

BANKURA STUDENTS HUMAN RIGHTS MEETING

Date: 08.09.2021

Venue: Players Association, Bankura

Reported by: Venkatesh Kodukula



**Use of Law for Safeguarding Rights of Prisoners,
Sexual Minorities & Discussion on Forest Rights.**

SCHEDULE FOR MEETING

Time	Session	Speaker
10-10:15	Introduction	Billeswar Sinha, Advocate, HRLN
10:50 - 11:20	Forest Rights Act	Jharna Acharya, Social Activist, HRLN
11:25-12	Gender Identity & Trans Right Act	<ul style="list-style-type: none"> • Venkatesh, Social Activist, HRLN Kolkata • Saswata Sarkar, Advocate, HRLN Kolkata
12-12:30	Prisoner Rights	Poulami Nag, Advocate, HRLN Kolkata
12:30- 12:45	Interactive Session	Advocates of HRLN
12:45-1	Plan of Action	Advocates of HRLN

TABLE OF CONTENTS

Sl. No.	Particulars	Page Number
1.	Introduction	4
2.	Speakers	5-7
3.	Interactive Session	8
4.	Recommendation and Action Plan	9
5.	Annexure A- Participation List	10-11
6.	Annexure B- Pictures	12-16

INTRODUCTION

The Forest Rights Act (FRA), 2006 recognizes the rights of the forest dwelling tribal communities and other traditional forest dwellers to forest resources, on which these communities were dependent for a variety of needs, including livelihood, habitation and other socio-cultural needs. The forest management policies, including the Acts, Rules and Forest Policies of Participatory Forest Management policies in both colonial and postcolonial India, did not, till the enactment of this Act, recognize the symbiotic relationship of the STs with the forests, reflected in their dependence on the forest as well as in their traditional wisdom regarding conservation of the forests. The Act further enjoins upon the Gram Sabha and rights holders the responsibility of conservation and protection of biodiversity, wildlife, forests, adjoining catchment areas, water sources and other ecologically sensitive areas as well as to stop any destructive practices affecting these resources or cultural and natural heritage of the tribal. The Gram Sabha is also a highly empowered body under the Act, enabling the tribal population to have a decisive say in the determination of local policies and schemes impacting them.

Prisoner means any person who is kept under custody in jail or prison because he/she/they committed an act prohibited by law of the land. A prisoner also known as an inmate is anyone who against their will is deprived of liberty. This liberty can be deprived by forceful restrain or confinement. Prisoner's rights deal with the rights of the inmates while behind bars. Prisoners have basic legal rights that can't be taken away from them. The basic rights include right to food and water, right to have an attorney to defend himself, protection from torture, violence and racial harassment. Section 1 of the Prison Security Act 1992, defines the term prisoner. The word prisoner means any person for the time being in a prison as a result of any requirement imposed by a court or otherwise that he be detained in legal custody.

For centuries, many societies have enforced the notion that a person is either a man or woman based on their physical characteristics. This idea conflates sex and gender, which is incorrect. Sex and gender are not the same. In general terms, sex refers to a person's physical characteristics at birth, and gender encompasses a person's identities, expressions, and societal roles. A person may identify with a gender that is different from their natal sex or with no gender at all. The latter identity is often referred to as non binary, but this is an umbrella term that covers many identifications. Sexual minorities are groups of people whose sexual orientation, gender identity, or sexual characteristics are different from the presumed majority of the population, which are heterosexual, cisgender, and non-intersex individuals. The most common use of the term sexual minority is to refer to people whose sexual orientation is not heterosexual. This includes gay men (men/man-aligned people who are only attracted to people of the same/similar gender), lesbians (women-aligned people who are solely attracted to people of similar genders), and bisexuals (people of any gender attracted to people of all genders), and questioning people. Many people identify as queer rather than gay or bisexual. Sexual minorities also include transgender individuals—people who identify as a different gender than the one associated with the sex they were assigned at birth. Transgender people socially transition by changing their names, their pronouns, and their gender expression. Some transgender people also medically transition by taking hormones and/or undergoing gender affirmation surgeries. Some transgender people identify as non-binary.

SPEAKERS SESSION

Billeswar Sinha introduced the entire team of HRLN and started a brief description about the organization's work for providing Legal Aid to the litigant; organization's do pro bono legal services to those with little or no access to the justice system, and runs a helpline for people seeking such help. It also conducts litigation in the public interest.

Speaker 1: Venkatesh Kodukula, Social Activist, HRLN Kolkata

The speaker discussed on the Gender and Sexual Minorities and the problems faced by the LGBTQIA+ community members. They elaborated the acronyms of LGBTQIA+. The speaker further briefed on Section 377 of the Indian Penal Code and the various historic judgments related to the same. They mentioned there are lots of social taboos still present in today's date in regard to LGBTQIA+ community. They mentioned that till date transgender individuals are not given equal opportunities though they have been given the third gender recognition back in 2014 and still being discriminated at different platforms from education to workspace.

Speaker 2: Saswata Sarkar, Advocate, HRLN Kolkata

The speaker discussed on the Transgender Protection Act 2019. They mentioned that according to Article 21 of the constitution, "No person shall be deprived of their life and personal liberty except according to a procedure established by law" and according to the act no transgender person should be discriminated, denied or receive any unfair treatment in regard to education, employment, healthcare, etc. Transgender person has the right to access public spaces, right to reside/rent/occupy property. The speaker further highlighted on the welfare measures by the government which states that it will take measures to ensure the inclusion and participation of transgender individuals in the society and how government should take steps for the rescue and rehabilitation, vocational training and self employment for the well being of the transgender community.

Speaker 3: Poulomi Nag, Advocate, HRLN Kolkata

The speaker discussed on the Prisoners Rights and history of how prisoners in initial days were treated inhumanely in various parts of world. She mentioned Lord Macaulay laid the foundation of modern imprisonment in India, and just like other countries in India to the prisoners were treated inhumanely. There were various United Nations conventions where it was declared that prisoners should not be tortured. In India the prisoners are given rights like:

- No illegal custodial detention
- Free medication
- And have developed rules like
- No prisoners should be tortured
- They should be given proper food air drinking water
- They should have right to freedom of speech expression and thought
- Equal treatment to be given to prisoners
- Proper medication.
- Arrest memo to be provided at the time of arrest to near relatives
- Medical examinations to be done after arrest, and inspection memo to be made
- Prisoners to be produced before magistrate within 24 hrs
- Providing lawyers
- Speedy trials for UTP

She further stated that the grounds of arrest to be made and officer who is arresting should be providing their identity and discussed about certain important points which are mentioned underneath:

- No prisoners should be tortured in jail as they have right to defend themselves before court. Their confession should be voluntary and should not be influenced or coerced
- Not to be arrested after sundown and before sunrise and presence of lady police officer should be there and no men can touch them.
- Difference between children and young prisoners and that they should be kept away from convicts
- No one is guilty unless otherwise proved. Utp Prisoners should be assumed innocent.

She discussed about the landmark judgement like DK Basu and State of West Bengal Amrik Singh vs state of Punjab

The speaker ended the session mentioning that there are no codified rules in India stating prisoner's rights and custodial deaths and torture still takes place.

Speaker 4: Jharna Acharyya, Social Activist, HRLN

The speaker discussed about the Forest Rights Act 2006 and mentioned The Indian Forest Act, 1927 was enacted which was in favorable line of reasoning with the British. As a consequence, the forest dwellers lived in their own land with a sense of territorial insecurity and instability. The forest dwellers remained a marginalized community even after independence. She further discussed about the process of recognition of rights as per Forest Rights Act. They mentioned that according to the Section 6(1) of the Act, the gram sabha or village assembly will initially pass a resolution recommending whose rights to which resources should be recognized (i.e. which lands belong to whom, how much land was under the cultivation of each person as on 13 Dec 2005, etc.). This resolution is henceforth screened and approved at the level of the sub-division (or taluka) and subsequently at the district level. The screening committee comprises of three government officials (Forest, Revenue and Tribal Welfare departments) and three elected members of the local body at that level. These committees also hear appeals. The speaker highlighted that a large number of people especially the scheduled tribes have lived in and around forests for a long period in symbiotic relationship. This relationship has led to formalized or informal customary rules of use and extraction, often governed by ethical beliefs and practices that have ensured that forests are not too degraded. During the colonial time the focus shifted from the forests being used as a resource base for sustenance of local communities to a State resource for commercial interests and development of land for agriculture.

INTERACTIVE SESSION

An interactive session was held with the students and guests present in the meeting. In this interactive session, the participants raised various questions which were answered by the advocates and activists of HRLN.

RECOMMENDATIONS & ACTION PLAN

Pertaining to the discussions that arose in the interactive session, it is recommended that more sensitization workshops should be organized in the district with a focus to the Gender and Sexual Minorities. The students has shown a keen interest to intern with HRLN and to understand about the various human rights violations in the grass root level.

Annexure A

HRLN HUMAN RIGHTS LAW NETWORK					
	NAME	MOBILE NO	ORGANIZATION	EMAIL-ID	SIGNATURE
11	SK SAHA BAJ	9348995855		SKJ04045@gmail.com	Sk Sahabaj
12	NUR HOSSAIN				Nur Hossain
13	Asman Sareh	1670970333		asman.sareh77@gmail.com	Asman Sareh
14	BIKASH MANDI	7863965390			Bikash Mandy
15	SOURAV MANDAL	8158992295		souravmandal@gmail.com	Sourav Mandal
16	Papu Hossain	9749999361			Papu Hossain
17	Atanu Mukherjee	9083127228			A.M.
18	Manoj Nandi	9932856362			Manoj Nandi
19	Subhendu Paul	7602654884			Subhendu Paul
20	LAKHINDA HURMU	8300604405	HRLN		L.H.

HRLN HUMAN RIGHTS LAW NETWORK					
	NAME	MOBILE NO	ORGANIZATION	EMAIL-ID	SIGNATURE
21	Bikaswadee	9547688877	HRLN		Bikaswadee
22	Poulami Nag	9101558047	HRLN	poulami.nag@gmail.com	Poulami Nag
23	SASWATA SARKAR	9903503136	HRLN	Prasanna@gmail.com	Saswata Sarkar
24	VENKATESH KODUKULA	91970319134	HRLN	venkatesh.kodukula@gmail.com	V. Venkatesh
25	JHARNA ACHARYA	8673997430 9732780878	HRLN	jharna.acharya@gmail.com	Jharna Acharya
26	Kelu Buri	9732173261		kelu.buri77.com	Kelu Buri

HRLN

Topic – Use of Law for Safeguarding Rights of Prisoners, Sexual Minorities & Discussion on Forest Rights
Venue – Bankura Town
Date – 08/09/2021

SL NO	NAME	MOBILE NO	ORGANIZATION	EMAIL-ID	SIGNATURE
1	SHANTANU GORAI	8906073390		Shantanugorai83@gmail.com	Shantanu Gorai
2	Ananta Maz	0164933188		ananta-maz@gmail.com	Ananta Maz
3	Shukla Das	9474420943/ 7069318283			Shukla Das
4	Akash Mandal	8617852358			Akash Mandal
5	Nabanita Makur	8942011526			Nabanita Makur
6	Partha Layek	7001648977			Partha Layek
7	Sumit Munnu	9832624296		Sumitmunnuhscl@gmail.com	Sumit Munnu
8	Tapas Pal	6294428327		pal tapas@gmail.com	Tapas Pal
9	Rakesh Nandi	9064237215		1784352@gmail.com	Rakesh Nandi
10	Jaydeb De	6294731596			Jaydeb De

Annexure B









