three cows — they've been taken."

Ms. Abaker initially fled across the border to Chad, then crossed back to Sudan as the situation calmed. Samira's mother, with a small number of other villagers, has deemed it safe enough to go back to their home village, where they have planted a millet crop in their fields. But it will be a tiny crop because it is not safe to return until months after the usual planting season, in May.

The Red Cross warned recently that only a third of the normal crop has been planted in Darfur. In most cases, seeds and tools have been looted. The people of Darfur are wise in exploiting their environment and capable of surviving on far less than a westerner is. But as violence continues, it seems likely that next year's planting season will be disrupted too. Feeding children like Samira will be the world's duty for many months to come. — ©Guardian Newspapers Limited 2004

Agencies' work and refugees' resourcefulness avert famine, but aid is still vital.

no medical facilities, either here or in the nearest town, to diagnose or treat the disease.

What aid workers can provide is food. Every week, Samira and the six other severely malnourished children are weighed and given a nutritional supplement. One of the other children turns his face away from the sticky paste. This loss of appetite may be a sign that his liver is not working properly.

Once the sick children have been weighed and fed, their carers queue up to receive a food ration which they can take back to the tents to share with the rest of their family. Today is a "blanket" distribution, and hundreds of women are queuing. They are given a portion of corn-soy blend, a yellow powder mixed up with water to make porridge.

The women stand in circles, dividing up the food along with portions of oil, sugar and bars of soap. A cheerful

Concern's work in Darfur began in May when shelter kits and supplies of household necessities were distributed to about 6,000 refugee families in camps near the capital of west Darfur, El Geneina.

The kits included palm straw matting, and poles and ropes to build huts, as well as plastic sheeting to keep out the torrential rains of the wet season. Mosquito nets, bowls, spoons, jerry cans and cooking pots were also supplied to displaced civilians who had been stripped of everything.

In August, Concern began a nutrition programme in west Darfur aimed primarily at identifying and treating cases of acute malnutrition. The programme has benefited more than 12,700 children in 10 camps. In three camps where food supplies have been scarce, including Hajeleja, Concern has also carried out a blanket distribution of food to every

Notice to Bengal, NGO on girl child sex racket

Our Legal Correspondent

NEW DELHI, Oct. 27. — The Supreme Court (coram, Balakrishna, Lakshmanan, JJ) has issued notices to the West Bengal government on a petition alleging that an NGO had, in collusion with police, been running a sex racket, involving minor girls, in the state.

The court issued the notices to the West Bengal home secretary and the NGO — Sanlaap — on a Special Leave Petition alleging that the NGO had been collecting “only beautiful minor girls” in nexus with the police who had been, in turn, accusing “poor and illiterate women” of indulging in prostitution and separating their daughters from them. These minor girls are then handed over to the NGO which holds them malafide for years together, the petition alleged. The charges were being made without any material evidence to

substantiate the allegations against these women, the petition further stated. The petition cited the instance of one Mrs Simla Singh, whose minor daughter, Juhi, was separated from her after police arrested Mrs Singh in an alleged false criminal case and handed Juhi over to Sanlaap. The petition sought restoration of the daughter's custody to the mother.

The home was only intended to have temporary custody of only one month, the petition further stated. But Juhi was kept at the home for over a year in an “uncared” condition and her education discontinued, the SLP said. Mrs Singh's SLP was against a High Court order denying her any relief in the matter. Advocate for the petitioner, Mr Bijay Adhikari, said he would file more petitions in the Supreme Court soon drawing its attention to several other such instances in Bengal.



THE STATESMAN

28 OCT 2004

Give notice to Teesta before arrest, HC tells states

M.D. G.A. 22/11
Mumbai: Social activist Teesta Setalvad got a breather on Tuesday as the Bombay High court directed the Gujarat and Maharashtra governments to give her three days' notice in case they wanted to arrest her. She is facing allegations of pressurising Zahira Sheikh, the prime witness in the Best Bakery case, to give false evidence in the trial court.

Justice Ajay Khanvilkar disposed of an anticipatory bail plea of Teesta and her associate Rais Khan as both the state governments informed the court that so far they had not registered any FIR against the two based on Zahira's allegations.

The court observed that the question of anticipatory bail would arise only after an FIR was lodged and asked both the states to give them three days' notice to enable them to move the court for relief.

In keeping with the court's directive, the



Gujarat government said in an affidavit on Tuesday that it had not filed any FIR so far against Teesta and Khan, on Zahira's charges. Counsel for the Maharashtra government also informed that it had not registered any offence against them.

Both of them feared arrest as Zahira had filed an affidavit on November 3 before the Vadodara collector

alleging she was forced to come to Mumbai at the behest of Teesta, kept in wrongful confinement for nearly a month, made to sign documents and pressurised to falsely depose before the Mumbai court in the Best Bakery case in the name of community.

The allegations were denied by Teesta, who is the general secretary of Citizens for Justice and Peace, a non-governmental organisation which supported Zahira in her legal battle, as a result of which the supreme court ordered retrial of the case in Mumbai. PTI

24 NOV 2004 THE TIMES OF INDIA

Teesta in bail chase

OUR BUREAU

Mumbai/Ahmedabad, Nov. 9: Spooked by Best Bakery prime witness Zahira Sheikh's criminal charges against her, human rights activist Teesta Setalvad today moved Bombay High Court for anticipatory bail.

Zahira filed an affidavit before the Vadodara district collector last week, alleging that Setalvad, who played a key role in re-opening the Bakery trial and shifting it to Mumbai, had held her captive and "tortured" her to make incriminating statements against innocent people — charges that are non-bailable. Justice R.S. Mohite will hear Setalvad's petition tomorrow.

Gujarat police chief A.K. Bhargav denied any move to arrest her. He said there was no complaint against her and, therefore, there was no question of taking her into custody.

Even if Zahira filed a complaint against her, the police would have to investigate the charges before taking action, he clarified while trying to dispel the impression created by Setalvad that Gujarat police might arrest her any moment.

Setalvad, who came to court with her lawyers Satish Maneshinde and Sayaji Nangre, feared that an FIR may have been registered against her on the basis of Zahira's charges.

Nangre refused comment till the court heard the petition. One of Setalvad's advisers,

advocate Mihir Desai, said she sought anticipatory bail as a precaution though her arrest was "very unlikely".

Vadodara police commissioner Sudhir Sinha said though no complaint has been filed against Setalvad, she could be apprehensive about the other witnesses, based on whose statements she fears police might arrest her.

Cedric Prakash, Setalvad's colleague in Gujarat, said he had asked her to come to Gujarat to apply for anticipatory bail, but her lawyers advised her against it. Setalvad, he said, had no option but to apply for anticipatory bail as the "Gujarat government was contemplating to arrest her on any flimsy charge".



Teesta: Legal shield

Zaheera knocks on NCM door

NEW DELHI, Nov. 8. — Key witness to the Best Bakery case, Zaheera Sheikh, has sought the intervention of the National Commission of Minorities (NCM) in initiating action against activist Ms Teesta Setalvad for allegedly forcing her to "implicate innocent persons" in the case and police for failing to register her complaint against Ms Setalvad.

Panel chairman Mr Tarlochan Singh said that the commission had taken cognisance of the complaint and sent the letter to its legal cell for further "study". The commission will wait for the report before taking any decision on the matter, he said.

SM 9/11
Mr Singh said that Zaheera has stated in her letter that she was approaching the commission as she was from the "minority community" and was "helpless". She has also alleged that Ms Setalvad and her NGO, Citizens for Justice and Peace, had allegedly been holding her in "confinement" and forcing her to "implicate innocent persons" in the case. She had levelled the same allegations against Ms Setalvad a few days ago at a press conference in Vadodara.

Ms Setalvad has, since then, approached the Supreme Court seeking a CBI probe into the episode, specifically into two aspects — who arranged the press

NLD (u)
conference and what was the Vadodara police commissioner doing while the key witness turned hostile. Trial in the Best Bakery case is currently underway in Maharashtra and despite repeated summons, Zaheera has not presented herself before the court. Policemen from Vadodara have left for Ahmedabad to serve summons to Zaheera and two of her kin to remain present in the special court in Mumbai on 17 November. The case was transferred to Maharashtra on Zaheera's statement that she had been forced to go back on her statement in court under "threat".
— Our Legal Correspondent

9 NOV 2004

THE STATESMAN

Teesta at SC door with probe plea

OUR BUREAU

Mumbai/Ahmedabad, Nov. 6: The Best Bakery roller-coaster took another sharp turn today as rights activist Teesta Setalvad knocked on the doors of the Supreme Court for a probe into Zahira Sheikh's stunning somersault three days ago.

The 20-year-old key witness had on Wednesday accused Setalvad of "tutoring" her to implicate innocent people in the March 2002 bakery carnage. Setalvad had helped Zahira take the case to the apex court after a Vadodara court allowed all the accused to go scot-free.

In an application filed in the apex court registry, Setalvad said the trial had been shifted to Mumbai on the basis of Zahira's statements on the "woeful lack of cooperation from investigating and prosecuting agencies".

All affidavits in English had been translated into Hindi before Zahira signed them,

she pointed out.

Setalvad, who is associated with the NGO Citizens for Justice and Peace, declined comment on what could have spurred Zahira's turnaround. But she said the case would stand in spite of it as the testimonies of several witnesses were yet to be heard.

Questioning what the Vadodara police chief was doing when Zahira recanted, Setalvad said the role of Gujarat police — the State of Gujarat is the prosecution though the trial has been shifted out — had to be scanned as protecting key witnesses was part of their responsibility.

The Narendra Modi government refused to be drawn into the controversy. "This is a matter between Teesta Setalvad and Zahira Sheikh. We do not have to react or overreact," home minister Amit Shah said. He added that the state had no role to play unless Zahira made a "specific" request. "She wanted security, we have provided it."

Javed Anand, another activist associated with the NGO fighting for Zahira's cause, said Setalvad had sought a probe at the highest level but had left it to the court to decide the agency.

As Zahira was today shifted from a resort on Ahmedabad's outskirts to an undisclosed location under police protection, anger erupted in a Vadodara locality. Her erstwhile neighbours in Ektanagar — where she stayed for a year after the Godhra riots — charged her with betraying their trust.

Claiming they had given her a house at a subsidised rate of Rs 55,000 because she was the "face of riot victims fighting for justice", they accused her of "colluding with the state government". Many trooped to the nearby KGN park grounds after breaking their Ramazan fast in the evening and burnt her effigy.

"If she wanted money, we would have given her money. We supported her believing

she had the courage to speak out. But she sold herself," fumed Mohammed Ashraf, a community leader.

A resident, Ayesha Khan, said Zahira had become a "hate figure" and an "outcast" in the community in Vadodara. Many people were so furious that they had pledged never to name their daughters Zahira.

Another community leader said Zahira had probably grown too big for Setalvad to handle and the two had fallen out. Zahira's status as a celebrity witness had gone to her head and she could have made demands that Setalvad refused to meet, he said.

In Mumbai, the special court hearing the bakery retrial extended the summons issued to Zahira, her mother and two brothers to November 17. They did not show up in court two days ago.

Special public prosecutor Manjula Rao said she might push for a bailable warrant if they fail to appear by then.

7 NOV 2004 THE TELEGRAPH

Instead of the accused, the NGOs in Gujarat are now on trial

The latest victim

BY SHIV VISVANATHAN

LET ME begin autobiographically. Any autobiography is a statement of bias, location and expectation. It valorises storytelling over analysis and attempts to combine both in some framework of reflectivity. When the investigation into the Gujarat riots shifted to Bombay, I sighed with relief. It was a sigh of relief for democracy and a salute to the courts and to the NGO who had kept an issue alive. The sadness of Gujarat was not merely the tragedy of violence, it was the sadness of silence, the sadness of a story left untold. The witness was allowed to complete her story, the law was to proceed with its interrogation and between interrogation and storytelling, democracy and justice were breathing.

When the media reported how the witness, a woman, identified the perpetrators in court, one sensed the drama of the moment. Justice had reached a turning point. When the same media reported that the witness had retracted, I realised that justice had turned into an unending serial. What one confronted was not the professional witness who litters our lower courts, but the revolving witness, who by changing her mind changes history and marks all the characters around her.

When the witness turns hostile, the needle of suspicion points in other directions. When Zaheera Sheikh accused Teesta Setalvad of monitoring, sequestering or being indifferent to her, one immediately faces three questions. First, one confronts the ambiguity of victim as witness. The victim becomes marked by the violence of the event (the riot), but also by the violence of the aftermath. The event which began as rape, murder, humiliation, now becomes an opportunity for publicity and mobility. It becomes convertible into money, to currency beyond the fact of compensation.

What adds to this ambiguity is Narendra Modi's statement that NGOs should be audited, examined and evaluated. A new public space for rumour, suspicion and speculation is created. We have the entry of a third term: the NGO as middlemen, as representative and agent of civil society.

The details seem sordid. The me-



TURN, TURN, TURN: Zaheera Sheikh

dia report that Sheikh observes that money was floating into the NGO coffers because of her presence. She demands a house and money for her bakery in Mumbai. By locating herself as source, she also defines herself as beneficiary. The question is no longer of justice or witness, but of individual opportunity.

Expectedly, some NGOs resent the fact that Setalvad has monopolised the victim. Like Sheikh, they see missed opportunities. Suspicion magnifies rumour when one of the perpetrators alleges that Setalvad has threatened him. Setalvad now appears as a manipulative coercive ogre. Strangely, the innocence or laziness of rumour in public space seems to confirm some modicum of suspicion.

We confront a distressing situation. A crisis of the legitimacy of the State, police and party has been deftly turned into a crisis of the NGO. We have an allegedly wounded state as represented by the CM, a confusing witness and an ambiguous NGO. There is no mention of Setalvad's courage, dedication or professionalism. It's almost as if Setalvad and NGOs are on trial. How do we, especially those of us who saw activism as a testimony and a testament for democratic society, confront this?

Let us begin with the obvious as the obvious sometimes eludes debate. There are good and bad NGOs, like good and bad cops, politicians, bureaucrats. Every time we confront a corrupt politician, we don't question the possibilities of politics. It

makes dialogue impossible. Secondly, and critically, it is time society and politicians realise that there has been — and will continue to be — an internal critique among NGOs about their current role. The writings of Bunker Roy, Aruna Roy, Harsh Sethi and Madhu Kishwar testify to this. The quality of critique is relentless and the nature of reflection profound. One also realises that NGO leaders can be more impervious to criticism than any political leader.

We mustn't, however, lose the main point: that NGOs have created a new sphere, a zone that's still fragile, an area where the vulnerable tribal, women, peasant or minority can raise their voice. The NGO has sought to raise their voice. The NGO has sought to protect voices, amplify, represent and preserve them. The NGO has been listener, storyteller and representative of this new voice that party politics and trade unions failed to articulate. This is a major contribution to democracy that no cynicism can destroy.

Yet the NGO and this space are doubly vulnerable. Activism, for all its noise and community, is a lonely affair. Second, it is subject to the market for funds, either from government or international agencies. The consumption of activism sometimes determines its style. Third, there's an ambiguity in the relationship between victim and the NGO. They are bound together and both feel that the other owes them an unpayable debt. The activists feel that they have protected the victim and

their memories, while the victim feels that activists turn possessive, even monopolistic, given the fund-driven nature of the NGO market.

The condition in Gujarat makes this even more difficult. There are activists like Setalvad and Cedric Prakash, Shabnam Hashmi with tacit support from the Congress, and finally the shadows of Action Aid, who, idealistic and courageous, still have to capture the nuances of local politics. They need to negotiate locally with the Congress and the Sangh parivar in Gujarat. What's occurring now is a split between the politics of peace (read: stability) and the politics of justice. One can read this more poetically as the split between the politics of memory and the politics of forgetting. At the local level, these are complex issues, where ideals and the tactics have to forge a compromise. What NGOs do in a hurry is to simplify issues. Chess gets confused for checkers.

Achyut Yagnik shrewdly observes that by competing against each other, NGOs have failed to create local coalitions. In fact, they tend to be impatient, with the local and the grassroots levels accusing them of doing little or nothing. Yet, the NGO is right in saying the judiciary at the local level did little: that one had to appeal to the nation to create the space for justice. This inner failure to understand the politics makes the NGO vulnerable to the cynicism of party politics.

One must insist of the need for the NGOs' courage and politics. They are irritants, but necessary. To drown them in suspicion or gossip is to destroy the politics of democracy in Gujarat. The NGO channels voices in the wilderness to communities of protest.

The tragedy of Zaheera Sheikh's statement seen in tandem with Modi's 'editorial' is that it creates a double vulnerability — the vulnerability of the victim as a witness and the vulnerability of the NGO as listener, community and voice for the vulnerable. No accusation of naiveté or impropriety can rob them of this achievement. Any attempt to do this is foolhardy in the long run. Democracy and Gujarat owe them a debt, a debt they can only repay through critical hospitality.

6 NOV 2004

THE HINDUSTAN TIMES

Job quota net reaches NGOs

ALOKE TIKKU

New Delhi, Nov. 4: Non-government organisations that depend on the Centre for funds could lose their flexibility in recruitment as they have been "advised" to implement the reservation policy for scheduled castes, scheduled tribes, other backward classes and disabled persons.

The government, however, reassured industry captains that it had no intention of bringing in a law to enforce reservations in the private sector.

The 2,700-odd NGOs funded by Meira Kumar's social justice and empowerment ministry may lose the generous dose of funds that helps them stay on their feet if they do not fall in line. There are suggestions that if the NGOs

ignore the government's advice, they might find it a little difficult to get funds released in future.

Kumar insisted that her ministry did not wish to pull the rug from under the NGOs' feet and stop flow of funds, but officials indicated that there was no better way to get the message across. The first instalment has been released on the existing staff pattern but NGOs have been told to show some improvement in their employee profile when they seek the second instalment a few months later.

As much as Rs 233 crore has been earmarked for the current fiscal against the Rs 207 crore released last year.

As for the private sector, Kumar told an "editors' conference" that there never had

been a proposal to bring in a law. "There will be no legislation for reservation of jobs (in the private sector)," she said.

Yesterday, Singh had given the same assurance to a delegation from the Indian Merchants' Chamber but also spoke of the potential to increase jobs as the economy grows.

Kumar stuck to the line of "affirmative action" on the part of the industry that Prime Minister Manmohan Singh had talked about in Mumbai last month. She referred to a national dialogue that the government had initiated with all political parties, industries and other organisations to determine how best the private sector could fulfil the aspirations of the youth from scheduled castes and scheduled tribes.

NGOs unite to protect slum dwellers' franchise

TIMES NEWS NETWORK

Mumbai: Alarmed over the public interest litigation seeking disenfranchisement of squatters, several non-governmental organisations (NGOs) have come together to demand that the fundamental right of slum dwellers and 'encroachers' be protected.

The coming assembly election is being considered as an ideal platform to launch an agitation against any such move and also to extract a promise from politicians that the move will be thwarted.

Organisations such as the Ghar Haqq Samiti, India Centre for Human Rights and Law, Combat Law, Committee for Right to Housing, Nirbhay Bano Andolan, Ekta, Proud, Power and National Forum for Housing Rights have come together to raise the issue of housing and voting rights.

Human rights activist and advocate Maharukh Adenwalla said the Slum Rehabilitation Act declaring 1995 as a cut-off date for eligibility under the free-housing scheme had become a double-edged weapon. It was being used to declare all those who had settled down after January 1, 1995, and those who did not have proof of residence prior to the date as encroachers. The Act is already depriving scores of people of their fundamental right to housing, she said.

"The latest petition to disenfranchise these people will take away their only weapon to demand a better life," Adenwalla said. NGOs have now begun conducting meetings in slums to create an opinion against any such move.

A petition filed by actor Sadashiv

Amrāpūtkar, journalist Madhav Gadkari and eight others has sought that names of slum dwellers residing on land not reserved for residential purposes and meant for public amenities should be struck off the electoral rolls. This should be done since they do not fit into the term ordinarily used to describe 'residents' in the Representation of Peoples Act, the petitioners have maintained.

However, as slum-dwellers form the

allowed a 225 sq ft tenement. Amita Bhide, a reader at Tata Institute of Social Sciences, who carried out a study of 151 SRA schemes in Mumbai, found that the schemes on paper were different from those implemented.

On an average, 25% of those rehabilitated under the scheme have moved out of their new homes within two to four years and the percentage is likely to increase in the coming years, said Bhide. The chief reasons

Several pleas filed against no-vote PIL

TIMES NEWS NETWORK

Mumbai: A clutch of intervention applications has been filed to oppose a public interest litigation (PIL) filed by several prominent Maharashtrais challenging voting rights of slum dwellers.

Several slum-dwellers' associations and organisations supporting slum dwellers have filed intervention pleas to oppose the PIL's demand of deleting names of thousands of voters as they were encroachers on land meant for public purposes.

The court has called for affidavits from all parties concerned and will hear the matter on October 27. The chief electoral officer in his affidavit opposed the PIL and said that the law does not prevent slum dwellers from being voters.

An under secretary to the government of Maharashtra who filed the affidavit said under the Representation of People Act there is no difference between residents in a building and in an encroached area. Just because a person is a resident of an encroached area does not mean that his right to vote is snatched away. If there is some proof of his residence, his name is added to the voters' list, he said.

According to him, there is a detailed procedure that has to be followed for adding and deleting names from the voters' list, which also stipulates under what circumstances this can be done.

Overflowing Vote-Banks?



largest vote bank and almost 60% of the city resides in slums, the NGOs are hopeful that the awareness campaign will strike a chord across the city. They are pointing to the failure of the state government's free-housing scheme under which eligible slum dwellers are

being the failure of the scheme to address the needs of slum dwellers, loss of livelihood, high maintenance charges, harassment by builders and officials and undermining of slum-dwellers' stake in their new dwelling places.

NGO questions Govt & pharma firms but when it comes to itself, has no answers

■ IN SC | Key 'activists' involved with Adar Destitute and Old Age Home wash hands of PIL

RESHMA PATIL, SONU JAIN & ASHWANI SHARMA
MUMBAI, NEW DELHI, BHILAI,
SEPTEMBER 3

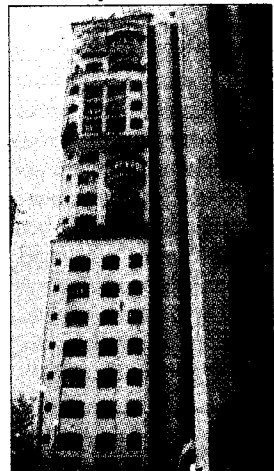
AN obscure NGO that cares for the "destitute" and the "elderly" takes on the Government's drug policy and alleges that it has allowed two pharmaceutical firms Biocon and Shantha Biotech to carry out clinical trials of their diabetes and cancer drugs against norms. It files a PIL in the Supreme Court and even signs up two big-ticket lawyers in New Delhi.

On paper, a classic David vs Goliath story; in reality, more fiction than fact.

For, an investigation by *The Indian Express* in Mumbai, New Delhi, Bhilai and Chandigarh, shows that the NGO's antecedents are dubious. And every one involved with its petition is now distancing themselves from it. Citing reasons as bizarre as: "My wife was ill so I signed without reading the papers," to "I am now with the Government, how can I criticise the (Government)?"

Adar Destitute and Old Age Home raised questions and eyebrows when it shot off a complaint to SEBI the week

before Biocon went public—Biocon's market cap today is Rs 5,281 crore—alleging that the firm was flouting Government rules to sell its insulin drug. It filed a PIL in the SC in February and it surfaced once again last month just when Biocon was ready to launch its in-



NGO's Mumbai address. But residents deny link

sulin drug.

The Government has cleared the two companies and said that the lapse, if any, was purely procedural. The problem lay in the confusion over guidelines issued.

This is what *The Indian Express* investigation revealed:

■ An affidavit in the PIL, signed by "trustee"

CONTINUED ON PAGE 2

NGO questions Govt but has no answers about itself

Preet Maju, says the NGO was registered, under the Bombay Public Trusts Act 1950, on March 7 2003 "with the object of caring for old people and destitutes."

But according to the registration department of the Charity Commissioner in Mumbai, there is no NGO registered by this name on the said date.

■ The PIL mentions a Mumbai address for the NGO. *The Indian Express* found that this address belongs to an 11th floor flat in Lokhandavala Complex. The flat had a name plate saying Col L S Gill. On ringing the bell, a message was sent through a househelp that the residents do not know anybody by the name of Preet Maju or the NGO.

■ The PIL mentions Preet Maju, 48, described as "regularly engaged in the activities of locating, identifying, feeding and caring for old and destitute persons in Mumbai".

The Indian Express tracked her down in Bhilai where she is employed as a teacher at a local school. Her husband, S. Maju, an employee of the Bhilai Steel Plant, said he wasn't aware of the "activities of the NGO registered in Mumbai."

He said she was not home as her father had passed away in Chandigarh. Since he refused to disclose her address, *The Indian Express* traced her whereabouts through crematorium records in Mohali. Contacted at their residence, Maju's brother Sukhjivan Singh said: "She is not here and I don't know where she is."

■ Next stop: the EC Agrawala law firm in Delhi that has taken up the PIL and says it has signed up leading lawyers Harish Salve and Abhishek Singhvi. "It is a public cause," said

Rishi Agarwala of the firm. "We do not check the antecedents of our clients. The cause is more important."

Asked who hired them, he said it was one of the NGO's "patrons," a Mumbai-based lawyer called B A Desai.

■ Desai, when contacted by *The Indian Express*, promptly distanced himself from the PIL. A former Minister of State in Maharashtra and ex-president of the Congress "state human rights cell," Desai recently took over as Additional Solicitor General, western region.

"Adar asked me to be patron so I agreed, but I never attended their meetings," says Desai.

Asked about the PIL, he said: "I am now additional solicitor general. How can I speak against the government?"

■ The Delhi law firm says that Singhvi and Salve are not charging any fees for this PIL but Singhvi, when contacted, said: "I am going to send them my bills." Asked about the antecedents of the NGO, Singhvi said: "We only deal with the advocate on record, in this case Agrawala. We have nothing to do with the client."

■ To add another twist to the tale, Desai is former president of Mumbai-based Federation of Environment and Development Organisations (FEDO), another NGO that dashed off complaints to the Government last week similar to the ones in the PIL.

■ Says FEDO's coordinator N D Dandawate: "My wife was sick, so I signed letters without reading them properly. I know nothing about Adar."

(with Sourav Sanyal and Vikas Kahol in Chandigarh)

NGOs & terrorists

5/9 Minister owes N-E an explanation 1/9

Union minister of state for home Sri Prakash Jaiswal lets it be known that some North-east NGOs — United Committee, Manipur; Naga Students' Federation; Manab Adhikar Sangram Samiti, Assam; the North-east Coordination Committee on Human Rights and the Naga People's Movement for Human Rights — have links with militant groups. Whether his announcement amounted to a feeler to restrict their activities or are just a warning is not clear, but could he have come to this conclusion based merely on superficial intelligence? Also, why was the subject raised in Parliament and in what context? Mr Jaiswal must substantiate his allegations with evidence. Unless a body is hand in glove with a militant group it cannot be given an insurgent or terrorist tag.

Everyone, from the lowest paid employees to ministers, regularly contributes to militant organisations. The powerful NSF limits itself to keeping a close watch on those living in Nagaland without valid entry permits and occasionally issues "quit" notices. Some past leaders are successful politicians and it serves as a springboard for future aspirants. The NPMHR is said to be a signatory to a petition to the Supreme Court challenging the Armed Forces (Special Powers) Act. It has, if occasionally, spoken in favour of militants and one cannot grudge it freedom of expression. The UCM is a relative newcomer to defend Manipur's territorial integrity and a partner in the move for the AF(SP) Act's withdrawal. A minister without the least knowledge of the North-east should desist from filling his mouth with his foot.

4 SEP 2004

When NGOs mean anything goes

SAMANWAYA
STATESMAN NEWS SERVICE

NEW DELHI, July 3. — NGOs are good business. Submit a project to any ministry, get the necessary funds, walk off with it. Even if that particular ministry blacklists you later, nothing's lost. Go to the next ministry, submit a fresh project. Walk off with more funds.

The Government of India does not maintain any common list of blacklisted NGOs. Each ministry has its own blacklist of such bodies which either misuse or don't use funds. It's up to the ministries to access each other's list, official sources said. But inter-ministerial coordination is almost non-existent.

"Most of these NGOs don't exist. When inspection teams visit, they just change their boards. They will show the same building as an old-age home, a disability home, a

shelter for streetchildren etc," Mrs Maneka Gandhi former social justice minister said.

When they are black-listed by Education, they will go into Employment, and then to Health, she added. Even if blacklisted, official sources said, some of them get the decision stayed or get court directions to have it reviewed.

Grounds of blacklisting as per the HRD ministry's Central Social Welfare Board can range from non-submission of accounts, misuse of funds to non-compliance of guidelines.

Central ministries also have to depend mostly on feedback from the states on NGOs' functioning and fund utilisation.

Either the states don't provide proper lists or they don't carry out the necessary inspections. In other cases, surprise inspections by Central officials reveal a different picture than the assessment made by the state.

The magnitude of the problem can be gauged from the whopping amount of funds that the Centre sanctions to these NGOs each year.

The ministry of social justice and empowerment sanctioned above Rs 100 crore (rough approximate) to 1050 odd NGOs in 2003-2004. Of these only 76 have been black-listed so far.

Recovering funds from erring NGOs is also difficult. The DM is supposed to do the recovery. But as Mrs Gandhi said: "Since the DMs are hand in glove with the NGOs there's usually no recovery." Under the rules, the DMs have to issue no-objection certificates to NGOs before they can apply for grants.

Now any of the 70 odd joint secretaries and joint directors can sanction money. "You need to have three or four fixed persons sanctioning the money," Mrs Gandhi said.

4 JUL 2004

THE STATESMAN

NGOs in the crossfire

By Conor Foley

LAST SATURDAY (May 1), a battle between police and insurgents in an eastern province of Afghanistan left several officers and one civilian dead. United States helicopters fired rockets to defend a guard post, and the attackers were eventually driven off.

Such attacks are almost daily occurrences; but what made this one unusual was that it took place in a school supported by the Swedish Committee for Afghanistan, a non-governmental organisation (NGO), which had not been informed that a security post had been set up inside its project.

The conflict has underlined the dilemma facing humanitarian agencies attempting to maintain impartiality. More than 20 aid workers have been killed in Afghanistan since January — more than last year's total.

Aid workers are now depicted by supporters of the previous Taliban regime — which relied heavily on humanitarian assistance when in power — as part of a western plot to subjugate the Muslim world. One survivor of a recent massacre — in which five aid workers were killed — said their attackers told them the shootings were a reprisal for the treatment of detainees in Guantanamo Bay.

International NGOs have largely been driven out of Iraq; and travelling around Kabul today you might think there had been a similar pull-out, as so many NGO workers travel *incognito*. The humanitarian em-

blems designed to protect them now identify them as legitimate targets.

It is becoming increasingly difficult for NGOs to argue that their work has nothing to do with politics. Since the advent of the Bush administration and September 11, the "humanitarian space" in which aid workers can operate has been steadily shrinking. During the 1990s some aid NGOs moved away from their tra-

ditional position of neutrality by calling for western military intervention, for humanitarian purposes, in certain circumstances. Aid workers now cooperate with the military in conflict and post-conflict zones through practical necessity. Britain's Department for International Development links the provision of humanitarian assistance to objectives such as restoring peace and human rights. The United States Government has, even more overtly, called on NGOs to help U.S. foreign policy goals; in Iraq, humanitarian aid has been politicised on an unprecedented scale and its impartiality undermined.

I was working in Kosovo on September 11 and colleagues in the U.N. High Commission for Refugees left for Afghanistan a few days later, in anticipation of the human catastro-

phe to come. Sheltered by the U.N. flag, our independence was respected and it was not really until just over a year ago that the Taliban began to target us. This coincided with the invasion of Iraq.

The humanitarian crises of the 1990s led to a vast expansion of NGO activities as they increasingly acted as semi-official distributors of relief. In many countries, including Af-

Since the advent of the Bush administration and 9/11, the "humanitarian space" in which aid workers can operate has been steadily shrinking.

good their own complete lack of attention to social welfare. It is only since the fall of their regime that the Taliban leaders have adopted a "with us or against us" attitude towards the aid community.

The problem for many aid workers is that the U.S. seems to take a similar stance. NGOs have repeatedly complained about the mixing of military and humanitarian mandates, and the trend towards military involvement in humanitarian relief efforts — which attracted so much attention during the Kosovo operation — has reached new levels in Afghanistan. Military-led provincial reconstruction teams (PRTs) now carry out many humanitarian activities that used to be the preserve of NGOs.

Medecins Sans Frontieres, which has strenuously criticised the deployment of PRTs, recently accused U.S. forces of distributing leaflets threatening to withdraw assistance from areas where resistance is concentrated. Others have accused the U.S. — which regularly deploys its military personnel in civilian clothes, with weapons concealed — of using humanitarian actions as a front for intelligence-gathering.

The view that aid workers should be expected to take sides in a supposed global war between the west and Osama bin Laden is a clear violation of the Geneva conventions and the fundamental principles of international law. — © *Guardian Newspapers Limited 2004*