

Indian People's Tribunal on Environment and Human Rights (Mumbai), People's Watch – Tamil Nadu (Madurai), Human Rights Law Network (New Delhi), jointly organized a **National Consultation of Retired Judges to Engage with civil society in conducting People's Tribunals / Public Hearings** in Bhubaneshwar from 22<sup>nd</sup> – 24<sup>th</sup> April 2005.

Sixteen retired High Court judges from across India participated in the three day National Consultation. They were:

Justice. Akbar Basha Kadri, (Retd. Madras High Court)

Justice. S.N.Bhargava, (Retd. Chief Justice, Sikkim High Court, Former Chairperson, Manipur Human Rights Commission)

Justice. K.K.Cazi

Justice. Debi Singh Tewatia

Justice. R.Jahagirdar, (Retd.

Justice. Janarthanan, (Retd. Madras High Court)

Justice. S.S. Kang

Justice. Lisham Rabindra Singh,

Justice. R.K. Manisana Singh, (Retd. Former Chairperson, Manipur Human Rights Commission)

Justice. R.A. Mehta

Justice. J.S.Sekhon

Justice. W.A.Shishark

Justice. Sukumaran

Justice. C.Upendra District & Sessions Judge, Manipur

Justice. Usha Sukumaran, (Retd. Chief Justice, Kerala High Court)

Dr. Vasanthi Devi, Former Chairperson of Tamilnadu State Women's Commission

**The aim of the consultation was to –**

1. Discuss how Public Hearings can be used as a tool for highlighting issues of environment and human rights violations, thereby launching an effort to force the systems of governance to be more accountable.
2. The organizers also hope to expand and strengthen the network of Indian People's Tribunal judges.
3. Look at new issues, which the IPT can intervene in.

The objective behind holding this Consultation was to introduce the concept of Public Hearings/ People's Tribunals to retired judges as these are generally looked upon as quasi-legal spaces capable of bringing abuses before the conscience of both the government and the public. They provide an alternative source of information for the media and policy-makers, bringing the testimony of both victims and perpetrators into the public sphere for general evaluation. Moreover, in the absence of state-led action, independent non-governmental tribunals have sought to make violators accountable before this public audience. This type of recognition has proven essential in redressing feelings of shame and guilt as well as providing healing and closure

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The Consultation was attended by sixteen Retired Judges, and included a former Governor, Chairpersons of State Human Rights Commissions, Chairperson of State Women's Commission, and Chief Justices of High Courts. It was organized by the Human Rights Law Network (New Delhi), the Indian People's Tribunal (Mumbai), and People's Watch – Tamil Nadu (Madurai) with the sponsorship of Friedrich Naumann Stiftung (New Delhi).

**RESOLUTIONS OF THE NATIONAL CONSULTATION FOR RETIRED JUDGES TO ENGAGE WITH CIVIL SOCIETY AND CONDUCT PEOPLE'S TRIBUNALS / PUBLIC HEARINGS**

**Bhubaneshwar, April 25, 2005**

**1. Opening Resolution and Condemnation of the decision by His Majesty's Government of Nepal to bar former Justice of Supreme Court of Nepal and eminent Nepali constitutional experts from attending seminar in New Delhi**

Hon'ble Laxman Aryal, Justice (Retired), Supreme Court of Nepal, Mr Shambhu Thapa, President of Nepal Bar Association, Mr Bhimarjun Acharya, Supreme Court Advocate and constitutional expert, were barred from leaving Kathmandu on 22 April 2005. They were on their way to New Delhi, India to attend a seminar organised by the Supreme Court Bar Association of India, Delhi, and Human Rights Law Network, on 'A Comparative Study of the Legal Systems in the SAARC Countries'.

The three eminent persons were stopped at immigration for about an hour after which they were allowed to proceed. After they had boarded the flight, seated themselves and fastened their seatbelt, they were asked to get off the plane and return home.

Hon'ble Justice Laxman Aryal had been barred from leaving Kathmandu immediately after the King took over power on 1 February 2005.

Nepal Bar Association is holding a press conference on 22 April 2005 at 4.30 p.m. at the Bar Association Hall to draw media attention to this incident. Mr. Bhimarjun Acharya has also indicated that the decision will be challenged in the Supreme Court of Nepal.

*Unanimous statement by the participants:*

We, the undersigned, strongly condemn and express serious concern at this grave violation of the democratic rights of free speech and movement and the disrespect for human dignity by the Government of Nepal. When such extreme measures that reflect poorly on the current regime's sense of democratic propriety are taken against such eminent individuals, the plight of the ordinary citizen can well be imagined.

His Majesty's Government of Nepal had signed a memorandum of understanding with the UN Commission for Human Rights, under which the government agreed to restore all democratic procedures in Nepal. This understanding has been blatantly violated by this arbitrary act.

We urge the Government of Nepal to respect its commitments under international law and refrain from further acts that vitiate the fundamental rights of the people of Nepal.

We request the Secretary General of the United Nations to take serious note of this denial of human rights of Nepali people and take appropriate measures.

**2. Resolution to conduct a Consultation with Retired Judges in each State**

As a body, the participants resolve to support and organize one-day consultations with members of the judiciary—both current and retired—on a state-by-state basis. Applauding the usefulness of this first-ever National Consultation, the Retired Judges assembled here today support efforts to inform and involve their colleagues across India in the conduct of People's Tribunals and Public Hearings. Collectively, we hope to widen the circle of those committed to bringing speedy redress to state atrocities and instances of official neglect. In this spirit, they will

offer the names of like-minded colleagues to the Indian People's Tribunal by 15 May 2005 and remain engaged in the organization of these State Consultations.

**3. Resolution to send a mission of Retired Judges to the Northeast States to investigate human rights abuses under the Armed Forces Special Powers Act and present their findings in New Delhi**

The participants devoted substantial time to discussing the human rights situation in the Northeast States, highlighting continuing abuses and atrocities under the Armed Forces Special Powers Act. They heard testimony from four of their colleagues from the Northeast States on countless 'encounter deaths,' custodial rapes, and instances of communal punishment that jeopardize *bona fide* efforts to root out terrorist elements. Even fifty years after independence, participants agreed, local relations with greater India remain fraught by the difficulties of integration. And this fact contributes, ultimately, to the callous regard for human rights displayed by security forces. In Manipur, judges themselves have been targeted for intimidation after passing orders critical of the military's conduct in pursuit of terrorists. The assembled judges made clear, together with the organizers, that their concerns belong to the innocent civilians drawn or dragged into the crossfire—the real casualties of the Special Powers Act. It was agreed in the final session to conduct a high-profile mission to the region during the month of October to assess the current situation and subsequently present these findings, backed by the moral authority of the members, to government officials and policy-makers in New Delhi.

**4. Resolution to conduct Public Hearings on issues currently facing the State of Orissa, specifically concerning human rights violations in areas witnessing public protests against proposed industrial projects**

Finally, the Consultation resolved to initiate preparations for several Public Hearings in Orissa itself, including Kashipur, in tribal-dominated Rayagada district, where there has been violent clashes between authorities supporting proposed industrial projects and local inhabitants fearing the loss of their land and livelihoods.