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Social Sites, Salman Rushdie and Individual Freedom Pushkar Raj

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The month of January has been a nose dive for the civil liberties in the country. First, some social sites have got court notice for hosting content that the government and some petty groups deem objectionable. The fault of these websites is that they have provided platform to some people's ideas which a few others have not liked. The government neither can identify nor catch those who have posted such contents. So it has chosen an easy way out of making these 'intermediaries' (websites) liable for prosecution under a new law that it had passed some times back. Secondly Author of book Satanic Verses, Salman Rushdie was told informally by the government that as some people are objecting to his visit to his home country, therefore he should cancel his visit to the Jaipur Literary Festival. The government has not cared to bother that under the constitution it is duty bound to extend protection and facilitate his arrival. In the first case free flow of ideas is limited while in the second right of movement was curtailed. In both the cases the soul of the Indian constitution has suffered erosion. Like always it will have stifling implications on our society in the long run.

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Internet is a reality of the contemporary world. It is a virtual but a parallel world, unseen though somewhat real. It is different than the earlier when transmission of ideas from one person to another required a medium controlled by some one else, be it in the form of books, newspapers, radio or television. Internet has eliminated this 'control' element; now a person's ideas - good bad ugly- (if he chooses to make them public) are before millions of people with absolutely no control of anyone and virtually no cost. You may publish your own newspaper, articles, transmit your voice or film. Another important difference is that earlier, one could pin point the origin of the idea, meaning the person who said or wrote something could easily be identified. But this might be difficult now.

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The governments all over the world have not liked this new development. They cannot curb the flow of thought without getting hold of the person who is source of it and that person might be beyond their state boundaries or might exist in only 'virtual world'. Therefore now they try to devise ways to reassert the control over transmission of ideas through various means. Totalitarian or semi totalitarian regimes like Saudi Arabia, china, North Korea, Burma and Iran would resort to blatant ways to exercise the said control. The states like India would do the same in a more subtle manner

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by enacting laws like Information Technology (Amendment) Act 2008.

Apparently these moves are initiated in the name of cultural sensitivities but if one digs a little deeper one finds that these are inspired by political objectives. Political criticism, dissent and opposition are under hammer. Given the role that the virtual media played in recent anti-corruption movement, government has decided to exercise control over it even though that might run counter to the conception of liberty (of thought and expression) of majority of the Indian population in twenty first century.

On face of it Salman Rushdie

case is more bizarre. It seems that the political leadership has not learnt anything from Shah Bano case of mid-eighties. To Capitulate to fringe elements at the cost of common sense and rule of law never does good to any society. It is very well known that for narrow political gains the then political leadership caused an irrevocable damage to our social and political life. It may safely be argued that If the then government respecting the Supreme Court judgment had stood its ground firm , Salman Rushdie as the writer of Satanic Verses would not suffer a ban, Hindu communalism would not gain notorious heights , Babri mosque might still be standing where

it was, Bombay riots might not be a reality, M F Hussain would not die in exile, young people would celebrate Valentine day without fear and the terrorism would not become a competitive phenomenon between India's two major communities.

Democracy is about personal and civil liberties. Any government or the group that limits them scars and shrinks the landscape of the democratic space of that society. The Indian civil society is well aware of it. However it must put together its collective energy to resist government moves curtailing our personal and civil liberties. Not doing so would force us to relive the unpleasant history. □

Press Statement: January 11, 2012

Demanding Ban on the Visit of Salman Rushdie to India is Outrageous

The *People's Union for Civil Liberties* (PUCL) views it with deep concern that some organizations have demanded ban on the entry of Salman Rushdie in the country. The present call is illogical, preposterous and untenable, as the writer has visited the country for several times after the 'Satanic Verses' book controversy. Those who have called for banning his entry must know that Rushdie being a person of Indian origin does not need permission from

the government - a visa - to visit his home country. To demand an unconstitutional measure to be invoked against someone one might not agree with is as condemnable as when some lunatic groups would demand that certain book be taken off the shelf or some painting exhibition be not held or that the majoritarian way of life should be the standard for all in the country. PUCL believes that the present demand is self-defeating and is against the interest of the

community in the name of which such demands are made. Above all, demands such as these, run counter to the values of a democratic society that India is. Those who are misguiding gullible people are indulging in the politics of symbolism based on emotional exploitation of the people, thereby damaging our shared constitutional values. PUCL appeals to people to see through such moves and ignore such calls. **Pushkar Raj**, General Secretary, PUCL. □

Anti Caste Movement in Ancient and Medieval India

R.M. Pal

I give below a summary account of the movement to eradicate caste in ancient and medieval India. This movement relates to our non-Sanskritik tradition. I believe that knowledge of this tradition and contributions made during this period will inspire our human rights activists and government planners involved in the task of uplifting the deprived section of the population. A mere textbook reading of our constitutional

provisions and UN Charter will not succeed in developing a human rights culture. During the Buddhist period, interest in man, man in his own image (not in God's image) that is, interest in man's affairs on this earth unlike interest in god and goddesses and good life in heaven after death, this earth being a vale of tears, became a primary concern of thoughtful men and women. Buddha rejected the caste system.

Human sufferings made Prince Gautam restless and he left all luxuries and comforts of the king's palace in search of remedies for all human miseries on this earth. The basic tenets of Buddhism are non-violence, non-hatred and friendliness to all. Emperor Ashoka who became a devoted follower of Buddha took to the humanitarian and humanist philosophy of Buddhism. Also, he became a great champion of freedom

and tolerance. One of the most significant contributions of Buddhism was the introduction and spread of secular education for all. Organized universities came to be established under the direct influence of Buddhism.

There were other non-Vedic sects like the Nath, Yoga, Siddharcara who too, like the Buddhists found the key to all religious mysteries in the human body of itself: the position of the Nathpanthi, Siddhas and Yogis in the Hindu society need to be understood. Most of the Nathpanthi, Siddhas and Yogis belong to the low castes, opposed caste based inequalities denounced the religion of monks favoured by the Brahmins and did not favour image worship. In short they wanted to demolish the Brahminical religion. Furthermore, women played an important part in these sects.

There are other folk religions/sects, which came into prominence in the medieval period, the well-known Bhakti movement and the baul movement in Bengal. They are remarkable for their simplicity, directness and for preaching and practicing tolerance, love and friendliness.

Bhakti, the path of devotion implies and belief in the supreme person not in a supreme abstraction. It is therefore a straightforward and unsophisticated belief. This movement has non-Aryan roots; in fact according to some scholars it originated in the Dravid country. It was opposed by the Brahmins for a long time because of its utter disregard for caste divisions, religious rituals and ceremonies.

The tradition of Bhakti has played an important part among the Tamils as mentioned in the works of the Alvar saints most of whom came from low castes. In the beginning the movement was restricted to the lower strata of the society who were opposed by the Brahmin religion. At a later stage, Vaishnavas of even higher castes hailed their literature.

One Alvar saint, Andal belonged to a low caste; she was accepted as a religious leader by the society in general. This is an indication of the popularity of the Bhakti movement. The great scholar Ramanuja, the best known exponent of this movement was influenced and inspired by the works of the Alvars, which were collected by the disciples of Ramanuja at his special request and from which Ramanuja himself drew much inspiration and food for his system of thought.

Next a brief look at the advent of Islam in India is necessary. Islam led to a series of responses. We can ill afford to ignore them as also the creative influence of Islam. An analysis of the Muslim conquest of India is of practical value and will help Indians both Hindus and Muslims appreciate the positive results of the Muslim conquest of India. Among other reasons, for a solution of the communal question which has been one of the major sources, along with the caste system of human rights violations. It may be noted in this context that Europe came out of the shackles of the dark ages and the Middle Ages and entered the civilized era by learning from the Muslims. It is equally true that a large number of Hindu reformers, largely of the Bhakti movement in medieval India, who revolted against orthodoxy, were considerably influenced by the Muslim conquest and its social effects. The devotional Bhakti movement and the Islamic Sufi movement both have much in common. In medieval north India mysticism was the product of both the Bhakti movement and the tradition of the Sufis. One important aspect of this mysticism is its complete independence from orthodox scriptures. These teachers practiced and taught tolerance.

The interaction of Bhakti and Islam, especially the Sufi idea gave rise to a number of progressive movements with the core philosophy of tolerance.

It should therefore be emphasized in our textbooks that the relations between Islam and the religions of the area (South Asia) were marked by mutual understanding and tolerance. This spirit was to a large extent by the rise and spread of Sufi and Bhakti ideas.

Our students must be reminded over and over again of what Tagore had said; "The Sakas, the Huns, the Pathans and the Moghuls – all have been merged into one body, with a view to combating the religious frenzy that has been playing havoc in our country." We must remind ourselves of the forgotten fact of history that a distinctive feature of the thought and life of the peoples of the South Asian region is their adherence to the tradition of tolerance, syncretism and coexistence and (in this context) the coming of Islam was an event of outstanding significance for the history of this subcontinent. This syncretic and humanist tradition in South Asian society and social thought is remarkably portrayed in the following poem of Kazi Nazrul Islam:

"I sing the song of equality
Where all barriers crumbled
All differences have failed
And Hindus – Buddhists – Muslims
– Christians
Have come together and have urged
I sing the song of equality."

We must remind ourselves over and over again that a pluralistic society can flourish only if its basic value remains tolerance. At the same time we must not make the mistake of treating tolerance and pluralism interchangeably. Let us be clear that these two are not the same thing. Namdev and Tukaram from Maharashtra, the former a tailor and the latter a peasant, made the Bhakti movement popular and acceptable to the people. In Bengal the well-known Vaishnav poets Jaidev, Vidyapati, Chandidas and also Chaitanya popularized the movement. During this period the

movement spread to almost all parts of India.

Though the movement did not succeed in breaking through caste barriers, the very fact that any of its leaders belonged to lower castes and also that it believed in the equality of men must be taken note of by present day activists and reformers.

In the 14th century Ramanand (1370-

1440) challenged caste divisions, revolted against preaching in Hindi and not Sanskrit which was the preserve of the upper caste. His thought is well reflected in the following words: wherever I go I see water and stone; but it is you who had filled them all with your presence, in vain do they seek you in the Vedas (Gurugranth Sahib). Ramanand had 12 important

disciples. They all belonged to low castes. One of them, Ravidas, was a cobbler. The recitation of the Vedic mantras even for many million of times will not satisfy the pangs of that longing (to see you), sang Ravidas (Gurugranth Sahib). The most famous disciple was Sheikh Kabiruddin. Sufi and bhakti traditions of the Islamic and Hindu religions blended in his teachings. □

Lokpal Legislation Debate Requires Calmer Consideration

Rajindar Sachar

The debate in Parliament on the proposed Lokpal legislation has unfortunately touched a low nadir; instead of discussing the legislation in a sober atmosphere and with conscious effort to arrive at as much consensus as possible, the parties instead indulged in mutual attacks. Government's furtive slip in of various quotas including that of the minorities was a deliberate ploy with an eye on the U.P. elections, notwithstanding the doubt on its legality as expressed by former Supreme Court Judges and jurists. Could even any one imagine that the selection committee of Prime Minister, leader of opposition, irrespective of their party affiliation and non political Chief Justice of India that they would not include as members from the amongst Muslims, and women, when any number of them are available on their own merit. Why this non-issue was loud mouthed unless it is a device to stall the Lokpal legislation. Let us not forget that these Mulayam/Lalu groups were the ones who sabotaged Women Reservation Bill by wantonly insisting on a sub quota in Women Reservation Bill thus embarrassing Sonia Gandhi and Sushma Swaraj who had earlier without any embarrassment embraced and congratulated each other at their victory in the Lok Sabha, but had to beat a retreat in the Rajya Sabha. The suggestion that if there are any allegations against the Prime Minister they would be decoratively

pigeon holed and brought out after he had remitted office (which may be even 5 years later) does not make any sense, Are we living in a democracy or under a kingship who was supposed to be a representative of the Divine authority. Recently a sitting Prime Minister of Italy who was forced to resign on corruption charges was proved against him by a court magistrate.

Similarly Chirac, the Prime minister of France has been sentenced to 7 years and the President of Israel is being sent to jail on the grounds of moral impropriety.

The most contentious matter of the C.B.I. remains unresolved. His appointment should be by a joint committee consisting of the Lokpal and the standing committee of Parliament. Give C.B.I. director a fixed tenure for say five or 10 years. He should have full administrative control over the staff of the C.B.I. and earmarked funds from the consolidated fund. There would be no interference with his day-to-day work from the Central Government or the Lokpal. However the Lokpal would be entitled to ask or/and receive reports from him at regular intervals and also authorized to convey its decisions on such matters. He shall not be removed from service except in the manner and on like grounds as a judge of the Supreme Court – the same manner of removal applies to the removal of the Chief Election Commissioner.

I for one would not limit the choice necessarily to a police official and it could even be from outside the service. If it is decided to have a Chief Vigilance Commissioner, the same conditions and procedure will apply as applicable to the Director of C.B.I.

Surprisingly, notwithstanding bitter wrangling on other aspects, all members of the Parliament are unanimously agreeing to keep themselves immune from the ambit of the Lokpal or even Directors of the C.B.I. for their corrupt actions and bribery if it is done inside the Parliament. To me this is scandalous and unacceptable.

In their defence Members of Parliament invoke Article 105 of the Constitution, and the widely criticized majority judgment (of 3 against 2) in the Narsimha Rao case (1999) (I believe the matter is referred to a larger bench).

The minority Judgment however warned that this interpretation could lead to a charter for corruption so as to elevate Members of Parliament as "super-citizens, immune from criminal responsibility". It would indeed be ironic if a claim for immunity from prosecution founded on the need to ensure the independence of Members of Parliament in exercising their right to speak or cast their vote in Parliament, could be put forward by a Member who has bartered away his independence by agreeing to speak or vote in a particular manner

in lieu of illegal gratification that has been paid or promised. By claiming immunity such a Member would only be seeking a licence to indulge in such corrupt conduct. In other countries such a conduct of MPs is treated as criminal, since 1875 in Australia.

To invoke Article 253 of the Constitution for enacting the Lok Ayukat is of doubtful legality and perishable in our federal set up. Surely no state can resist the public sentiment built for the Lok Ayukat. The matter of Lokpal is too important and needs to be discussed more seriously and not under pressure of forthcoming elections in Punjab and especially in U.P. Also the panicky reaction of the Central government to Anna Hazare's threat of fast compounded by the opposition wanting to cash on it when they went

to Anna Hazare sit-in to cooze upto him. Their puerile excuse that they wanted to explain their point of view is unacceptable. Political Parties hold their own meetings to explain their position to the public. We go to Jantar Mantar to show our solidarity with the victims of forced displacement, and the illegal actions of the government against the deprived poor. The parties do not go to the sit-in of a person they now want to deride and ridicule. Of course I agree that Anna Hazare has full rights to muster support and arouse masses and exercise his democratic rights – and to put pressure on the government and even the Parliament, to pass a particular law because in a democracy the ultimate sovereign are the people. But there is a caveat that this discussion requires a calmer atmosphere. Could the parties

unanimously agree to adjourn the discussions to take place after the pressure of U.P. elections is over, with a pledge to pass the legislation as the first item when the next session begins.

As a measure of his genuine concern for a strong Lokpal, Anna Hazare, on his part, one hopes, would reciprocate by not going on fast. He can rest assured that people's determination to have a strong Lokpal is not so weak as to let the government avoid its solemn pledge to pass the bill in the next session of the Parliament – if the government further prevaricates it must know that the consequences could be monumental and no government can remain in permanent confrontation with its real masters, the people of India. □

Vast Potentialities for Regional Autonomy in J&K

Balraj Puri

There have been recent demands for the release of the report of interlocutors appointed by the Government of India on Jammu and Kashmir. Some unofficial leaks suggest that the interlocutors have recognized special position of the state and special problems for the regions within the state.

Regional tensions continue to be as serious a problem of the Jammu and Kashmir state as it used to be before independence. Before 1947, Hindu and Muslim leadership of Jammu tended to unite behind the Dogra Maharaja and supported his desire for an independent state. The people of Kashmir, in an unusual display of communal harmony, overwhelmingly supported Sheikh Abdullah's decision to accede to the Indian Union.

The State did not join India's democratic march towards power to the people in which regional identities found satisfactory status, in the form of a separate State, merger with other States, Union territory, regional autonomy, union territory or some other form. The J&K State was not

considered fit for any such arrangement in view of international aspects of its problem. The State was also kept out of the experiment of democratic decentralization on account of the same reason. Thus its people were denied the benefit of Panchayati Raj system till the present year.

By now it has become evident that institutional changes to satisfy political, developmental and cultural aspirations can be delayed only at their peril as many complications have been added to the problem of J&K by neglecting the genuine urges of the people. Many commissions of enquiry have submitted their reports. But for lack of an objective discussion on them, the problem is getting complicated.

Before 1947, the people of Kashmir were engaged in a struggle under Sheikh Abdullah's leadership, against what was called Dogra Raj because the Maharaja was a Dogra. After independence, people of the other two regions tend to attribute all their problems to what they call Kashmiri Raj. The political power was

exercised by National Conference, which was mostly based in the Kashmir Valley. The authoritarian nature of the new regime made them all the more unbearable.

It has become normal practice for leaders of the present government to reiterate its policy of giving equitable treatment to every part of the state. But assurances of equitable treatment are not enough. There should be equitable and objective criteria to measure that all parts and communities of the state are equitably treated. The *Gajendragadkar* Commission, which thoroughly dealt with the regional problems in the state formed in 1967 observed:

"Even if all matters were equitably settled, we feel that there would still be a measure of discontent unless the political aspirations of the different regions of the State are satisfied. In fact we consider that the main cause of irritation and tension is the feeling of political neglect and discrimination, real or imagined, from which certain regions of the state suffer."

The Commission, which theoretically conceded that the principle of regional autonomy might lead to "greater consolidation of the region (Jammu) with the rest of the state", rejected the demand for lack of support for it in the Jammu region. The Commission should have made their final judgments primarily on the merits of the case and not on degree of popular support in one or the other region. However, there are enough indications that the idea of regional autonomy is better appreciated now and there is no noticeable opposition to it. Even if the mandate that the National Conference received in the assembly elections of 1996 is not interpreted as a decisive popular verdict on the issue of regional autonomy (which was a part of its election manifesto), the extensive tour of the State by the present writer and his wide ranging discussions with people belonging to different ethnic and religious communities and different parts of the state with different political view points have given him enough feed back of the ground realities and basic articulated and un-articulated urges of the people. The recommendations that follow fully take into account popular urges as also his own understanding of what is in the best interest of all communities, regions and sub-regions of the state. Much damage has been done to the interests of the state and to each of its region by the form tensions between its regions have taken. The BJP has been carrying on its campaign for what it called abrogation of Article 370 of the Constitution and started an agitation for it in 1952. It divided the public opinion between full and limited accession which made the accession issue itself debatable and is recognized as the principal cause of the crisis of 1953 when Sheikh Abdullah was dismissed from power and arrested. However, there have been many voices in favour of the principle of regional autonomy in the Jammu region as well as in the Kashmir valley from time to time. I have

supported special status of the state within India and special status of the regions within the state.

The first official acceptance of the idea was made by the Prime Minister, Jawahar Lal Nehru on 24th July 1952 in the presence of Sheikh Abdullah, at a press conference in New Delhi, when he said, "the State Government was considering regional autonomy within the larger state". Later the Sheikh gave an assurance separately to the effect that "the Constitution of the state, when completed, would give regional autonomy, particularly in cultural affairs to Jammu and Ladakh". Though Bhartiya Jana Sangh initially opposed it, its founder President Dr. Shyama Prasad Mukerjee veered around to this view. In a letter to the Prime Minister Nehru on 17th February, 1953 he offered to withdraw the then ongoing Praja Parishad (its Jammu affiliate) agitation in Jammu and accept the Delhi agreement if the principle of autonomy would "apply to the province of Jammu as a whole and of course also to Ladakh and Kashmir Valley". However, the Jana Sangh changed its stand a few months after the death of Dr. Mukerjee and continued to condemn this demand as anti national. Sheikh Abdullah reiterated the decision of the government to "give autonomy to the different cultural units of the state as would be provided in the Constitution that is being drawn up". Broadcasting from Radio Kashmir, Srinagar on 17th April 1953 he said, "This removes all the fears of domination of one unit over the other and will make for the voluntary unity and consolidation of the people of the state. Government was considering grant of autonomy to its regions, particularly Jammu, while framing the Constitution of the State." Later a sub-committee of the state constituent assembly comprising M/s D.P. Dhar, Syed Mir Qasim and G.L. Dogra, recommended "a substantial measure of autonomy for each region with power of taxation and legislation".

Prem Nath Bazaz, one of the most ardent champions of Kashmiri nationalism, supported the proposal of regional autonomy. In his book Kashmir in Crucible (1967), he wrote "the best way of satisfying different aspirations of the state is to reorganize it as a regional federation. The reorganized state will have three constitutional units and each of them can have equal status not subordinate to one another. A number of essential subjects of common interest would be assigned to the regional federation leaving the rest of the state functions to the constituent units."

Shamim Ahmed Shamim, the celebrated journalist, writer, intellectual, M.P and editor of the popular Srinagar Weekly - Aina - said on 19th November 1967, "As I attach great importance to protection of autonomy, individuality and personality of Kashmir, I have deep interest in the programme and objective of the Jammu Autonomy Forum. Far from wanting to divide the State, it wants to restore the mutual relations between Jammu and Kashmir on healthy and stable basis." As an MLA, Shamim also gave a notice of moving a constitutional amendment bill in the state assembly incorporating the principle of regional autonomy. Khwaja Mubarak Shah a Former Minister in Abdullah's cabinet before 1953, while presiding over a meeting of the Jammu Autonomy Forum, asserted that "the people of the valley are not opposed to regional autonomy". While proposing a federal structure for the state, he held its unitary form responsible for many of its problems. Almost all Chief Ministers of the state have supported the principle of regional autonomy, before and after being in power.

A trial may be made without too radical changes in the present arrangement. Many regional grievances would be removed if objective criteria can be added to what is being called an equitable basis for sanctioning grants to regions. For unless grants are

distributed under an objective formula, there would remain grounds for discrimination.

An eight-point formula is suggested below to make the allocation of funds objective easily verifiable even by a common. It may include: i) population, ii) area, iii) road mileage; surface road divided by area, iv) share in govt jobs as percentage of population in the relevant age group, v) average annual admission in last five years to technical institutions as percentage of population in the relevant age group, vi) female literacy, vii) infant mortality, viii) some performance incentive criteria

like contribution to the state revenue in proportion to region's income.

While criteria i), ii) and viii) should be positive, the rest may be negative.

Total receipts of the State should be shared with the regions in 50:50 ratio. Out of the share of the state 5% be allocated to the regions on the discretion of the state govt. to meet contingencies, natural calamities and special needs of some areas in addition to the regional share of revenue.

Subsequent State Finance Commissions may use further sophistications to measure

deprivation gaps in various fields between regions and add different weights to the indices or even increase the number of indices if relevant data are available by that time.

If Jammu and Kashmir State, the richest state of India in its diversities, can discover its potential and resolve its problem of regional tensions, it can open up opportunities for a major break through in radical growth of India in many fields and can also provide a lesson to resolve other complex and complicated political conflicts elsewhere. □

Press Statement: Free Soni Sori and Lingaram Kodopi

End Custodial Torture and Sexual Assault: Free Soni Sori and Lingaram Kodopi

The undersigned groups from Karnataka State strongly condemn the custodial sexual assault and torture of Soni Sori, an Adivasi school teacher from the Dantewada district of Chhattisgarh. A recent medical examination ordered by the Supreme Court at NRS Medical College and Hospital in Kolkata found stones inserted in her vagina and rectum. Medical reports submitted to the court three days after her arrest show that she sustained a contusion in the occipital region of her head caused by a "hard and blunt object", and that she had tenderness in the sacrum of her back, and blackened fingers – the latter being a classic sign of electrocution. In a recent letter to the Supreme Court, she has stated in clear terms that she had been stripped, electrocuted and tortured. The evidence points to her having been tortured in custody in complete violation of her constitutional rights and any standard of decency.

Due process has been violated in the case of Soni Sori repeatedly. When these injuries prevented Soni from being produced before a magistrate, an order converting her police custody into extended judicial custody was still signed by Additional District Judge Yogita

Wasik without her presence – which is completely illegal. She was outside the court in a vehicle and never left it. She was chained to the bed while undergoing treatment for her injuries in a Raipur hospital, explicitly against Supreme Court orders. Soni was also incarcerated in police lockup for 24 hours against Supreme Court orders when taken to Kolkata for a medical re-examination. Soni has testified in a video recorded statement that she has been threatened by the police to not reveal her custodial torture for fear that they will arrest her brother, who is the sole caretaker of her children.

Soni Sori and her nephew Lingaram Kodopi have been framed under the charges that they were collecting money on behalf of the Maoists from the Essar Company. Constable Mankar from the Kirandul police station admitted to fabricating the charges in a phone conversation with Soni Sori recorded by Tehelka7. Both Soni and Lingaram have repeatedly taken a stand against the exploitation of their people and have been declared prisoners of conscience by Amnesty International. Lingaram was trained to become a journalist and began reporting on the abysmal human rights record of the

Chhattisgarh government from the ground. He has now been incarcerated and allegedly tortured, as has Soni Sori been, after four previous false charges were filed against her to coerce her to help frame Lingaram on false charges.

Therefore we demand

- An investigation into the custodial sexual assault and torture of Soni Sori and the immediate suspension of the responsible officers and prosecution under the PoAAAct pending this inquiry.
- The transfer of Soni Sori out of the custody of the Chhattisgarh Police.
- Public proof of the good health and safety of Lingaram Kodopi and an investigation into the possibility of custodial torture in his case.
- An end to the use of lengthy custodial holding on false charges, custodial torture, and constant harassment by the police in retaliation against political activists
- An immediate end to the state-sponsored assault on the lives of the adivasi and other residents of Chhattisgarh.

The narrative of Soni Sori and Lingaram Kodopi is not an unusual

one. Hundreds of people across the country fighting against the state and corporate grabbing of land, water and forest resources and labour exploitation have been incarcerated on false charges. Some other heinous cases are those of cultural activist Jiten Marandi from Jharkhand who has been sentenced to death on false charges alongside Manoj Rajwar, Chhatrapati Mandal and Anil Ram; the incarceration of CPI member Kartam Joga who was the first petitioner in a victorious legal case for the disbanding of the vigilante force Salwa Judum given its history of rampant human rights violations; the incarceration of Vanvasi Chetna Ashram worker Sukhnath Oyami; the continuous incarceration of Irom Sharmila who has been fasting for the repeal of AFSPA; the booking of dalit activist Sudhir Dhawale under UAPA; the abduction and immediate re-incarceration of Arun Ferreira on fresh charges immediately upon his being acquitted of previous false

charges. All these cases of false charges placed upon politically active citizens need to undergo speedy trials so that custodial imprisonment and torture during delayed trials is not used as a tool to intimidate and hold politically active people captive.

Endorsed by: Women against Sexual Violence and State Repression: WSS -Karnataka and WSS-National, Peoples' Democratic Forum, People's Union for Civil Liberties: PUCL-Bangalore, PUCL-Karnataka and PUCL- National, SICHREM, Alternative Law Forum (ALF), Citizens for Justice and Peace-Tamil Nadu, Maraa, Concern, Indian Institute of Science, Madhya Pradesh Mahila Manch, REDS, Saheli-Delhi, Vimochana, LesBiT, Moving Republic, New Socialist Alternative, People's Solidarity Concerns, Visual Search, Karnataka Sex Workers Union, Karnataka Sexual Minorities Forum, SCM-India Individuals: Pushpa Achanta, Member WSS-Karnataka; Uma V

Chandru, Member PUCL-Bangalore and WSS-Karnataka; Kaveri Rajaraman Indira, Member, PDF, LesBiT, Concern; Rajesh Srinivas; Sravanthi Dasari; Dr. V. Lakshminarayana, General Secretary, PUCL-Karnataka; Dr. E. Rati Rao, Vice President, PUCL-Karnataka; M C Raj, REDS; Jyothi, REDS; Lawrence Summers, Environment Economist; Gee Ameena Suleiman; Nithu Chichu; Sumathi Murthy; Soundarya, Concern; Shubhendu Sen Roy, Concern; Shakun D, Vimochana; Bela Bhatia, member, WSS national campaign; Elavarthi Manohar-Praja Rajakiya Vedike; Priya Prabhu; Dr. Vijay Chandru - Member, High Panel for Science and Technology, UNESCO; Anuradha Talwar - Member WSS National campaign; Pushkar Raj - General Secretary, PUCL National; Pradeep Esteves; Neelima P. Aryan; Vinay Bhat, AID; Parvathy Prem, AID; Karthik Ranaganathan, AID; Tathagatha Sengupta, AID; Santosh Rohit, AID □

Press Release: Demand immediate action on perpetrators of Custodial Violence on Soni Sori

Women's Groups Stopped from meeting Soni Sori in Raipur

A team of women representing various women's groups from across the country were in Raipur on 12-13th January to meet Ms. Soni Sori, currently lodged in Raipur Central Jail. Ms Sori is a tribal school teacher who has been hounded by the Chhattisgarh Police as a Maoist conduit. She was arrested in October 2011 and was brutally assaulted sexually in police custody on the night of 8-9th October.

Even after applying for permission as per procedure and repeated requests to various concerned officials on 12th, the women were denied permission to meet her, despite already having an assurance from the Principal Secretary, Mr. Baijendra Kumar, during his visit to Delhi in October. For two whole days the team was shuttled from one authority to the other and back, with each and every official avoiding taking a decision or give in writing

any denial or reasons for it. Finally, permission was denied on 13th citing 'security' concerns. We feel that such alleged 'security' concerns are being used as a smokescreen to prevent us from meeting her, and this constitutes a violation of Soni's rights as a prisoner. Further, we fail to understand what security threats an all women's team, following all proper procedures and which had also consented to meet her in the presence of the jail authorities, poses to the jail. Even the State Human Rights Commission, when approached by the team, refused to take cognizance of the matter, stating that denial of access to an undertrial does not constitute any violation of human rights of the undertrial.

The team expresses deep anguish and horror at the brutal physical and sexual torture she was subjected to while in police custody, which

included giving her electric shocks, stripping her and inserting foreign objects into private parts. This torture was carried out under the supervision of a senior police official, despite directive from the Delhi High Court to the Chhattisgarh police to ensure her safety. The medical report of Kolkata NRS Medical College and Hospital, where stones were recovered from her private parts, confirms the brutal sexual assault. We feel that Soni Sori's case is of national importance and urgency for several reasons. Firstly, such barbaric behaviour by police had been foreseen even before Ms. Sori was taken into custody and had been clearly placed before the Sessions Court and the High Court in Delhi, when her custody was sought by the Chhattisgarh police. While such custodial torture is a blatant violation and a matter of concern, that it can happen despite judicial scrutiny and

monitoring is deeply disturbing and of even greater concern. Secondly, this is one of the rare cases where the allegations have been substantiated by incontrovertible evidence in the form of an independent medical report conducted under the orders of the Supreme Court. Yet no action has been taken. Despite the seriousness of these violations, the Chhattisgarh authorities have not even instituted an enquiry, let alone taking action against the officials concerned. In

addition, it is also preventing any attempts from independent women's groups to meet with her. Given the brutal treatment meted out to Soni Sori, and the overall situation of conflict and repression prevailing in Chhattisgarh, we are deeply concerned about the situation of women, in general, and specifically of other women prisoners in Chhattisgarh. Speaking in the larger context, efforts to get information by human rights activists about under trails in such areas have been

unsuccessful.

We demand immediate suspension of the officers concerned pending enquiry. Free access of individuals and groups to meet with Soni Sori and her rights as an under trail should be upheld.

The members of the team that visited Raipur consisted members from Saheli, Delhi; Women Against Sexual Violence and State Repression (WSS), Delhi; WSS Orissa and Madhya Pradesh Mahila Manch, Bhopal. □

Press Statement: 24 Dec 2011

Statement from Representatives of Various Organizations on the Violent Attack on Anti-POSCO Protestors on 14th December 2011 and its Aftermath

We, the undersigned, visited Gobindpur, Dhinkia and Patna villages of Jagatsinhpur district of Orissa, on 22nd December, where the villagers are peacefully resisting the proposed POSCO steel plant for the last six years in order to protect their lands and livelihoods from complete destruction. Our visit was in the aftermath of the incidents of 14th December 2011, during which the peaceful protest against the construction of the coastal road connecting Paradip port to the proposed site of the POSCO steel plant, was viciously and unexpectedly attacked with country-made bombs by hired goons of the local contractor Bapi Circle, who is a known criminal with many pending cases in Odisha. In the process, many protesting villagers, including elderly women, were badly injured. One of the men hired by Bapi Circle was also killed on being accidentally hit with a bomb thrown by his own associates. After this heinous incident, the state government has slapped false charges of murder (Sec 302 of the Indian Penal Code) against 11 key activists of the Posco Protirodh Sangram Samiti (PPSS), including some who were not even present at the time of the attack. Charges have also been

brought against "150 other" unnamed villagers. Since our visit, Narayan Reddy from CPI who has been supporting the struggle has been arrested on 23rd December under false charges. This is in continuation with the atrocious practice of slapping false cases against PPSS activists and supporters that has been going on for the last six years, and which now number in thousands. Fearing arrests, people are unable to leave the villages and access much required medical care and engage in regular economic activities which has taken a terrible toll on their lives and livelihoods. It should be mentioned in this context that the building of the coastal road was initiated in a completely illegal manner, with no MoU currently existing between POSCO and the Odisha government; irregularities in awarding the *benami* contract to Paradip Paribahan, which is allegedly controlled by Bapi Circle, is widely known. It is shocking that the contractor could go ahead with building the coastal road and engineer the attack by hired goons, allegedly with active government support, when these illegalities are well known. This is again in line with the entire trajectory of the POSCO project, which has been mired in all

sorts of illegal actions over the past six years. Three separate government-appointed committees that investigated various aspects of the POSCO project found that the state and central governments are robbing people's land in violation of the Forest Rights Act; an official enquiry found that the environmental clearance process was 'farcical'; and independent economists have established that there is no benefit from this project to the State or the Indian economy.

We, on our visit, witnessed the direct effects of the state's high-handedness and its complicity in the physical and economic violence being perpetrated against the legitimate struggle of the people against the POSCO project. We demand:

- An immediate judicial enquiry into the attacks on 14th December 2011.
- Withdrawal of the all newly filed and previous false cases against villagers and PPSS activists.

Signed by: Madhumita Dutta, Asit Das, POSCO Protirodh Solidarity; Partho Sarothi Ray, Sudipto Muhuri, Siddhartha Mitra, Sanhati; Sirisha Naidu, Mining Zone Peoples Solidarity Group; Lakshmi Premkumar, Delhi Forum

Pramodini Pradhan, People's Union for Civil Liberties- Odisha □

PUCL Shimoga (Karnataka):

Seminar on Closure of Government Schools

Recently Karnataka state government issued a notice to close three thousand plus government primary schools in which the admissions are less than five. PUCL Shimoga (Karnataka state) unit in association with VIVEKA (Rationalist Forum, Karnataka) organized a Seminar on the subject 'Muchuthiruva Sarkari Shalegalu Ondu Avalokana' (Closure of Government schools: a review) on 17.12.2011 at Shimoga city.

Thinker Dr. Rajendra Chenny gave lecture on 'education through mother tongue'. Activist from Mandya Dr. H. V. Vasu spoke on the subject 'common education policy'. The Headmaster of the local primary school, who is also a winner of state level award, shared his experience in Government School and the steps that can be taken to improve Government schools. Mr. Anantha

Shasthry, President of rural government school development committee, discussed about the responsibility of the parents to save the government schools to the benefit of their children.

The seminar concluded that government policies are the main cause behind the declining admissions in government schools. Private schools are dividing society on the basis of class, caste and community. There is no control on Private schools by the government since most of the promoters of these schools are politicians only. It is not correct to blame the parents since the policies of the government itself are wrong. If we do not make Kannada as bread earning language then it is not possible for us to protect our mother tongue and the Government schools. Establishing and keeping only Common Schools for all the citizens is the sole solution to the

problem. These Common schools will save our society against division on the basis of class, caste and community.

PUCL Shimoga unit President Mr. T.R. Krishnappa presided over the meeting. PUCL Secretary (Shimoga) Sarjashankar Haralimata welcomed the participants; VIVEKA Secretary D.S. Shivakumar delivered the keynote address. Mr. R. Kumar gave the vote of thanks.

As a result of the pressure from writers, intellectuals and activists, the Karnataka government took back its decision to close three thousand plus government schools. But withdrawal of its decision by the government is surely a temporary one and pro-people organizations should continue their movement in this regard.

Sarjashankar Haralimata,
Secretary, PUCL Karnataka □

Intern's report:

Food Security – A Myth or Reality

(Avantika Kulshrestha, Zahra Aziz, Tünde Komoróczy)*

1) Introduction

India is a developing country. It has a lot of problems and steps are being taken to tackle them. In recent years, the battle against hunger has been placed at the centre of the development discourse in India. The fact that the no less than 440 million poor and hungry people languish at the bottom of the economic pyramid in India is a cause of great concern. In view of this, a bill known as the National Food Security Bill has been prepared by the government. The aim of the bill is that all should have a 'Right to Food.'

But the question arises – is the government legally bound to provide such a right? This has to be answered in affirmative keeping in view the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly and the

mandate of the Indian Constitution under Chapter IV under the head 'Directive Principles of the State Policy' as detailed below:

- 1 Article 47 states: "The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties."
- 2 Article 39(a) directs the State to ensure that all citizens have "the right to an adequate means of livelihood."
- 3 Article 21 states: "No person shall be deprived of his life or personal liberty except according to procedure established by law." The Supreme Court has stated that the right to life should be interpreted as a right to "live with human dignity", which includes the right to food and other basic

necessities. The order passed by the Supreme Court in the case *Francis Coralie Mullin vs. Administrator, Union Territory of Delhi* in 1981 (1 SCC 608 at 618, pr.17) clearly states: "We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing one-self in diverse forms, freely moving about and mixing and co-mingling with fellow human beings."¹ Then in the case of *Chameli Singh V State of UP* (2 SCC 549) the court in 1996 held that the fundamental right to life under article 21 of the Constitution necessarily incorporates the

right to food.

- 1 Article 25 of the Universal Declaration of Human Rights and Article 11 of the International Covenant on Economic, Social and Cultural Rights state that every person has a right to be free from hunger and malnutrition.
- 2 Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) and the General Comment 12 of the Committee on Economic, Social and Cultural Rights further elaborate the responsibilities of all State Parties to recognize the right of everyone to be free from hunger;
- 3 Further responsibilities in this regard, particularly with reference to children and women, derive from the Convention of the Rights of the Child (Articles 27.1 and 27.3) and the Convention on the Elimination of All Forms of Discrimination against Women (Article 12); recalling that in 1996, at the World Food Summit, the Government of India affirmed "the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger".

Thus, it is clear that there is a strong legal foundation for the right to food within India and can be demanded as a right.

Right to Food cases in the Supreme Court:

However, the first petition was filed by the People's Union for Civil Liberties in April 2001 to seek legal enforcement of the right to food. This case, popularly known as the Right to Food Case, has since become a rallying point for trade unions, activists, grassroots organizations and NGOs to make the right to food a justifiable right. Almost 500 affidavits have been filed by the petitioner and the respondents have passed many orders too.

Interventions by the Supreme Court

through interim orders in this case become critical. Law can be a facilitator and a catalyst in this case. In the ten years since the Right to Food Case was admitted in the Supreme Court, many milestones have been achieved, but the journey ahead is much longer than the path traversed so far.

Note: More on Supreme Court Judgments & Interim Orders can be read from the following web resource: <http://www.righttofoodindia.org/orders/interimorders.html>

2) Summary of the draft of the National Food Security Bill

In pursuance of the Government's commitment to enact National Food Security Act, the Department of Food and Public Distribution and Ministry of Consumer Affairs unveiled the draft of the bill on September 14th, 2011.

The proposed bill is divided into XIV chapters containing 42 sections and IV schedules.

The main provisions of the bill in a summarized form are mentioned below:

Chapter I: The preliminary chapter contains the title, extent, commencement and definitions of various terms used in the bill henceforth.

Chapter II: The right to receive food grains at subsidized prices by persons are divided into two categories: Priority households and General households under the Targeted Public Distribution System. In addition to this, focus is laid on providing nutritional support to pregnant and lactating mothers, children and management of child malnutrition.

Chapter III: Special groups including the destitute and homeless, emergency and disaster-affected persons would be provided subsidized meals.

Chapter IV: The bill mandates the state government to identify persons living in starvation and provide immediate relief to them.

Chapter V: The Government may also provide for food security

allowance in case of failure to supply the entitled quantities.

Chapter VI: This chapter provides that the state government is to identify priority and general households and display the list.

Chapter VII: It aims at achieving women empowerment by issuing ration cards to women of 18 years of age or above and considering them the head of the household.

Chapter VIII: The government proposes to set up a three-tier grievance redressal mechanism at district, state and national levels to ensure transparency and accountability in the system.

Chapter IX – Chapter XI: These chapters provide for obligations of Central Government, State Government and Local Authorities for Food Security.

Chapter XII: It focuses on achieving transparency and accountability through social audits and setting up of Vigilance Committees.

Chapter XIII: This chapter provides for taking steps to further advance food and nutritional security.

Chapter XIV: This miscellaneous chapter provides information about welfare schemes, penalties, power to delegate by Central & State Government, power to amend schedule, etc.

The four schedules focus on the practical policies of the government. They are summarized as under:

Schedule I: Priority Households would get monthly entitlement of 7 kg food grain per person, at Rs.3 per kg for rice, Rs.2 per kg for wheat and Rs.1 per kg for coarse grains. For general households, it is 3 kg at an issue price not exceeding 50 percent of minimum support price of wheat and coarse grains and derived minimum support price of rice.

Schedule II: The Nutritional Standards for children in the age group of 6 months to 3 years and pregnant & lactating women required to be met by providing 'Take home Rations' or cooked meal in accordance with the Integrated Child Development Services Scheme and

the Mid Day Meal Scheme is provided in this schedule.

Schedule III: According to the draft of the bill, up to 75 percent of rural population and 50 percent of urban households would be covered under the Targeted Public Distribution System.

Schedule IV: The provisions for advancing food security through revitalization of agriculture, proper procurement, storage & movement of coarse grains and reforms in the Targeted Public Distribution System are given in this schedule.

3) 'People's Union for Civil Liberties' position on the recently drafted National Security Food Bill (NFSB)

PUCL believes that the draft should be modified on the following grounds:

a) The present Public Distribution System is flawed as it leads to black marketing and hoarding of grains and fails to reduce hunger overall, and the new NFSB fails to provide any solutions to eradicate these problems;

b) Cash transfer, as an option should be dropped

c) The poverty line as a means of division of the poor should be abolished. The right to food is a basic human right, so the Public Distribution System (TPDS) should cover all Indian citizens

d) The National Food Security Bill should extend its scope from mere cereal-based PDS, or it cannot be considered a comprehensive approach aiming at ensuring food security for all.

Reasoning in support of the above grounds is discussed in detail below:

a) The PDS System

The present Public Distribution System distributes rice, wheat, sugar and kerosene to households below the poverty line. Some states also distribute cloth, exercise books, pulses and tea.

In order to get the benefits of the PDS, a family has to possess a ration card – either a below poverty

line card or an Antyodaya Anna Yojana card.

The central government's responsibility is procurement, storage, transportation and bulk allocation of food grains etc. whereas the responsibility for distributing the same to the consumers through the network of fair price shops along with identification of below the poverty line rests with the state governments.

The system has been criticized on a methodological base as far as identification of the poor, data quality and corruption, and issues of data content are concerned.

Despite the reforms suggested by the food security bill, the PDS still suffers from many loopholes.

Problems with the PDS:

1. Generally, the consumers get inferior food grains from shops.

2. Deceitful dealers replace good supplies received from the Food Corporation of India (FCI) with inferior stock.

3. Many retail shopkeepers have large number of bogus cards to sell food grains in the black market.

4. Many fair price shop (FPS) dealers resort to malpractice since they do not get adequate profit.

5. Despite the PDS, India accounts for over 400 million poor and hungry people.

6. Quantity of ration is insufficient for family consumption.

7. The quantity of ration is not based on the number of members in the family.

8. Ration depots do not display the rate list.

9. In most villages there are no ration depot and the beneficiaries have to travel 30-40 kms to get their ration in some cases.

10. Irregular and insufficient availability of ration (only once or twice in a month).

11. In many cases people Above Poverty Line (APL) have been issued Below Poverty Line (BPL) cards with the connivance of the authorities.

12. Poor infrastructure: Fair price shops suffer from poor

infrastructure. It is often just a small room, with grossly inadequate space for storage and its proper maintenance.

13. Storage facilities: Conditions in most shops are ideal for rodents and other pests.

The main problems with the PDS are the black-marketing of grains to other people who are poor but do not fall within the official below poverty line level. The grains are sold at a higher price and the dealers of the FPS gain a profit. In order to sell these grains in the black market, grains are hoarded. This results in a huge quantity of grains going waste. In a country like India, we cannot afford food in such huge quantities to go waste. The Government should focus on these problems and take steps to tackle them too.

b) Cash Transfers

A proposal laid down by the government of providing cash directly to the accounts of the General and Priority households instead of providing for grains under the Public Distribution System is a moot point within the media and policy-makers. There has been increasing chorus of belief in India that redistributive programs of the government have been relatively ineffective, that the benefits do not reach the poor, and that there is a case for introducing forms of social assistance that have so far not been tried extensively – cash transfers, being one of them. Thus, the proposal by the government suggests that the subsidy would remain the same but it would be delivered not in kind (grains and sugar) but in cash. This system has its own advantages and disadvantages and has been debated extensively in recent time.

The advantage of converting the food subsidy into cash transfers would be that it would reduce transaction costs for the government, and reduce the diversion of grains by unscrupulous officials, transporters of grain and ration shop owners into the open market to earn supernormal profits – illegally. They would provide the

resources available to households without ruining the market balance or even individual choice. In its report, 'Social Protection for a Changing India', the World Bank said, "In the medium to long term, the report recommends offering households the option of a cash transfer while continuing food-based support for specific situations such as in areas where access is an issue, for disaster relief and for specific vulnerable groups. This reform would not eliminate the need for food buffer stocks."²

This is despite the fact that cash can never take the place of food grains. Moreover, the value of cash given will deplete fast before the government revises rates in the context of ever-increasing food prices. Further, there is high possibility that cash given will be spent on drinking, gambling or other useless consumption without addressing food security. Food tends to be consumed more wisely and sparingly; cash, on the other hand, can easily be misused.³ Cash transfers will have negative effect on the production of grains. Another problem cited is that there is no guarantee that the cash transfer, as envisaged in the government draft, will be an antidote to the problems of the PDS. In the families food is purchased and provided by women. In most families, however, cash tends to be controlled by men. Besides, there is no control of the government on the prices of food grains in the market. So this would only lead towards more privatisation and empowering the private players in the market instead of helping the consumers.

Analyzing the situation of cash transfers economically, it would benefit the government and reduce their total expenditure. But it has a lot of adverse social implications as already discussed. Therefore, the government and the specialists should minutely analyze the situation before deriving any conclusion keeping all the related factors in mind. In addition to this, the government should try to improve

the existing Public Distribution System and bring within its ambit the whole population to make food security a reality.

c) Identification of the Poor

Malnutrition among India's adult population has only dropped by 3% between 1998 and 2006 and there has been no change in the share of under-weight children under three,⁴ 44% of the food grain aimed at the poor never reaches the poor⁵, high exclusion and inclusion errors through identification of the poor - are only a few of the arguments criticizing the inefficiency of the present TPDS.

However, the government in its NFSB draft still aims at maintaining a system that reaches only a selected portion of the population. According to the draft up to 75% of the rural population and up to 50% of the urban population can be covered by the TPDS⁶. PUCL believes that maximizing the percentage of the poor by law would be plausible if it was about regulating the causes of poverty and not the effects of poverty. The NFSB is aimed to be a means to reduce the poverty caused by hunger, therefore there is no point in defining the number of the poor the PDS is ready to cover and exclude the rest in advance.

Identifying the poor has already led to an exclusion of a large number in need⁷ and to the over-bureaucratization of the procedure. To be concluded from a theoretical cost/benefit analyses, the larger the portion of the society is considered to be poor, the higher the cost a bureaucratic selection requires. In India, where the government's prediction of the so-called priority households' share is at most 75%⁸, the cost of the bureaucratic selection is higher than the benefit gained.

Moreover, limiting the number of people covered by the PDS leads to a tough competition among those in need to be supported and aiming at getting on the presently called BPL list. The NFSB offers the same system by outlining the need of

publication and display of the lists of the priority and general households⁹.

d) Universalization

The National Food Security Bill should extend its scope from mere cereal-based PDS, or it cannot be considered a comprehensive approach aiming at ensuring food security for all.

As the Supreme Court defined, the right to life is a means of living a life with dignity, which "goes along with [...] bare necessities of life such as adequate nutrition",¹⁰ and it incorporates the right to food¹¹. However, according to the Eleventh Five Year Plan, the "overall per capita intake of calories and protein has declined consistently over the past 20-year period"¹², despite the implementation of the PDS and its transformation to TPDS. The report underlines that less than 30% out of 10 states' children and adolescents have protein-calorie adequacy and 70-80% of the calories of the age group of 1-18 years are derived from cereals and pulses. Still, the NFSB draft focuses on providing rice, wheat or coarse grains, not taking into consideration providing a more diverse diet for the malnourished¹³. PUCL believes that in order to reduce under-nutrition, besides food grains, consumption of fats, milk, eggs and sources of iron should also be supplied by the PDS. That means that the Public Distribution System should extend its coverage to other necessary items as well.

4) Survey Reports

A survey by our team was conducted in the slum area in Mayur Vihar, Phase I covering 40 households. Questions were asked regarding the quantity, quality and price of grains they get from the FPS, type of their ration card, the fair price shop's opening hours, their perception of cash transfers etc. A summarized report of the survey is given below: Quantity received by different cardholders based on the inputs of the people questioned is given below -

Yellow Card (Below Poverty Line)

Wheat – 32 Kg @ Rs. 5 per Kg
Rice – 13 Kg @ Rs 6.5 per Kg
Sugar – 5 Kg @ Rs 15 per Kg
Kerosene Oil – 10 Litres @ Rs. 15.5 per Litre

Red Card (Antyodaya Anna Yojna)

Wheat - 25 Kg @ Rs. 2 per Kg
Rice – 10 Kg @ Rs. 3 per Kg
Sugar – 6 Kg @ Rs. 14 per Kg
Kerosene Oil – 10 Litres @Rs. 15.5 per Litre

White Card (Above Poverty Line)

Wheat – 20 Kg @ Rs. 7 per Kg
Rice – 10 Kg @ Rs. 9 per Kg
Kerosene Oil – 10 Litres @ Rs. 15.5 per Litre

Major loopholes in the PDS system according to the opinion of the people surveyed as well as the problems encountered by them are summarized below:

1. Fair – Price Shops

According to the people we surveyed, the Fair Price Shops open for a week generally during the beginning of the month. There are no fixed timings or dates. They said that they keep calling and visiting the shops in order to find out when the grains would be available. At times, the shops close and the cardholders are told that they are late.

2. Cash transfers

When questioned about the cash transfers, 35 out of 40 people preferred to continue getting ration instead of the cash. They raised concerns such as:

- 1 Money given will not be sufficient.

- 2 Inflation will decrease the value of the cash

- 3 Money will get spent on other items instead of food

- 4 The headman of the family may spend the money on liquor

3. Quality and Quantity of grains

The quality of the grains was said to be average. The main problem was the quantity. Everybody said the grains last for only 10-15 days. According to them, the quantity of food-grains that should be given to them to be enough to last 30 days is:

Wheat – 50 Kg, Rice – 30 Kg, Sugar – 10 Kg, Kerosene Oil - 20 Litres

Along with these items, people were of the view that they should get pulses too as their cost is beyond their reach. Also, the people holding white cards (APL) demanded that sugar should also be given to them.

They also complained about how they used to get 22 Litres of kerosene oil, which has now been reduced to 10 Litres.

4. Black-Marketing

Around 10 people spoke about buying kerosene oil and grains from the black market at a higher price. For example, the oil that they get from the FPS at Rs 15.5 per litre has to be bought at Rs. 40 per litre in the black market.

5. Problems relating to ration-cards

Many ration cards have gone for renewal since 3-4 years and they have not received back the renewed cards. They are trying to follow it up. However, all their

efforts are in vain. Hence, they are unable to buy grains from the FPS.

One woman complained about her APL card not being stamped since 3 years. She said that the officials say that her card will get stamped when *the advertisement comes out on TV.*

Also, some people paid bribe money and got two ration cards for one household.

5) Concluding Remarks

On the basis of the points discussed above and the survey conducted, we are of the view that the National Food Security Bill must be comprehensive and should include supply of food items of good quality, and also aim at improvement in the distribution system, increase in the investment in the agriculture sector and rural development and healthcare.

India has the largest number of starving people in the world, which means that food security measures are urgently needed here. A well-drafted comprehensive National Food Security Bill combined with an efficient public distribution system has the potential of acting as a mechanism for eradicating hunger and malnutrition in the upcoming time. It also requires the government to have the commitment and the will to rise above politics of making hollow electoral promises, and focus on carrying out its responsibilities towards the people.

We strongly feel and recommend that the government should pass a proper National Food Security Bill. A proper implementation of such a bill will help to achieve food security in the country.

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13. http://www.righttofoodindia.org/data/right_to_food_act_data/September_2011_draft_national_food_security_bill.pdf

*Avantika Kulshrestha and Zahra Aziz, first year students of B.Com LLB from Gujarat National Law University, did Internship at PUCL; Tünde Komoróczy, volunteer work with PUCL in November 2011

J.P. Memorial Lecture-2011 organised by JP Foundation, JNU:

People's Participation and Human Development: Challenges of Reconstructing Indian Polity for a Better Tomorrow

Ravi Kiran Jain

"Nations like stars are entitled to eclipse. All is well, provided the light returns and the eclipse does not become endless night."- Victor Hugo

To be asked to give today's annual Jayaprakash Narayan Memorial Lecture sponsored by J.P. Foundation, and follow the outstanding figures, who delivered the lectures in precious years such as Dalai Lama, Justice P.B. Sawant, Prof. Madhu Dandwate, Arun Shourie and Kuldip Nayar, is a great honour. I feel humble and challenged. I also feel highly indebted to Prof. Anand Kumar presently the President of J.P. Foundation who has given me this opportunity, which I take as a privilege.

With independence on 15th August 1947, the national revolution was complete, but the social revolution had to go on. Freedom was not an end in itself, only "a means to an end." Nehru had said that it meant "the raising of the people... to higher levels and hence the general advancement of humanity." **"The first task of the Assembly"**, Nehru told the members: " was to free India through a new Constitution, to feed the starving people and to clothe the naked masses, and to give every Indian the fullest opportunity, to

develop himself according to his capacity. At present, the greatest and most important question in India is how to solve the problem of the poor and the starving... **If we cannot solve this problem soon all our paper Constitution would become useless and purposeless,"** (Constituent Assembly Debate, p. 316). In his inspiring and famous 'Tryst with Destiny' speech on the eve of Independence, Nehru reminded the country that the tasks ahead included 'the ending of poverty and ignorance and disease and inequality of opportunity.'

The Constituent Assembly was already engaged with the task of Constitution-making when we were declared independent on August 15, 1947. Mahatma Gandhi was assassinated on January 30, 1948 only within five and half months of August 15, 1947. The Assembly went on with the task of drafting a Constitution (but without Gandhi) that was to serve the goal of social revolution. The Constitution was adopted by the Constituent Assembly on November 26, 1949, and we became a Republic on January 26, 1950.

The Indian Constitution embodies many of the core values that have

been part of the Indian ethos. It has resolved to secure to all its citizens **justice, equality, liberty and fraternity**. The preamble to the Constitution of India and Directive Principles seek to establish what Mahatma Gandhi described as "The India of my Dreams":

"I shall work for an India in which the poorest shall feel that it is their country, in whose making they have an effective voice, an India in which there shall be no high class or low class of people; an India in which all communities shall live in perfect harmony. There can be no room in such an India for the curse of untouchability or the curse of intoxicating drinks and drugs. Women will enjoy the same rights as men. We shall be at peace with all the rest of the world. This is the India of my dreams."

There was a sharp difference of approach between Gandhi and Nehru. On October 5th 1945 in a letter to Jawahar Lal, Mahatma Gandhi pointed out the difference of outlook between them. Nehru and his successors adopted Nehru's ways and not those of Gandhi. Gandhi said to Nehru, "I am convinced that if India is to attain true freedom and through India world also, then sooner

or later the fact must be recognized that people would have to live in villages, and not in towns, in huts and not palaces. Crores of people will never be able to live at peace with one another in towns and palaces. The essence of what I say is that man should rest content with what are his needs and become self-sufficient. If he does not have this control, he cannot save himself. My ideal village will contain intelligent human beings. They will not live in dirt and darkness as animals. Men and women will be free and able to hold their own against anyone in the world. There will be neither plague nor cholera nor small pox: none will be idle, no one will wallow in luxury, everyone will have to contribute his quota of manual labor. Firstly, the bond that unites us is not only political work. It is immeasurably deeper and quite unbreakable. It is that I earnestly desire that in political field also should we understand each other clearly. Secondly neither of us thinks himself useless. I want to live 125 for the service of India but I must admit that I am now an old man. You are much younger in comparison and I have therefore named you as my heir. I must, however, understand my heir and my heir should understand me. Then alone shall I be content." In the concluding part of the long letter Gandhi said, "If you feel you should meet to talk over what I have written, we must arrange a meeting. You are working hard. I hope you are well I trust Indu too is fit. Blessings from BAPU." Along with achieving independence India was also partitioned. The British Parliament enacted "The Indian Independence Act, 1947," for the setting up India of two independent dominions, and it declared by Section 1 of the said Act: "As from the fifteenth day of August, nineteen hundred and forty seven years, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan." The freedom was won with this declaration but with a tragedy. There were communal riots and then there was a trek of over ten million

refugees, the Hindus fleeing from Pakistan to India and the Muslims fleeing from India to Pakistan, leaving on the way men, women and children dead, defiled and mutilated. India became Union of States. The States as they existed when we became republic had been formed largely as a result of historical accidents and circumstances. The princely states were so many that there was even disagreement as to their numbers. They were more than five hundred, by any count, and they varied very widely in terms of size and status. These States were also to be integrated and reorganized after transfer of power to us. For all these reasons, and also for the reason that Mahatma Gandhi disappeared from the scene only 14 months after the first meeting of the Constituent Assembly, Jawahar Lal Nehru and Sardar Patel succeeded in having their way to have a strong centre which we inherited from the Britishers.

We adopted a written, liberal democratic Constitution but retained the colonial administrative, police and judicial structures without recasting them to meet the changed situation. The village-based system, as a unit of social organization, *panchayats* and its cottage industries that were to provide consumer goods, food and the basic human needs, however, became a casualty. A highly centralized system, instead, came into being. The Constitution of India as initially enacted preferred Representative Democracy with a centralized system of governance. Experience of 61 years of working of the Constitution shows that Representative Democracy prevents people's participation in matters of formulation of policies and Governance. As the root meaning of the word indicates, Democracy is the "rule of the people." A Representative Democracy is not the "rule of the people."

In India, all along, development as a process has always been affected from the top down style of functioning. Naturally, along with our

freedom we had inherited a bureaucracy, which was designed by the British to rule, not to serve. The British way of doing things had always been to get things done through a government department and after independence we Indians merely continued the system. Unfortunately, we forgot that the biggest asset of India is its people. Any sensible government must learn to unleash the energy of its people and get them to perform instead of trying to get a bureaucracy to perform.

The architect of 'Operation Flood', the largest dairy development programme in the world, Dr Verghese Kurien, popularly known as the 'father of the white revolution', in his autobiography "I Too Had a Dream" published in 2004 says: "What is democracy after all? It is certainly not what it has, unfortunately, come to mean in our country: a govt. of the bureaucrats, by the bureaucrats and for the bureaucrats. This brand of democracy has no space for people. True democracy will emerge when we allow the people to manage. And only when the people begin to take control of their lives will rural development gain momentum, when goods and services produced by rural areas will get better terms of trade than goods and services produced in the cities. Only when our farmers are involved in the processes of development will they be able to command their destiny. True development is the development of women and men. What we have to recognize is that 74% of our population are rural people who depend on agriculture, and if we want our country to develop, we have to ensure that these farmers and rural people develop."

When our country fought for its freedom from the British rule, it evolved leadership of a quality that any nation anywhere in the world would have been proud of. Looking back, when Nehru took over as the first Prime Minister, people had tremendous faith in their leaders. There were stalwarts in political field and as they claimed, they made

efforts to set India on the road to social revolution. Nehru's plan of ending poverty, ignorance, diseases and inequality of opportunities could not take off 'as the first task' even during his lifetime. People had faith in him, but they had developed a sense of utmost discontent during his last days. People were highly disillusioned with the Congress regime as the problems with which we became independent continued to stare in the faces of the masses. Independence meant — independence not only from the foreign yoke, but independence from want, independence from diseases, independence from ignorance, independence from exploitation, and, in brief, sublime happiness, peace and prosperity. There were stalwarts in the Opposition also. People started looking to the alternative. The political ideology of Communists was based on western thoughts and so was Nehru's. Democratic Socialism, suited to the Indian conditions started emerging under the leadership of Acharya Narendra Dev, Dr. Ram Manohar Lohia and Jai Prakash Narayan. Discontentment against the Congress government was acquiring great momentum under their leadership.

However, the governance, with a centralized system, was going on under the leadership of Nehru. Then, as noticed by Graneville Austin in his book 'Working of A Democratic Constitution': "The early hours of 11 January 1966 brought India two ends and a beginning. The life of Jawaharlal Nehru's successor, Prime Minister Lal Bahadur Shastri ended that morning in Tashkent where he had gone to sign an agreement with Pakistan, ending the previous year's war between the two countries. Shastri's death also ended the Nehru years, for he had led the country in the Nehru tradition, even while being his own man as Prime Minister. A new era, one that would be marked by confrontation over institutional and personal power began with the arrival in the Prime Minister's office

of Nehru's daughter, Mrs. Indira Gandhi."

It started appearing in 1960s that the centralized system of governance which was adopted by Jawahar Lal and Sardar Patel was leading to the establishment of a strong bureaucratic structure day by day. The power completely slipped into the hands of bureaucracy between 1971 and 1977 as will be elaborated herein after.

It also started becoming clear that this centralized system was not fit to achieve the 'first task of the Assembly' as indicated by Nehru. Dr. Ram Manohar Lohia used to speak of *Chaukhamba Raj* (which according to Dr. Lohia would be four pillars, (i) village, (ii) district (iii) state and (iv) centre, which would be inter-dependent and inter-connected). In 1963 Dr. Ram Manohar Lohia initiated a famous debate of two and a half *annas* of 27 crore people of this country when the total population of this country was about 50 crores. Jawahar Lal Nehru said in reply that it was 6 *annas*. Till 1967 any common man could aspire to contest the election to the Lok Sabha and become a Member of Parliament. The general election scheduled for early 1967 would be the fourth since Independence, and the first since Jawahar Lal Nehru's death. The 1967 general elections cut the Congress majority in the Lok Sabha to twenty-five, It lost 264 seats in state assemblies and its majority in 8 states.

Till 1967 the elections to the Parliament and all the state Assemblies used to be held simultaneously and much money was not required to contest an election. Politics was an instrument of service. The elections used to be contested on ideologies of political parties. In the 1967 elections the Congress suffered reverses as a result of anti-Congress wave. It started becoming apparent that in the next elections, which were due in 1972, the Congress Party was bound to lose power at the Centre and in many states.

In 1969, Indira Gandhi split the Indian National Congress into two parties; the one led by Indira Gandhi came to be known as Congress (I), and the other which comprised the then stalwarts in the Congress, which came to be known as Congress (O). In 1977, the Congress (O) merged into the Janata Party and thereafter ceased to exist.

In 1971, Indira Gandhi, politically shrewd as she was, was fully able to sense the impatience in the people to remove poverty gave a deceptive slogan of "*Garibi Hatao*", delinked the parliamentary elections from the assembly surprisingly by preponing the same, which otherwise were due in 1972, dumped huge amount of money in election for her party candidates and secured a thumping majority, giving severe blow to the process of political polarisation on ideological basis. But even during that period, only a few had realized that poverty and disparity was not something which would be removed through any political jugglery of words, often used in this country to infuse illusory optimism among the poor masses by offering them such slogans (read lollypops). The hard truth is that poverty still stares in the faces of crores of hapless people of this country.

Indira Gandhi had a confrontationist strategy to concentrate power in her own hands, which led to centralization of the Centre-State relations in the executive branch under command in New Delhi. Self-evidently, essential issues of Constitutional governance underlay her actions in these confrontations. Individuals' rights were pitted against the society's needs for a social revolution, as they had been in her predecessors' time. Although politically secure from 1971 onwards as she had never been, Mrs. Gandhi moved away from Constitutionalism towards absolutism.

But at the same time between 1971 to 1977 during the personal rule of Indira Gandhi, a distribution of power of the three branches of Govt. was

gravely disturbed and a process of dominating the Parliament and weakening of the judiciary was started during this period by her. Granville Austin in *“Working a Democratic Constitution”* in Chapter 7 - *“Indira Gandhi: In context and in power”* has said:

“The executive branch came to dominate Parliament to such a degree that Parliament lost any effective identity of its own. And, authority within the executive became concentrated in the Prime minister’s office and then was exercised from Mrs Gandhi’s residence, to the exclusion of all but a few. The two branches, if still they could be called that attacked the third branch, the judiciary, intending to end its function as a co-equal branch of Government.”

She struck a grievous blow to the independence of the judiciary on April 25, 1973, the day after the Keshvanand Bharti decision of the Supreme Court, by appointing AN Ray as the new Chief Justice of India by superseding Justices Shelat, Hegde and Grover, who, by convention of seniority, were next in line for the position. It was an act of extreme centralization of power as it amounted to making the court subservient to her government. During this process of institutional decay at the hands of Mrs. Gandhi came the courageous judgement of Justice JML Sinha of the Allahabad High Court on June 12, 1975, unseating her from the Lok Sabha, which was followed by the imposition of the Emergency on June 26, 1975. The Supreme Court was to be no longer Supreme. This became apparent by the incredible order passed in the ADM Jabalpur case (during the Emergency). By the time Indira Gandhi was compelled to announce elections in 1977, the institutional decay had become complete. The task of recruiting ‘committed Judges’ in the Supreme Court and High Courts, however, remained unaccomplished which she accomplished after her re-

emergence in 1980.

The Allahabad Judgment unseating Indira Gandhi came in the wake of her political opponents led by Jayaprakash Narayan agitating against her Government. Soon after the Allahabad verdict, Jayaprakash Narayan, and a coalition of political leaders launched a massive national movement of civil disobedience to remove Mrs. Gandhi as Prime Minister. So intense was political opposition to her that not many expected Mrs. Gandhi to last long as Prime Minister. She responded by proclaiming Emergency.

During Emergency hundreds of politicians were arrested and put into jail, the Constitution was amended to suit the prime minister’s whims and fancies, laws were modified to overturn court orders, buildings were razed, people were forcibly sterilized and the press was muzzled. Those were the days when even the slightest dissent was not forgiven.

Indira Gandhi Defeated - Janata Forms a Government and Betrays the People

In January 1977, while announcing fresh elections, the Prime Minister recalled that ‘some eighteen months, our beloved country was on the brink of disaster’. The emergency had been imposed ‘because the nation was far from normal’. Now that it ‘is being nursed back to health’, elections were permissible.

When Mrs. Gandhi announced elections in 1977, the suppressed anger among the people against her burst out in the open. On 24th March 1977, two days after Mrs. Gandhi’s government had resigned and she had assumed a caretaker role, Morarji Desai took the oath as Prime Minister. “The Janata Party came to power on a wave of hyperbole, with talk of a second freedom from authoritarian rule and a resounding restoration of democracy. Almost from its first week in office, the party seemed determined to squander this good-will. It was soon noticed that in both the Centre and the States Janata ministers were grabbing the best government bungalows, raiding

the Public Works Department for air-conditioners and carpets, organizing lavish parties and weddings for their relatives, running up huge telephone and electricity bills, travelling abroad at the slightest pretext (or no pretext at all). Even traditionally anti-Congress journals were writing about the “death of idealism within Janata, of how it had so quickly become a ‘political party of the traditional type,’ its members ‘interested more and more in positions and perquisites and less and less in affecting society’”. “It was being said that while it had taken the Congress thirty years to abandon its principles, Janata had lost them within a year of its formation,” says historian Ramchandra Guha in *‘INDIA AFTER GANDHI’*. A problematic government from the beginning, the approaching end to Janata’s career became painfully apparent in June 1979 as it bled from massive defections.

“Charan Singh’s foolish Prime Ministerial ambitions came to an end on 20th August when Indira Gandhi pulled the rug from under him, apparently calculating that she could bring about the elections that would return her to office. Upon learning this, Charan Singh’s cabinet decided in emergency session not to face a vote, and Charan Singh drove to Rashtrapati Bhawan to tender the government’s resignation. He advised the President to dissolve Parliament and call elections. The Janata Party government thus could not survive on account of inherent contradictions within the political leaders, who by sheer opportunism had shared the power at the Centre,” says Granville Austin in *‘Working A Democratic Constitution’*.

Indira Gandhi’s Re-Emergence

Political corruption showed its most ugly head, with the re-emergence of Indira Gandhi, when on 3rd January 1980 Indira Gandhi’s Congress (I) defeated the Janata Party in the parliamentary election. During January 1980, Justice Bhagwati wrote a “Dear Indiraji” letter to the Prime Minister congratulating her on her re-election and praised her

“iron will”, uncanny inside and dynamic vision, great administrative capacity and ...heart which is identified with the misery of the poor and the weak.” The Justice continued, “The judicial system in our country is in a state of utter collapseWe should have a fresh and uninhibited look at it and consider what structural and jurisdictional changes are necessary...”

Given Mrs. Gandhi's past policies towards judiciary, it was a small wonder that after the emergence of Indira Gandhi in 1980, the train of events began with the Government intending to appoint Chief Justices of High Courts from outside their jurisdiction. This sequence of events led to the filing of writ petition by S.P.Gupta and many others. The Constitution Bench was presided over by Justice Bhagwati. The majority judgment in this case gave way to the Executive to appoint judges of its choice as it was held therein that in matters of appointment of the judges the executive had supremacy and not the judiciary. The unaccomplished task of having “committed judges” during 1971-77 was accomplished by Indira Gandhi with the help of this judgment. The judgment in S.P. Gupta was delivered on 30/12/1981. This view was over-ruled by the Supreme Court in SC Advocate on record case on 6.10.93. For almost 12 years the judges were appointed on the basis of their selection by the Executive. The institutional decay of the Higher Judiciary became complete. The Collegium system for appointment of judges came into being by a judgment of the Supreme Court in 1998. After this judgment the judges appointed in various High Courts during the period the Executive had the supremacy to appoint them (i.e. between 30.12.81 and 6.10.93) became senior judges in the Supreme Court and started becoming Judges of the collegiums of the Supreme Court and of various High Courts, who had a different mind-set having been chosen during the period of the supremacy of the

executive. Now appointments are being made on the recommendation of these collegiums. The net result of this is judicial corruption.

Indira Gandhi Assassinated, Rajiv Gandhi Achieves Power and V.P. Singh Challenges Him Involving Him In Bofors Gun Deal

The last day of October 1984, saw the assassination of Indira Gandhi, the first major political killing since that of Mahatma Gandhi. Rajiv Gandhi was an outsider in politics was to his advantage, as he was not having any controversies and had the reputation of a nice gentleman. He was labeled as “Mr. Clean”. Rajiv Gandhi came to power with a massive mandate in the polls held after his mother's death. There were however allegations of corruption in the Government during his regime. A challenge came to him from his erstwhile cabinet colleague V.P. Singh. As finance minister, Singh had conducted a series of raids on industrial houses accused of tax evasion. He was then shifted to Defence portfolio, and later dropped from the Cabinet altogether. Not long after wards a storm broke out over revelations that commission had been paid to middleman in a deal involving the sale of the Swedish Bofors gun to the Indian Army.

Former President of India Sri Venkataraman in his book “MY PRESIDENTIAL YEARS” made very significant and revealing observations about political corruption as follows:

“J.R.D. Tata made a courtesy call on me. We had known each other from the days when I was in the Planning Commission and had developed a mutual regard for each other. Commenting on Rajiv's statement on Bofors in Parliament, Tata said that though it was quite possible that neither Rajiv nor members of his family had received any consideration in the gun and other defence deals, it would be difficult to deny the receipt of commissions by the Congress Party. He felt that since 1980 industrialists had not been approached for political

contributions and that the general feeling among them was that the party was financed by commissions on deals.”

Dr. Verghese Kurian who made an enormous contribution to the development of rural India, with customary candor says about bureaucratic governance in “I Too Had a Dream” as follows:

“Our bureaucracy today is too bloated and therefore it is burdensome. For example, 95 per cent of the agriculture budget goes into paying staff's salaries and I would not be surprised if the remaining 5 per cent goes towards the maintenance of its jeeps. Where is the planning in that? As an interested and concerned citizen who has witnessed our planning process for the last five decades, I can see why the fruits of development today are not commensurate with the money spent.

In many ways, Rajiv Gandhi's famous statement, about only fifteen paise reaching the bottom when hundred paise are released from the top, said it all. The solution can only lie in creating democratic structures which people themselves command, instead of the bureaucracy. The place for the IAS officer is in the secretariat and not in the field. The IAS officer is basically an *aya-ram gaya-ram*. He is transferred at regular intervals and it is almost impossible for him to show commitment when he knows he is going to be transferred in a short span of time. I have never understood how, for instance, the Agriculture Secretary can be a person who does not know agriculture. Somebody who passed some competitive – exam some thirty – five years ago, is today suddenly placed in this post, when until yesterday he was, perhaps, the Law Secretary, and the day before that he was the Defense Secretary. What a strange system this is of administering the country. I am convinced that the IAS, in its present form, will have to be abolished sooner or later. There is no other

solution.

If we depend – as we have too long depended upon- on bureaucrats and politicians and not our people to deliver the goods, then there is very little that we will achieve as a nation. The bureaucrats and politicians will only become stronger.”

A Period of Globalisation, Liberalisation and Speedy Urbanisation

In 1991 when Chandrashekhar became Prime Minister he found our coffers empty. This was obviously the result of the corruption resulting from the centralized system of governance through bureaucrats. Dr. Manmohan Singh became Finance Minister in Narsimha Rao govt in 1991 and was mastermind to start the process of so called reforms and we came into the trap of IMF and the World Bank. Various governments since 1991 are committing a breach of faith by violating fundamental norms and principles on which the citizens of this country were to secure for themselves social, economic and political justice. Now the World Bank gives periodical reports. It examines our “economic performance”. Our government provides to the World Bank a free access to all its institutions and official records. The World Bank declared that it conducted studies “as per of the continuing analysis by the Bank of the economic and related conditions of our country.” (A World Bank Country Study: India Sustaining Rapid Economic Growth, July, 1997) In its so-called report “India: Reducing Poverty Accelerating Development- A World Bank Country Study” (Oxford University Press, 2000), the World Bank has suggested ways to meet ‘long-term challenges of poverty-reduction and development. It is not merely a suggestion. It is a document of our economic slavery.

One may feel aghast by a careful perusal of this report which is

revealing of the fact that all successive governments have absolutely surrendered our country’s development agenda in the hands of the World Bank. It is crystal clear by this report that now it is under the World Bank’s dictates that the issues of basic education, health, agriculture, industry, infrastructure, etc., are taken up. This report says that it was discussed with the Government of India on August 10, 1999. It runs into 260 pages and is very elaborate. It is not possible to believe that such a bulky document containing so many aspects could have been discussed only in a day. It is not mentioned in the so-called report as to who was representing the Government of India in this discussion. May be that it was only some bureaucrat. It is not merely a report, but a long-term agenda claiming to give guidelines for the governance of “We, the people of India”, and guidelines as how to reduce our poverty, improve our health, impart education to the poor, how to develop infrastructure. Now the “governance” is being done in accordance with the “guidelines” of the World Bank, and not on the Directive Principles, contained in Part IV, which according to the Constitution, are fundamental in ‘governance’ of the country. The striking characteristics of these “guidelines” is that issues that were hitherto in the domain of political system (either at the central or state level), including core governance, public sector management, transparency, accountability and so on moved to the domain of the World Bank agenda and thereby surrendering our political and economical sovereignty in the hands of the World Bank.

(To be continued in the next issue...)

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