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The efficacy of the Rule of Law is tested when basic human rights are violated, threatened, and trampled upon



The Supreme Court's observation in the Siddique Kappan and Teesta Setalvad cases reiterates the message that bail is the rule and jail is the exception

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RELIEF, AT WHAT COST?



At last bail has been granted to Siddique Kappan and Teesta Setalvad. Kappan was in jail for nearly two years; Teesta for over two months. Though Teesta walked out of the imposing gates of an Ahmedabad jail, Kappan has not been fortunate enough to do so as an Enforcement Directorate case is pending against him. The news of bail soothes the ears and comforts the hearts of those who have been agitated over the vindictiveness of the government against the two -- one a rights activist and the other a journalist. However, crucial questions beg to be answered as their arrests, and prolonged incarceration, have wider implications.

The Supreme Court's observation that every citizen has the right to free expression is a slap on the Uttar Pradesh police which arrested the journalist who was on his way to Hathras to report on the gang-rape and murder of a Dalit girl there. He was charged under the stringent Unlawful Activities (Prevention) Act (UAPA) accusing him of inciting violence. The malicious mind of the government and its police was exposed when the court told on the face of the prosecution that it has not shown anything against Kappan that was provocative. Similarly, Teesta, who was charged with forgery and criminal conspiracy related to 2002 Gujarat riots, was granted interim bail on four grounds.

The arrest and imprisonment of Kappan and Teesta bare the malevolent and mala fide intentions of the government and its agencies to foist rigorous sections of UAPA on those who are perceived to be dissenters and working against the powers-that-be. The bail and the Court's observations are a rap on the knuckles of the law-enforcing agencies who are apparently working at the behest of their masters; it is a signal to the prosecuting agencies that imprisoning people for long duration without bail is against the spirit of the law. It also speaks poorly on the judiciary that it took two years for Kappan to get bail though the prosecution could not provide any substantial evidence against him. The same is true for Teesta too.

The oral observation of the Court, as to how possession of pamphlets could be construed as one's involvement in violence or incitement to violence, has far-reaching impact on the pending cases in which scores of people are languishing in jail, without bail, for years together. In the case of late Stan Swamy, or others who are in jail, in connection with the Bhima-Koregaon case, the investigating agencies have shown possession of leaflets and letters as 'clinching' evidence against the accused. Intriguingly, in some cases, it has come to light that the agencies had surreptitiously planted those evidences on the computers of the accused.

The relief to Kappan and Teesta, though came belatedly, could become a precedent in cases in which people are jailed on 'trumped up' charges. It is a message to the judiciary at all levels that people should not be allowed to be persecuted, disallowing them bail. It is pertinent to listen to what Justice H. R Khanna, in a dissenting judgment, wrote, many years ago: "The rule of law is the accepted norm in all civilised societies. Everywhere it is identified with the liberty of the individual. It seeks to maintain a balance between the opposing notions of Individual Liberty and Public Order."

As always, we would be happy to hear your reviews, comments, and suggestions. Happy Reading!

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Editor

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POWER QUOTES



Start by doing what's necessary; then do what's possible; and suddenly you are doing the impossible.

Francis of Assisi

• • •



Let us always meet each other with smile, for the smile is the beginning of love.

Mother Teresa

• • •



Great minds discuss ideas; average minds discuss events; small minds discuss people.

Eleanor Roosevelt

• • •



The greatest glory in living lies not in never falling, but in rising every time we fall.

Nelson Mandela

• • •



Many of life's failures are people who did not realize how close they were to success when they gave up."

Thomas A. Edison

• • •



The only limit to our realization of tomorrow will be our doubts of today.

Franklin D. Roosevelt

• • •



The family is the first essential cell of human society.

Pope John XXIII

• • •



Live as if you were to die tomorrow. Learn as if you were to live forever.

Mahatma Gandhi

• • •



The best and most beautiful things in the world cannot be seen or even touched – they must be felt with the heart.

Helen Keller

• • •

Whither the Rule of Law?

The efficacy of the Rule of Law is inevitably gets tested when basic human rights are violated, threatened and trampled upon

BY **JUSTICE (RETD) ALOYSIUS AGUIAR**



“Indian democracy is safe as it is governed by the Rule of Law.” The recent statement of the Chief Justice of India, U.U. Lalit, who has a rather short tenure as the CJI, coming soon after his Bench’s order granting Interim Bail to the Human Rights Activist, Teesta Setalvad, and hauling up the Delhi High Court for the delay in taking up the hearing of her Bail Application, is reassuring.

The alacrity, however, with which Teesta was arrested by the Anti-Terrorist Squad (ATS) without following due process and thrown into prison immediately after the same Supreme Court, albeit a different Bench, made some damning ‘Observations’ about Teesta’s involvement in forgery and criminal conspiracy pertaining to the 2002 Gujarat riots; and the deliberate delay in having her Bail Application heard, resulting in her unjustified incarceration for over two months, is disconcerting.

The Chief Justice’s Bench hearing Teesta’s Bail Application pertinently noted that the police complaint against Setalvad did not cite anything more than what the Supreme Court Bench said in their verdict in the Zakia Jafri case. Teesta’s arrest and incarceration for over two months without the due process of law is one among several other glaring instances of unlawful detention causing the citi-

zenry to raise serious concerns about the existence of the Rule of Law in the Country.

The concept of the Rule of Law has evolved over the centuries and can trace its origins to the Magna Carta, or the Great Charter that was extracted by the Barons from King John of England at Runnymede, a meadow by the river Thames, near Windsor, on 15th June 1215. It was to make peace between the unpopular King and a group of rebel barons. Among other rights conceded by the king, the Charter promised protection of the barons from illegal imprisonment and access to swift justice.

The Great Charter of Liberties or the Magna Carta Liberatum was the first and most enduring Statement of Rights of ‘Freeborn Englishmen’. The Charter is revered for its protection against arbitrary imprisonment and seizure of property without due process of law. It established the Principle that everyone is subject to the Law, even the King, and guarantees the rights of individuals, the right to Justice and

Sadly, even the Supreme Court gave legitimacy to the emergency powers assumed by the Government by its judgment in ADM Jabalpur holding “during an emergency, an Order of Detention, even if proved to have been passed ‘malafide,’ could not be challenged in a Court”

the right to a fair trial. The Magna Carta established the Rule of law.

By declaring the Sovereign to be subject to the Rule of Law and documenting the liberties held by 'Freemen', the Magna Carta provided the foundation of individual rights in Anglo-American jurisprudence. Thomas Jefferson in his Declaration of the American Independence 1776, declared: "We hold these truths to be self evident: that all men are treated equal; that they are endowed by the Creator with certain inalienable rights; that among these are Life, Liberty and the pursuit of happiness."

Ten years after the Declaration of the American Independence, the French Revolution echoed Thomas Jefferson with its cry of 'Liberty, Equality and Fraternity.

On 26th November 1949, We the People of India gave ourselves a Constitution making India a Sovereign Democratic Republic; and on that day Dr. Ambedkar, one of the main Architects of the Constitution, reverberated the words of Thomas Jefferson's Declaration of the American Independence, 1776.

Free India had, by and large, enjoyed the Liberties and Freedoms that freemen enjoyed under the Magna Carta till these Rights came to be severely curtailed during the 'Emergency' declared by then Prime Minister Indira Gandhi.

The Proclamation of the Emergency was issued under Article 352 (1) of the Constitution on the ground that the security of the State was threatened by 'internal disturbances'. As a consequence, the basic freedoms guaranteed by Article 19, including freedom of expression and freedom of the Press, got suspended under Article 358.

On 27th June 1975, a Presidential Order was issued under Article 359 suspending the right to move any Court for the enforcement of the Fundamental Rights under Articles 14, 21 and 22 of the Constitution.

By the Constitution (38th Amendment) Act 1975 and the Constitution (42nd Amendment) Act 1976,



the powers of the Judiciary were severely curtailed. Judicial Review was sought to be excluded in various ways, such as Declaration of Emergency and President's Rule in the States and transfer of 'inconvenient' Judges from one State to another. In effect the Rule of Law stood suspended.

Sadly, even the Supreme Court gave legitimacy to the emergency powers assumed by the Government by its judgment in ADM Jabalpur holding "during an emergency, an Order of Detention, even if proved to have been passed 'malafide,' could not be challenged in a Court".

In some subsequent judgments too, the Supreme Court held 'even the conditions of detention, howsoever inhuman, irrational and without authority of

Teesta's arrest and incarceration for over two months without the due process of law is one among several other glaring instances of unlawful detention causing the citizenry to raise serious concerns about the existence of the Rule of Law in the Country

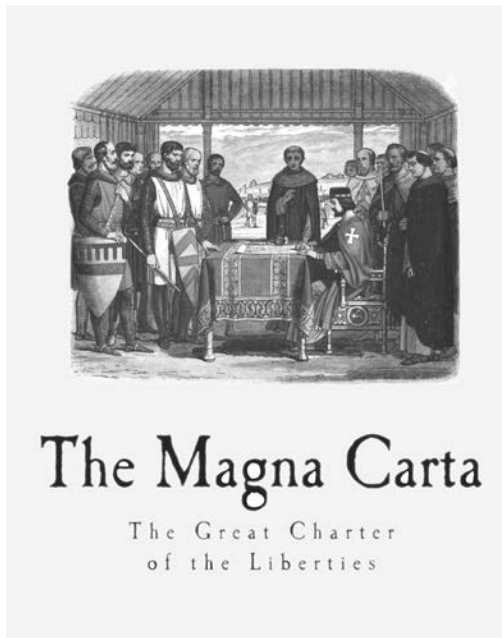
Law, cannot be redressed by the Courts'.

Justice H.R. Khanna delivering the lone dissenting judgment in ADM Jabalpur encapsulated the essence of the Rule of Law, holding "the Rule of Law is the antithesis of arbitrariness. The Rule of Law is the accepted norm in all civilised societies. Everywhere it is identified with the liberty of the individual. It seeks to maintain a balance between the opposing notions of Individual Liberty and Public Order."

It was only after a new government was installed at the Centre that the Constitution (44th Amendment) Act 1978 came to be passed neutralizing the effect of the controversial decisions of the Emergency period. By the 44th Amendment Act, Article 21 which guarantees the Right to Life and Personal Liberty was made not liable to suspension, even in an Emergency. The Rule of Law was thus restored.

The Rule of law is not an abstract rule existing in a vacuum; its existence must be seen in the context of the social, civil, political, economic and even religious milieu in which we live. The efficacy of the Rule of Law therefore inevitably gets tested when basic human rights are violated; when such rights are threatened and trampled upon by the powers that be; and by persons in dominant positions interested only in protecting their powers, and the structures of an unjust society in which they thrive.

There is a fundamental difference between the Law and the Rule of Law. While the Law which includes constitutionally guaranteed Rights prevails in normal times; it may be suspended in times of National disturbances. But the Rule of Law must prevail notwithstanding the emergent circum-



The Magna Carta

The Great Charter
of the Liberties

stances. That is because the Law is not perfect; and it is only the Rule of Law exercised by an independent Judiciary that can ensure Justice to an Individual against the excesses of State Action.

Over the last few years 'Free India' has been witnessing a decline in the Rule of Law; and one seems to get the impression that we are reliving the dark days of the Emergency when fear of loss of Life, Liberty and property stalked the land. Several persons have been thrown into prison and kept incarcerated for years without trial on the specious plea of

danger to the security of the State, their only crime.

On the other hand, we find no action or very little action taken against the perpetrators of heinous crimes and other egregious acts affecting the basic human rights of their less fortunate brethren. The mob lynching of those suspected of dealing in cow meat and the call for genocide of a minority community by the leaders of the Dharam Sansad, are glaring examples of the law being administered with an uneven hand.

This becomes abundantly clear from the recent release from prison, on remittance of sentence, of the eleven persons convicted of the most heinous of human rights offences in the Bilkis Bano case. The Government has justified its action as having followed the due process of law as required under the relevant provisions of the Code of Criminal Procedure.

The veneration of legality sought to be given to the process of remission of sentence to the eleven convicts, cannot blind one to the irony that the violators of basic human rights of others and perpetrators of the most heinous of crimes have been granted protection of their 'Human Rights' and set free by the law. Would it be surprising, therefore, if right thinking men and women ask the question: "whether the Rule of Law?" ©

ABOUT THE AUTHOR

ALOYSIUS AGUIAR is former Judge, Bombay High Court



Bail, Not Jail

“Bail, not jail” has not only been a dictum but a guiding principle of ‘justice for all’. The denial to grant bail deprives individuals of liberty by confining them in jails without trial and conviction

BY **CEDRIC PRAKASH**

Two high-profile pleas for bail came up for hearing recently in the Supreme Court: one was from Teesta Setalvad and the other from Siddique Kappan. Both hearings were presided over by the Chief Justice of India, U. U. Lalit.

On Friday, September 2, a three-member Bench of the Supreme Court granted interim bail to Teesta Setalvad who was accused by the Gujarat Police for fabricating documents to apparently implicate some government functionaries in the Gujarat Carnage of 2002. It is an undisputable fact that Teesta worked relentlessly and selflessly to bring justice to the victim-survivors of that carnage.

On June 25, Teesta was taken into custody from her residence in Mumbai by the Gujarat Police and brought by road to Ahmedabad. She was later charged with criminal conspiracy, forgery and other Sections of the IPC on the basis of an FIR. On July 30, Setalvad was denied bail by an Ahmedabad judge. She later appealed to the Gujarat High Court which posted her appeal for hearing on September 19. She moved the Apex Court against the Ahmedabad court’s order and the Gujarat High Court’s decision



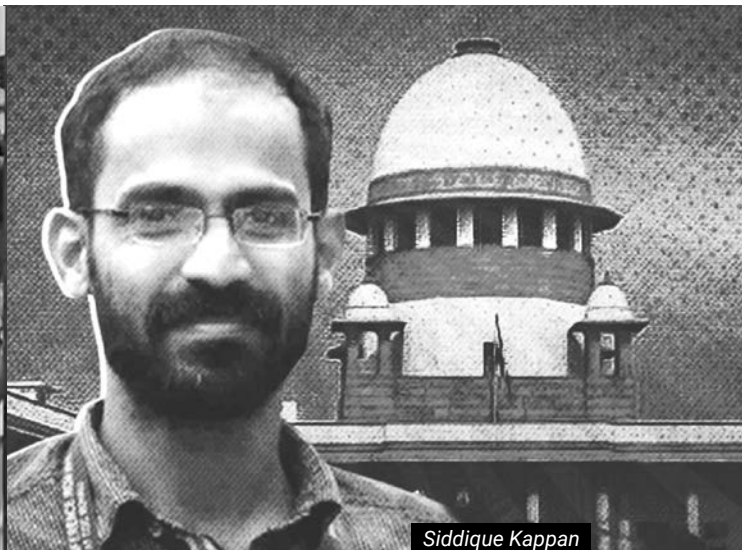
to give “an extremely long date in a matter which is about personal liberty”.

Teesta was incarcerated for 70 days (seven in police custody and 63 days in the Sabarmati Central Prison in Ahmedabad). The order which gave her the interim bail states, “we are presently considering the matter only from the standpoint whether during the pendency of such application, custody of the appellant can be insisted upon or whether she can be granted the relief of interim bail. Having considered the circumstances on record, in our view,

“Every person has a right to free expression. He (Kappan) is trying to show that the victim needs justice and to raise a common voice. Will this be a crime in the eyes of the law?”



Teesta Setalvad



Siddique Kappan



Krishna Iyer made justice more humane

the High Court ought to have considered the prayer for release of the appellant on interim bail during the pendency of the matter. The essential ingredients of the investigation including the custodial interrogation having been completed, the relief of interim bail till the matter was considered by the High Court was certainly made out." Teesta's application for regular bail will come up for hearing on September 19 in the Gujarat High Court.

On September 9, Kerala journalist Siddique Kappan was also granted bail by the Supreme Court. Kappan was arrested in October 2020 and has been languishing in jail ever since that time: 23 months! He was arrested while on his way from Delhi, to report from Uttar Pradesh's Hathras, where a Dalit teenager was gang-raped by 'upper' caste men; the girl died later. Kappan was booked under Sections 124A (sedition), 153A (for promoting enmity between groups) and 295A (outraging religious feelings) of the

Most of those languishing in jails are from the poorer and vulnerable sections of society: this is for the simple reason that they do not have the resources to ensure that they get justice

Indian Penal Code, Sections 14 and 17 of Unlawful Activities (Prevention) Act, Sections 65, 72 and 76 of the Information Technology Act.

While granting Kappan bail, the Supreme Court said, "Every person has a right to free expression. He (Kappan) is trying to show that the victim needs justice and to raise a common voice. Will this be a crime in the eyes of the law?" The Bench also observed that, the literature found in Kappan's possession at the time of his arrest, while he was going to Hathras two years ago, was not at all provocative.

However, though Kappan was granted bail in the UAPA case, he will remain in jail since he is yet to get bail in a case under the Prevention of Money Laundering Act filed by the Directorate of Enforcement against him.

Earlier, in August, a division bench of the Allahabad High Court granted bail to Mohammad Alam, a cab driver from Delhi, who was arrested along with Kappan stating, "on the basis of material available on record up to this stage, there appears no reasonable ground for believing that the accusation against the appellant are prima facie, true. Prima facie, there appears no complicity and involvement of the appellant with the terrorist activities or any other activity against the nation."

"Bail, not jail!" has not only been a dictum but a guiding principle of 'justice for all'. It was the well-known Supreme Court Judge V.R. Krishna Iyer who



in 1977 penned those famous words while granting bail in a two-page order to a 27-year-old man from Rajasthan. Little did Justice Krishna Iyer know that he had penned down twelve immortal words which would go on to become a landmark principle of criminal jurisprudence in India. He said, “*the basic rule may perhaps be tersely put as bail, not jail*” This has since then been popularly paraphrased as the rule of “bail, not jail”. Interestingly the Citizen’s Tribunal which Teesta Setalvad laboured so much for in the pursuit of justice for the victims of the 2002 Gujarat Carnage, was headed by none other than the same Justice V.R. Krishna Iyer!

Granting of bail, therefore, is fundamental for justice. The denial to grant bail deprives individuals of liberty by confining them in jails without trial and conviction. The power to grant bail is a discretionary power vested in judges and it is meant to be exercised liberally. The Supreme Court has consistently reiterated the dictum popularised by Justice Iyer that, “*bail is the rule, jail is an exception*”. The primary purpose of bail is to ensure the accused person’s compliance with investigation, and subsequent presence at the trial if they are released after arrest.

At present, the power to grant bail is exercised sparingly and very selectively. Subordinate courts routinely reject bail for specific offences like minor excise offences. It is pertinent to note that a majority of those arrested under excise laws belong to marginalised and minority communities. Without grant of bail by the lower courts, the accused persons are required to approach the High Court or the Supreme Court. Consequently, most accused persons remain incarcerated as undertrials for extended periods of time. Two-thirds of India’s prison population comprise undertrials from Dalit, Adivasi and Other Backward Classes communities, often accused of minor offences.

The India Justice Report 2022, released recently, observes that eight out of ten prisoners across India were awaiting trial in 2021; out of the 5.54 lakh prisoners in India, 77% or 4.27 lakh were undertrials. “Delhi’s prisons house 91% undertrials, i.e., 9 out of 10 prisoners await completion of their trial.” The Report added that 24,033 undertrials have been in jails for three to five years, while 11,490 have been confined for over five years. Uttar Pradesh and Maharashtra had the highest number in this context. Out of the total undertrials in the country, 21.08% belonged to Scheduled Caste, 9.88% to Scheduled



Supreme Court judge Dhananjaya Y Chandrachud on Saturday told judicial officers from across the country, exhorting them to stick to the principle of “bail, not jail” as a cardinal rule for the criminal justice system

Tribes and 18% were Muslims. A pathetic state of affairs!

Most of those languishing in jails are from the poorer and vulnerable sections of society: this is for the simple reason that they do not have the resources to ensure that they get justice. There are also very arbitrary and discriminatory practices in the granting of bail. While a Nupur Sharma and an Arnab Goswami can easily get bail with the Courts speaking about their ‘personal liberty’, the same yardstick is not applied to thousands of others; these include those who take on the Government, human rights defenders, journalists who expose the malaise in the system by taking on the powerful. There is the classic Bhima Koregaon conspiracy case: Sudha Bharadwaj and Varavara Rao are out on bail after many years of incarceration; twelve others are still languishing in prisons for years now. In July 2021, Fr

The India Justice Report 2022, released recently, observes that eight out of ten prisoners across India were awaiting trial in 2021; out of the 5.54 lakh prisoners in India, 77% or 4.27 lakh were undertrials

Stan Swamy died while still in custody -- his death is regarded as an institutional murder.

Justice Dhananjaya Y Chandrachud of the Supreme Court will take over as the next CJI in less than a couple of months from now. On July 20, he headed the Bench, which granted bail to Alt News co-founder Mohammed Zubair after his incarceration for almost a month in connection with a spate of criminal cases lodged against the fact-checker over his old tweets. Justice Chandrachud wrote in the order that he had regretted that Zubair got “trapped in a vicious cycle of the criminal process where the process has itself become the punishment,” and added that individuals must not be punished solely on the basis of allegations and without a fair trial.

Ten days later on July 30, Justice Chandrachud addressed 1,200 officers from district judiciaries at the first all-India district legal services authorities meet. He exhorted the officers to stick to the principle of “*bail, not jail*” as a cardinal rule for the criminal justice system. Emphasising that “deprivation of liberty for even a single day, is a day too many,” Justice Chandrachud urged judges to expedite hearings of bail pleas and improve the quality of justice being dispensed. He pointed out that it has become one of the most potent criticisms of the judiciary and its track record in upholding constitutional principles of liberty. He went on to add: “The oft-cited rule ‘bail, not jail’ is one of the most fundamental rules of the criminal justice system. Yet, in practice, the number of undertrials languishing in prisons in India reflects a paradoxical situation. Deprivation of liberty for even a single day, is a day too many...the



judiciary’s commitment to the constitutional promise of personal liberty has to be bolstered in two significant ways – first, by addressing the quantitative delay in disposing of criminal matters, particularly bail petitions; and second, by improving the quality of justice that is dispensed by courts...What is the value of the rich jurisprudence developed by the Supreme Court since the independence of our nation to preserve and protect the liberty of each individual, if that does not come to the aid of the individual at the grass-root level? There is also a brooding sense of fear among courts of the first instance on how the grant of anticipatory bail or bail will be perceived at higher levels. This results in either rejection of bail or grant of bail on extremely onerous conditions – both of which, are undesirable outcome.”

These challenging and visionary statements are bound to re-echo when he presides over the Apex Court shortly. It is left, however, to be seen if he is able to translate these lofty words into substantial action -- particularly in the lower courts. Until justice becomes a reality, citizens of India should leave no stone unturned to ensure that. The recent bails given to Teesta and Siddique are pointers in the right direction. We must ensure that bail is given to many more -- particularly those who have had the courage to stand up to a fascist regime -- only then we will be able to prevent our nation from turning entirely into a police state. ©

The recent bails given to Teesta and Siddique are pointers in the right direction. We must ensure that bail is given to many more -- particularly those who have had the courage to stand up to a fascist regime

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Chotanagpur Church to celebrate World Day of Migrants, Refugees



Distress migration from the east-central Indian region has prompted a Jesuit network to join the Latin rite bishops to organize programs to educate Church people about the exploitation of poor tribal people.

A meeting organized by the Central Zone of the Migrants' Assistance Information Network and the Commission for Migrants of Conference of Catholic Bishops of India (CCBI) has observed that thousands of tribals leave villages in Jharkhand and Chotanagpur areas to work in cities and other states in the country. Their migration saw an increase year because of agriculture failure because of a drought, said the organizers of the September 10 meeting at Manresa House, the Jesuit provincial house in Ranchi, the capital of Jharkhand state. The meeting has decided to celebrate the World Day of Migrants and Refugees on September 25 in all parishes and religious congregations in the region to create awareness about the distressing migration of poor tribal people from the region.

The Vatican section of the Migrants and Refugees have been organizing the World Day of Migrants and Refugees on the last Sunday of September.

The message of Pope Francis for this year's World Day of Migrants and Refugees is "Building the Future with Migrants and Refugees." In his message the Pope explains that people cannot think of building a future that is not inclusive. "We are all called to commit ourselves to building a future based on a new global system that better responds to God's plan, a world where everyone can live in peace and prosperity."

The network is initiated by the Jesuits in India as a helpline service for the migrants who are in distress and difficulties. They can contact and avail the service through the network of the congregation in 14 states

of India. The CCBI commission that functions through 14 regional bishops' councils in various parts of India is set to collaborate and strengthen the Jesuit initiatives. The commission through parishes and diocesan commission for migrants has made arrangements to collect data of the migrants who leave villages and accompany them to ensure safe migration en route as well as at the destinations, says Father Jaison Vadassery, executive secretary of the commission.

"The bishops of the region of Jharkhand are ready to cooperate with the mission of the Church in the service of migrants. The Church has the responsibility to ensure dignity and rights to each migrant who leaves their family to evade the distress situation due to poverty at home," he added. Father Vadassery has met the Ranchi Archbishop and other bishops in the region to discuss the need to create awareness on the opportunities and problems associated with the distress migration. He also stressed the need to create systems and structures in dioceses and religious congregations and enhance their capacity to respond to the pastoral needs of the migrants, refugees, international students, and other uprooted sections of society.

He also called for more cooperation and network with migrants' programs of the ecclesiastical bodies, Catholic religious orders of priests, brothers and sisters and other faith-based organizations for the effective engagement in the field.

The meeting also planned to facilitate the training of priests, religious and lay persons who can work together as a team to accompany, train, motivate, animate and promote the welfare and development of the migrants and other vulnerable sections. ©

(Courtesy: Mattersindia)

Show the Law

First, Show the Person!

It is easy to rename a road a thousand times but difficult to remove the colonial mindset that sees the rebel as unworthy of a dignified life and should, therefore, rot in jail

BY **A.J. PHILIP**

A relative was granted unconditional bail by the CBI judge on the first day the case came up before her. The case was that he “received” two Rs 500 notes as bribe. Those in the judge’s office demanded a bribe of Rs 2500 to prepare the order for his release immediately without which he would have stayed in the jail for three more days. To cut the story short, I was happy to receive him when he was released the same evening.

For once I realised that a humble stenographer could be more powerful than a mighty judge. He knew that if the judgement was not typed and the judge’s signature not obtained in time, the release order would not reach the jail in time.

Under a British-era law, prisoners were not released after sunset. The stenographer also knew that time was of the essence as the next day was a holiday, succeeded by Saturday and Sunday.



I remembered this incident in the context of the Siddique Kappan case in which despite getting bail from the Supreme Court, the Kerala journalist remained in jail. The crime he committed was that he went to Hathras in Uttar Pradesh to report the gang-rape and “murder” of a 19-year-old

Dalit woman. Usually, journalists are punished for what they report or write. In his case, he was arrested on the way and he has remained in jail so far.

I got a very clear idea of the baselessness of the charges against Kappan when the prosecution failed to answer clearly and convincingly the series of questions the Supreme Court judges asked him when the bail application came up for hearing. An RSS leader, who wants Kappan to remain in jail for as long as possible, tweeted that the prosecutor was not in “form” that day.

It is the same Supreme Court which had been



Everyone has right to free expression says Supreme Court to UP government

asking Kappan's lawyers to seek bail from the lower court in Uttar Pradesh. Why is he in jail even after getting bail? While ordering his release, based on the SC decision, a local court in Lucknow imposed additional conditions for his release. He should produce two sureties of Rs 1 lakh each and a personal bond of the same amount.

What's worse, the sureties should be by two residents of Lucknow. It was a tall order for the Kerala journalist who does not have any connections worth the name in the state, as is clear from the fact that he has been languishing in jail for more than two years. My hope that he would get bail was dashed to the ground when I read that he would remain in jail till he got bail in another case against him being investigated by the Enforcement Directorate. His struggle for bail will have to begin again.

On September 13, Umar Khalid completed two years in jail. Once, I visited Shaheenbagh where women were protesting against the new citizenship law that discriminated against Muslims. Khalid was addressing the women that day. I heard him speak for a while. He spoke from the heart and it made an impact on the people present. Let me add, my knowledge of Urdu and colloquial Hindi was not sufficient to follow him.

Recently, I read Khalid's open reply to an open letter he received in jail. He wrote about how he was subjected to a media trial in which truth became the casualty. He is accused of trying to instigate the riots in northeast Delhi. I had visited the area after the riots and had done a column. The fact of the matter is that an overwhelming majority of the victims were Muslims. How could Khalid even think of organising

There is increasing evidence that institutions and individuals holding power tend to reflect the mood of the ruling dispensation. If some judges see the Places of Worship Act, 1991, as an example of William Blake's "one law for the lion and the ox" they can't be blamed



Umar Khalid

a riot which will harm his own community?

The police know that whatever be the size of his case file – 11,000 pages – such cooked-up charges will not stand judicial scrutiny. The effort, therefore, is to keep the Kappans and Khalids in jail for as long as possible. While renaming Rajpath, which was Kingsway during the British period, as Kartavya Path (Path of Duty), Prime Minister Narendra Modi claimed that the last vestiges of the British era have been erased. Two days later, he ordered the national flag to fly at half mast to mourn the death of Queen Elizabeth!

I wish Modi was more truthful. Students of history know that the worst law enacted by the British was the Anarchical and Revolutionary Crimes Act of 1919, known popularly as the Rowlatt Act, named after Sir Sidney Rowlatt. Under the Act, anyone suspected of having terrorist links or inclinations, could be detained without trial. Do you know how long? For a maximum of two years.

Under the Rowlatt Act, both Kappan and Khalid would have been released once they completed two years of detention. However, there are laws in our statute that would not grant freedom even to a person like Stan Swamy who spent his life with the tribals and was judiciously done to death. It is easy to rename a road a thousand times but difficult to remove the colonial mindset that sees the rebel as unworthy of a dignified life and should, therefore, rot in jail.

Something in Khalid's letter made me a little happy. In jail, he quit smoking. He also ended his mobile addiction, the urge to check social media every now and then. Instead, he has been able to read dozens of books, including fiction, that will keep him sane.

I have in my possession an autobiographical book written by a “jailbird” in the US who was released after nearly 30 years. He had got so used to jail life that he had adjustment problems when he was released.

Khalid wonders if he would have such a problem if he is released now. He thinks that it is because he is a Muslim that he is treated in this manner. He is not that right. Recently, a police officer, who was part of the High Court-appointed Special Investigation Team that had concluded in 2011 that 19-year-old Ishrat Jahan along with Javed Shaikh alias Pranesh Pillai, Amjadali Akbarali Rana and Zeeshan Johar were killed in a staged encounter with security forces on the outskirts of Ahmedabad on June 15, 2004, was dismissed from service.

He is Satish Chandra Verma, who can spend the rest of his life fighting against the Home Ministry order dismissing him from service. Meanwhile, he will not even be entitled to his pension and other pecuniary benefits. As I read about him, I remembered Gopinathan Pillai (78), father of Javed Shaikh, from Nooranad in Alappuzha district in Kerala, who wanted justice for his son, who converted for love, not hatred.

Verma is luckier than former Director-General of Police R B Sreekumar, who is in jail as he and others like Teesta Setalvad – now on interim bail – are responsible for keeping “the pot boiling” over the past 16 years and “need to be in the dock and proceeded with in accordance with law.” Do these words send shivers down the spine of those who feel that injustice is intolerable? They are the words of the apex court. Yes, it is a crime to fight for justice!

It needs to be pointed out that the 1991 Places of Worship Act was enacted mainly to prevent converting Varanasi and Mathura into another Ayodhya

I began this column mentioning how a stenographer proved more powerful than his boss. That necessitates telling an apocryphal story. A king was tired of receiving complaints about one of his officials, who extracted money from the people on one pretext or another. The king transferred him from his position of power. He was asked to spend his time on the beach counting the waves.

He hit upon an idea. He stopped fishermen from going out to the sea for fishing as it would break the waves. How would he correctly count the waves? Soon, the fishermen started paying him bribes to let them fish in the deep sea. The poor king did not know the resourcefulness of a humble government servant.

In 1991, the Narasimha Rao government enacted what is known as the Places of Worship Act. Under this law, the status of all mosques and temples was frozen as on August 15, 1947. Of course, the Babri Masjid was exempted from the Act to allow the two sides to reach a negotiated settlement on its status. In any case, litigation had been going on about the status of the masjid.

The Act declared “that all suits, appeals or any other proceedings regarding converting the character of a place of worship, which are pending before any court or authority on August 15, 1947, will abate as soon as the law comes into force.” No further legal proceedings can be instituted. The Act also specified punishment for those violating it.

It can be said without fear of contradiction that the law had stood the test of time. In fact, the Supreme Court verdict on Ayodhya that allows the construction of a “magnificent” temple at the disputed site, which has wholly gone to the Hindus with the Muslims



Teesta Setalvad and R B Sreekumar

getting an alternative site outside of Ayodhya, pays tribute to the Act.

Let me quote an article by K. Venkataramanan in *The Hindu*: “The Supreme Court commended the enactment as one that preserved the constitutional value of secularism by not permitting the status of a place of worship to be changed.

“The state has, by enacting the law, enforced a constitutional commitment and operationalised its constitutional obligations to uphold the equality of all religions and secularism, which is a part of the basic features of the Constitution.

“It said the Places of Worship Act ‘imposes a non-derogable obligation towards enforcing our commitment to secularism.’ The court observed that ‘non-retrogression is a foundational feature of the fundamental constitutional principles, of which secularism is a core component’”.

Here it needs to be pointed out that the 1991 Places of Worship Act was enacted mainly to prevent converting Varanasi and Mathura into another Ayodhya. There were disputes about the mosques adjacent to the Shiva temple at Varanasi and the Sri Krishna temple at Mathura. Some believe that they were erected by “destroying” the temples during the reign of Emperor Aurangzeb. Be that as it may, the two have co-existed for hundreds of years!

All this did not prevent a local court in Varanasi to entertain a plea from five Hindu women that they be allowed to worship the deities on the outer wall of the masjid at Varanasi. They had the right to do so once a year. Now, they wanted to worship every day.



As usual, they also claimed that the mosque was built on the precincts of a temple.

The 1991 Act did not prevent the local judge from ordering a video-graphic survey of the mosque premises. It reportedly found an object that resembled a Shivaling, which the Muslims say was part of a fountain system that existed in the pond. When the matter reached the Supreme Court, it transferred the case to the district judge to decide the matter.

Early this week, the district judge ordered that the case filed by the five women was maintainable. This means that there will be a trial and witnesses will be called upon to give evidence for or against the claim that the object was religious. The Hindu side has celebrated the verdict as vindication of its stand that the mosque was built on the debris of a temple. The Muslim side has announced its decision to challenge the verdict in the High Court.

There is increasing evidence that institutions and individuals holding power tend to reflect the mood of the ruling dispensation. If some judges see the Places of Worship Act, 1991, as an example of William Blake’s “one law for the lion and the ox” they can’t be blamed. That is why it is a verdict by the Supreme Court that allowed the arrest and detention of persons like R.B. Sreekumar and Teesta Setalvad, whose only fault is that they tried to give voice to the voiceless. Alas, they took the side of David, against the mighty, gigantic Goliath! 🗣️

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Rajpath to Kartavya Path

The Prime Minister's overemphasis on duties to the exclusion of rights appears to be a strategy to brainwash people with high doses of nationalism and to brand advocates of human rights as anti-nationals

BY JACOB PEENIKAPARAMBIL

One of the exercises undertaken by the BJP, since it came to power in 2014, is changing the names of cities, roads, railway stations, etc. in order to erase all symbols of a composite culture and religious pluralism and to assert the dominance of a monoculture and Hindu majoritarianism. It is also part of the efforts to erase history and rewrite history or even manufacture history. Many names that had reference to Mughal period or Islam now stand changed. For example, Mughalsarai railway station was renamed as Pandit Deen Dayal Upadhyaya railway station in 2018.

On September 8, 2022, Prime Minister Narendra Modi inaugurated the newly-christened Kartavya Path, which stretches from Rashtrapati Bhavan to India Gate in Delhi and unveiled a statue of Netaji Subhas Chandra Bose at India Gate. One day prior to the inauguration, a statement issued from the Prime Minister's office stated, "It symbolizes a shift from erstwhile Rajpath being an icon of power to Kartavya Path being an example of public ownership and empowerment."

While inaugurating the Kartavya Path, the Prime Minister said, "Kingsway i.e., Rajpath, the symbol



of slavery, has become a matter of history from today and has been erased forever. Today a new history has been created in the form of 'Kartavya Path'. I congratulate all the countrymen for their freedom from yet another identity of slavery, in this Amrit Kaal of independence."

A good number of write ups and sarcastic tweets appeared in the media about the game of name-change. Trinamool Congress MP Mahua Moitra tweeted that the name, Raj Bhavan, is to be changed to *Kartavya Bhavan*, Rajdhani express into *Kartavyadhani* express and Raj Kachoris to *Kartavya Kachoris*. The term 'Raj' also refers to governance or rule. When the name Kingsway was changed after independence to Rajpath, it actually referred to rule by the people of India or India being transformed into a democracy in which the rulers are accountable to the people of India.

It is pertinent to quote what *The Indian Express* editorial wrote on the issue. The "colonial hangover" in a nation that is mostly young, embracing new technologies and facing the world more confidently, and finding its stride in the digital age, is a fading spectre better left to die on its own. It doesn't need a monument built to commemorate its passing.

Although the objective of changing the name Rajpath to Kartavya Path is to erase a symbol of slavery, the real intent appears to be a shift from the rights of citizens to duties of citizens. The Constitution of India emphasizes both the rights and duties of citizens. Articles 14 to 35 deal with six types of fundamental rights and Article 51A deals with 11 fundamental duties. The fundamental duties were added to the Constitution by the 42nd amendment in 1976.

In a democracy, protection of fundamental rights, which are in tune with





The term 'Rights' seems to have disappeared from the dictionary of the BJP and of the Prime Minister. The Prime Minister frequently speaks on duties of citizens, but not on the rights

human rights, is crucial so that the government might not encroach upon the rights of citizens. That is why the framers of the Constitution have made fundamental rights justiciable in the sense that citizens can approach the court when their fundamental rights are violated by the state and non-state actors. Hence, one of the fundamental rights is Right to Constitutional Remedies. On the other hand, fundamental duties are not justiciable.

The BJP and the Prime Minister appear to be allergic to the term 'Rights' whether the term refers to human rights or fundamental rights. The term 'Rights' seems to have disappeared from the dictionary of the BJP and of the Prime Minister. The Prime Minister frequently speaks on duties of citizens, but not on the rights. While speaking on the occasion of the 75th year of India's independence on 20th January 2022, the Prime Minister pointed out a bad habit that has entered in everyone i.e., to turn away from our duties and to give paramount importance to rights.

"During the last seventy-five years we spoke only about our rights and fought for our rights. Completely forgetting about the duties has made India weak," he lamented. He appealed to all, "We have to light a lamp in the hearts of every Indian citizen, the lamp

of duties. All of us together will make the nation progress on the path of duties so that the evils prevalent in the society will go away and the nation will touch new heights."

On January 26, while speaking from the Red Fort, the Prime Minister appealed to the people to take Five Resolutions to make the developing India into a developed nation. The fifth resolution is related to the duties of citizens. He also said that the Prime Minister and the Chief Ministers are not out of this responsibility.

A Public Interest Litigation is filed in the Supreme Court, praying the Court to make the fundamental duties justiciable. The PIL states that without fulfilling the duties the dream of an ideal nation cannot be realized. The PIL seems to have been filed by a person who shares the ideology of the BJP and the RSS.

Addressing the 28th foundation day programme of the National Human Rights Commission (NHRC) in 2021, the Prime Minister said some people see human rights violation in some incidents and not in others. He also said, "Selective behaviour is harmful to democracy" and that some people "try to dent the country's image in the name of human rights". In fact, the selective behaviour was shown by the BJP leaders by their silence and inaction, when innocent Muslims were lynched by the Hindutva mobs.

It was very unfortunate that Chairperson of NHRC, Retired Justice Arun Mishra, instead of encouraging and supporting human rights activists and organizations, used the occasion to cast aspersions on them and endorse the view of the Prime Minister. "India is one of the strongest democratic forces today and that credit goes to the citizens and leadership...It is now a norm to accuse India of human rights violation at the behest of international forces," said Justice Arun Mishra. The NHRC was created by the Parliament as an independent body to safeguard human rights from the aggression by the governments. It seems Justice Arun Mishra is not aware of the very purpose of NHRC.

Ever since the BJP came to power at the centre in 2014, there has been consistent repression of human rights activists and organizations working for the protection of human rights of the deprived sections of the society. The sixteen activists, writers and academics who were implicated in the Bhima Koregoan case and were arrested under the draconian Unlawful Activities Prevention Act (UAPA) are



advocates of human rights. Thirteen of them are still incarcerated in the overcrowded and unhygienic Indian prisons. Fr. Stan Swamy died as an undertrial prisoner. Varavara Rao is on bail on health grounds and Dr. Sudha Bharadwaj also got bail in February 2022.

All the sixteen are staunch critics of the violation of human rights by the state and non-state actors. They relentlessly supported the rights of workers, tribals and other deprived sections of society. Since many of them worked in the Maoist infested areas for the protection of the rights of Adivasis, it was easy for the government to accuse them of joining hands with the Maoists. All those who speak about Human Rights and work for protecting human rights are nicknamed as 'Tukda Tukda Gang' by the Hindutva organizations.

They have reiterated that they have nothing to do with the Bhima Koregoan violence and they are falsely accused. Some of them, including Vernon Gonsalves, are accused of a plot to kill Prime Minister Narendra Modi. Regarding this strange accusation Gonsalves has written, "The sole purpose seems to be to whip up a false narrative, favourable to the

NGOs working for the promotion and protection of human rights have been targeted by the Modi government. Amnesty International is one among them. It was compelled to close down its activities in India

current regime. Side-tracking the demands of Dalit movements to punish the Hindutva leaders and the organizations responsible for the attacks of first January 2018 on the congregation of at Bhima Koregaon can be another probable purpose."

It was reported in the media that a US-based firm Arsenal Consulting examined the hard disks of the computers of the two accused, Rona Wilson and Surendra Gadling. Its reports revealed that letters were planted in their computers using highly sophisticated malware and surveillance techniques by a third party. Hence the evidence purported to justify their arrest is highly suspicious.

NGOs working for the promotion and protection of human rights have been targeted by the Modi government. Amnesty International is one among them. It was compelled to close down its activities in India because its bank accounts had been frozen and it had been forced to lay off staff in India and suspend its campaign and research work.

A report by Ashoka University's Centre for Social Impact and Philanthropy (CSIP), in 2019, said that the Union Government cancelled 10,069 FCRA registrations in 2015 and another 4,943 in 2017, majority of which were NGOs. Choking funds to NGOs is an effective method used by the government to paralyze them. One of the main objectives of the Amendment of Foreign Contribution Regulation Act 2020 appears to be blocking funds to NGOs working for the promotion of human rights and environmental protection.

Reports of international human rights organizations like US Commission on International Religious Freedom Report 2021, Human Rights Watch's World Report 2021, Amnesty International's Report 2020 have expressed serious concern over increas-

ing violation of human rights in India. Human Rights Watch's World Report 2021 stated, "The BJP-led government had increasingly harassed, arrested, and prosecuted rights defenders, activists, journalists, students, academics, and others critical of the government and its policies." The government of India staunchly denied the allegations of violation of human rights in India.

Whatever the BJP government under the leadership of Narendra Modi does has a goal from the perspective of transforming India into a Hindu Rashtra. The BJP government doesn't want anyone to question its policies and actions, but only obey what is told to people. When the rights of people are emphasized, they will be questioning the government because it is mainly the responsibility of the government to facilitate the actualization of the fundamental rights of citizens guaranteed in the Indian Constitution.

On the contrary, he has adopted one-way communication of speaking and advising people through his monthly *Mann Ki Baat*. Many vital bills are passed in the Parliament without any discussion, reducing the Parliament into a rubber stamp. Media



is converted into a propaganda machinery of the government by adopting a carrot and stick policy.

The Prime Minister's overemphasis on duties to the exclusion of rights appears to be a strategy to brainwash people with high doses of nationalism and to brand advocates of human rights as anti-nationals. Rechristening Rajpath as Kartavya Path seems to be a symbol of the gradual eclipse of people's rights. ©

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Ignore Dream Merchants

India needs visionary leaders who can take us to the comity of developed nations; we don't need sellers of dreams who have nothing concrete to offer

BY **P. A. CHACKO**

Time was when our visionary leaders inspired us and taught us to dream dreams. They taught us to dream a better India, a united India, a democratic India, and a secular India. The leaders, who shed their sweat and blood to win our freedom, told us that it was not enough to sit on our laurels of the newly acquired freedom. There were miles to go, paths to tread and heights to climb.

Mahatma Gandhi, Jawaharlal Nehru, Vallabh-bhai Patel, B. R. Ambedkar, Jayaprakash Narayan, Lal Bahadur Shastri, Rajendra Prasad, Sarvepalli Radhakrishnan, V. P. Singh, A. B. Vajpayee, K.R. Narayanan, A. P. J. Abdul Kalam, and many others, stood tall and gave us a call to build India to make it worthy of its name. They did not stand on ceremonies! Some of them, though diminutive figures and of humble origin, did not cover it up with the glitz of a fashion ware. They considered the Constitution as the Bible of every Indian and urged every India to keep it sacrosanct and to make sure everyone benefits from it.



Dr. A.P.J. Abdul Kalam, India's eleventh President, gave us this watchword: "Dream is not what you see in sleep, dream is something that does not let you sleep." That was his clarion call because he was a gem of a visionary, who not only dreamt of a prosperous and happy India but also taught us to translate dreams into thoughts and action: "Dreams transform into thoughts, and thoughts result in action." Thus, Kalam stormed into the hearts of people and pervaded there like a murmuring breeze and a genuine guide.

Today, how many of our political leaders can we count as visionaries with a missionary zeal to inspire us with their exemplary life? How many of them can animate us to forge ahead with confidence and vigor? When my leader tells me, "Ask not for lighter burden, but pray for the miracle of a broad 56-inch chest," I feel quite uneasy and confounded.

India's economy has beaten that of Britain. But to what end? Does it help India's crores of poor nationals to live with better dreams, better facilities of



“ Dream is not that which you see while sleeping it is something that does not let you sleep ”

basic needs, better education for their children, better health facilities for their families? Or, are they to live with those rationed 'revdies' as benevolent benediction from the ruling class and as part of their dream sold to them by our self-styled national dream merchants?

How many of our unemployed can dream of a better future or are they still to live with the long-lost promise of 15 lakh from the Swiss bank yet to come after years of promise? How much can we dream of a self-reliant India when our public assets and institutions are sold out like hot cakes to crony capitalists? Is this part of the 'Make in India' dream? Someone has very well said: 'When everything is sold out, the government and the bureaucrats will have nothing to do except dream dreams and sell dreams like the Kabuliwalla.'

Why do our political leaders have to behave like windbags and teach us to chase the windmills of dreams in Don Quixote style? When our pompous leaders romp the ramp of glitz and glamour for an image-boosting exercise with their ever-changing dress code, how capable are they to listen to the cries of the poor and the agony of the unemployed?

Gas prices can go up. Those 'revdi' gas cylinders, supplied to the BPL people with much fanfare by the Modi dispensation, are getting rusty in their backyards for lack of purchasing power to get refill. Time was when Smriti Irani-led people beat empty gas cylinders and drums because Manmohan Singh government had raised gas price from Rs. 450 to Rs. 500. Today, when the gas price has scaled to Rs.1100 or more, the BJP drum-beaters have lost their steam and gone mute.

Today, India does not need dream merchants who, with their idyllic and idiotic promises, take us to the suicide point in frustration and revulsion.

We don't require dream pushers and dream agents or sales managers who promise to teleport us into an ethereal world, and themselves go back to their own plush hideouts, leaving us in the lurch



We don't require dream pushers and dream agents or sales managers who promise to teleport us into an ethereal world, and themselves go back to their own plush hideouts, leaving us in the lurch. We get the 'privilege' of being pushed into choppy waters to fend for ourselves, thanks to our visionless and short-sighted leaders.

The nation needs leaders who can travel with us, listen to us, guide us and responsibly do their duty. Only men of integrity can come anywhere near this requirement. When the leaders and politicians are mired in controversy with regard to their public performance or corruption, how can we trust them? The only time they listen to us is election time. After that they go into switch off mode. The next we see them is when they use their lung power in the Parliament or State Assembly to shout and outshout.

We have dreamt far too enough with the dreams sold to us by the present-day dream merchants with their tomfoolery or jumla-bazi. Let us not be thought of as Bollywood-Koliwood film-goers who get entranced by mesmerizing and benumbing scenes to forget for a while life's agonies. Today's generation is more intelligent than many political leaders and is capable of dreaming of throwing out lying and lynching politicians and their gangs. Time has come to deflate those dreamy and scatter-brained politicians who play games but don't govern; who divide, not unite! 🗣️

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Indian politicians fish in Punjab's Sikh-Christian 'troubles'

BY JOHN DAYAL

The situation is tense in Punjab bordering Pakistan where militant Sikh religious groups continue to put pressure on churches and prayer halls of Catholics, independent churches, and itinerant pastors working among Dalit communities in outlying western districts.

Both communities are minorities in the Hindu-majority nation, but Punjab has a large Sikh community and a tiny Christian population. At last count in 2011, Sikhs were about 57.6 percent, Hindus 38.4 percent, Muslims 1.93 percent, and Christians 1.2 percent.

Efforts at rapprochement have not picked up real traction with the National Minorities Commission actively using institutional muscle on behalf of India's ruling Bharatiya Janata Party, which was routed in the last legislative assembly elections in Punjab.

The BJP once ruled Punjab in a coalition with the Shiromani Akali Dal, representing the Sikhs, but the coalition broke up on the issue of the contentious farm laws introduced by Prime Minister Narendra Modi's government.

The farmers' protest and the long siege of the national capital New Delhi forced Modi to withdraw the laws, but it was too late. The state elec-



tions saw the Delhi-based Aam Aadmi Party (AAP) sweep the provincial polls to form a new government replacing the incumbent Congress chief minister from a Dalit community.

In its efforts to retrieve its position in Punjab – where it enjoyed support among the urban trading communities and non-Sikh

middles classes – the BJP has appointed a former police officer, Iqbal Singh Lalupura, who had 40 years ago arrested the dreaded Sikh militant Jathedar Jarnail Singh Bhindranwale, who was later killed by the army inside his hideout at the fortified Golden Temple in Amritsar.

The 1984 storming and destruction of the Akal Takht, the seat of the Sikh temporal authority, led to the assassination of then prime minister, Indira Gandhi, and the massacre of over 5,000 Sikhs in Delhi and other northern cities in October–November of that year.

The Sikhs, especially the upper caste Jats who are big farmers, have neither forgotten that bloodshed nor forgiven the Congress, which has had more reverses than successes in the state over the last 40 years.

Despite its top place as an agrarian state and its wealthy diaspora in the West, the Sikhs remain sharply divided along caste lines. The Dalits, who make common cause with the Christians and Muslim converts from the same caste origins, have built large gurdwaras for their worship and do not obey the political diktats of the upper caste groups.

The Dalit Sikhs are the core of thousands of people in Punjab turning to Christianity of all denominations. The first-generation converts have established their own churches and healing ministries to reach out into every nook and corner of the food bowl state, and people seem receptive.

Article 14, a research and news portal reports: "Home churches or small prayer halls in homes are



attracting thousands of people in Punjab, including Dalit Sikhs who do not formally convert to Christianity though they regularly attend church services.”

By some estimates, the last three years recorded a 5-10 percent rise in the number of such churches and pastors. “Now, churches in the Majha and Doaba regions are facing violent attacks as anti-Christian rhetoric spreads, fueled by the insecurities of Sikh groups and demands for a law against religious conversion,” according to Article 14.

Two major attacks have shaken the community and the state in recent weeks. Nihang leader Baba Major Singh and nearly 150 of his supporters were booked on the complaint of a pastor by Jandiala Guru Police.

Then a group of unidentified men attacked the Catholic Church of the Child Jesus in Patti, Jalandhar diocese, vandalizing the statue of the Virgin Mary and setting fire to the car of parish priest Father Thomas Poochalil. The gang held the church’s security guards at gunpoint, while others broke into the church shouting slogans.

Lalupura was supposed to be Modi’s main instrument of gaining control of the religion and community-based politics of Punjab. The highly decorated police officer has been chairman of the NCM, which for much of Modi’s rule has had no Christian member.

Lalupura has been now elevated to the BJP’s national parliamentary committee.

From June this year, Lalupura has been warning Christians against a backlash from the Nihangs, an armed group that is sworn to defend the Sikh faith and has in the past attacked the police and even moderate Sikh leaders.

It is widely believed that the NCM chairman has used his clout and proximity to the powers that be to get the Akal Takht and Gurudwara Prabhandhak Committee that manage Sikh religious places across the country, to voice opposition to the Christians.

Ironically, Lalupura and his commission, mandated to protect all religious minorities, have not uttered a single word against large-scale violence against pastors and churches in the country. The majority of cases have been reported in Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Jharkhand, and other states.

But he seems to have succeeded in dividing the Christian community. Real bishops, fake bishops, and independent pastors have made statements in the media.

The evangelical and independent churches, on the one hand, and the traditional British era churches, seem to be ranged against each other.



The most bizarre meeting was held between Akal Takht Jathedar Giani Harpreet Singh, the temporal head of the Sikh community, Bishop John Ashi, a self-styled bishop from the Anglican Church, and his relative Madhulika Joyce, who later addressed the media to repeat Sikh leader’s call to end conversions.

No one in the Punjab Christian community seems to have heard of this group.

The more formal meeting was held between a delegation led by former Church of North India Moderator Bishop P K Samantaroy of Amritsar with a Catholic presence that met with the Jathedar inside the Golden Temple premises.

As theologian Dr. Richard Howell of the Council of Evangelical Churches notes, the people of Punjab have had more than their share of tragedy, pain, and grief in the past. In the present times, it is grappling with issues of unemployment, drugs, and the fallout of an economic crisis due to the pandemic.

It is good that all communities have resolutely condemned the terrible acts of violence against churches in recent days. It is also clear that meddling or politics by religious groups or government institutions can only aggravate the situation.

The AAP government in Punjab and the BJP’s federal dispensation and its agencies must collaborate with religious communities to restore lasting peace based on friendship and amity between the people.

This is best achieved through dialogue. For this, the rule of law and constitutional guarantees are a must.

It is best left to the individual to make his or her religious choices. ©

(Courtesy: UCAN)

ABOUT THE AUTHOR

JOHN DAYAL is a veteran journalist and human rights activist.

Sants in Sex Scandals

Despite the increasing sex scandals, there is no dearth of self-styled godmen operating in the country

BY **M.L. SATYAN**

Devadasi literally means God's female servant, where according to the ancient Indian practice, young pre-pubescent girls were 'married off', 'given away' in matrimony to God or Local religious deity of the temple. These girls were not allowed to marry as they were supposedly married to the temple. Her duty was to 'serve' the priests, inmates of the temple, the Zamindars (local land lords) and other men of money and power in the town and village. The 'service' (sexual satisfaction) given to these men is considered akin to service of God. The Devadasi was dedicated to the service of the temple Deity for life and there was no escape for her. If she wanted to escape, the society never accepted her.

Devadasi system was the institutionalized exploitation of women; exploitation of Dalits, the lower class of untouchables. Inherent in this system was the fascistic belief that a certain section of women population, the lower caste, was meant to serve the 'higher caste's superior men'.

Saundatti is a small temple village in north Karnataka. It is in this village that the Devadasi tradition is still practiced. Despite the government ban, hundreds of girls are secretly dedicated to Goddess Yellamma every year. Shockingly, after the annual festival of this temple, many brothel brokers from Mumbai and other



major cities allegedly come here, buy girls (offered to Yellamma), take them and compel them to become sex workers.

The Supreme Court ordered strict laws to abolish the system in 2016. Some of the laws enacted to stop the Devadasi tradition are: Bombay Devadasi Protection Act, 1934; Prevention of Dedication Act (Madras

Devadasi) 1947; Prohibition of Dedication Act (Karnataka Devadasi), 1982; Prohibition of Dedication Act (Andhra Pradesh Devadasi), 1988; Abolition of Dedication Act (Maharashtra Devadasi), 2006 and Juvenile Justice Act 2015 (JJ Act). In spite of these laws, the Devadasi system is flourishing in India.

The Devadasis are known by different names in different areas. The system has the following challenges:

- Societal acceptance: Devadasi's devotion and consequent sexual abuse of these women are welcomed and praised by society. In addition, those keen on reporting this issue abstain from doing so out of fear of backlash.
- Inefficient awareness programs: Awareness about the Devadasi system in most rural areas of the country is absent. Even such awareness agendas fail to drive any behavioural difference within the society.
- Lack of formal action: The authorities usually fail to take action in matters of faith and do not register claims due to intimidation from society.
- Poor execution of legislation: There are different requirements under diverse regulations (ITPA, POCSO, JJ Act, IPC) that would help Devadasis. Nevertheless, there is a lack of application of all these laws.
- Health Threats: The Devadasis who are forced to become sex workers become susceptible to sexually transmitted infections like HIV/AIDS.

Inherent in the Devadasi system was the feudal-lord-temple-priest-nexus, where the priest, already having a psychological hold over the minds of simple people to the point of dictating their way of life, used his power to give 'religious sanction' to the practice



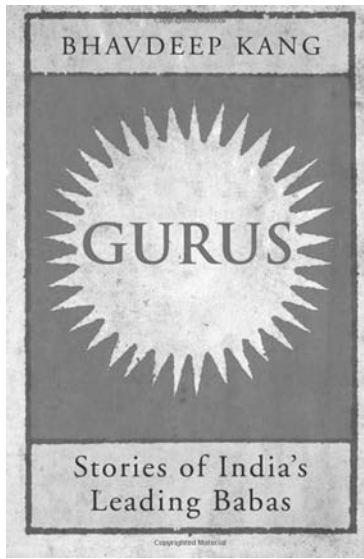
by declaring it 'sacred'. It is sad and unfortunate that the same mindset seems to be prevalent among the Swamis and Gurus. The following examples prove that the religious leaders sexually abuse women.

In Karnataka Nithyananda was known for sex scandals in his ashram. Reports claim that when the police searched his premises, they found condoms, drugs as well as other contrabands at his ashram. The law failed to punish him. With the blessings of the powers-that-be, he is now settled in his Kailasha Kingdom.

The recent one to join him is Shivamurthy Murugha Sharanaru in connection with the alleged sexual exploitation of minor girls. He is the in-charge of Muruga Mutt (Ashram) located in Chitradurga district of Karnataka. Some girl inmates of his Ashram have accused him for abusing them sexually. They all have left the Ashram. He is now facing charges under the Protection of Children against Sexual Offences (POCSO) Act and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He has been sent to judicial custody. He is alleged to have been aided by a woman warden, junior pontiff and other staff in the commission of the crimes.

Here is another case in Karnataka. A Lingayat seer was found dead at his mutt in Belagavi district of Karnataka on September 6, 2022. Basava Siddalinga Swami --seer of Sri Guru Madiwaleshwar Mutt -- was found hanging at his residence. He is a disciple of Shivamurthy Sharanaru. If reports are to be believed, the seer was upset over a video in which two women were seen discussing the alleged cases of sexual assaults of Sharanaru. In this discussion the women seem to mention the name of Siddalinga. Police have recovered a purported suicide note and an investigation is underway to ascertain the reason behind his death.

In India several notable self-styled gurus have faced criminal action or are presently lodged in various jails across the country in sexual assault cases. Asaram Bapu, a swami reportedly with millions of followers, was convicted of rape and sentenced to life-term. His son Narayan Sai too was convicted of rape and other crimes and was sentenced to life-term. Sant Rampal, another self-styled godman, too was sentenced to life in jail in a murder case. The case relates to the deaths of four women and a child.



An increasing number of so-called "spiritual gurus" or "godmen" are implicated in ghastly crimes ranging from sexual abuse to murder. Strangely, millions of Indians seem to be in thrall of these smooth-talking "godmen" who have built vast empires preying on their gullibility.

Bhavdeep Kang, author of "Gurus: Stories of India's Leading Babas", believes that godmen are rarely held accountable, least of all by their devotees. Kang says, "The centrality of the godman in the lives of their flock - as spiritual preceptor, family confidante and business advisor - creates a dependency syndrome,

making the devotee as invested in the purity of the guru as the guru himself." She reckons the self-styled gurus assume the role of counsellor, offering an answer to the dissonance and stresses of modern life, triggered by high-speed socio-economic transformation, dislocation of communities and the atomization of society.

Prabir Ghosh, general secretary of the Science and Rationalists' Association of India, believes devotees are beholden to these holy men by becoming part of the faithful. "Indians are great believers in miracles and feel that somebody can get us out of our miseries. This is the prime reason people fall for these godmen."

Starting out as small-time preachers from villages and towns in the country's rural hinterland, these so-called holy men cultivate a relationship with poor locals and over time, they acquire cult status commanding a huge following (and sometimes even political connections) to camouflage their nefarious activities. Pradeep Singh, a sociologist, says, "People everywhere in India are prone to mystics. Many fall prey to the saffron robes these godmen wear believing they are true saviours, and afterwards blind faith takes over."

Despite the increasing sex scandals and the fall from grace, there is no dearth of self-styled godmen operating in the country. Faith in the unreasonable and irrational remains firm. A lot of "awareness-building programs" need to be conducted to save the innocent, ignorant and common people from falling into the traps of the fake godmen. ©

ABOUT THE AUTHOR

ML SATYAN is an NGO Consultant and a freelance Journalist.

Safety For Seniors

Strengthen Safety Measures for the Elderly

BY AARTI

It is rather deeply depressing that crimes against senior citizens seems to be rising in the country. As many as 4,264 cases of various crimes against senior citizens were reported in 19 metropolitan cities in 2021. According to the Crime in India report for the year 2021, recently released by the National Crime Records Bureau, in 1200 murder cases involving the elderly people above 60 years, 1241 people were killed.

Among the top five states, Tamil Nadu leads the list with 191 murder cases involving the elderly where 202 people aged above 60 were killed which accounts for 11.3 percent of the total murder cases reported in the State. It is followed by Maharashtra (181 murder cases, 186 elderly killed - 7.76 percent of the total murder cases reported), Madhya Pradesh (121 murder cases, 122 elderly killed - 5.95 percent), Uttar Pradesh (101 murder cases, 103 elderly killed

- 2.71 percent) and Karnataka (85 murder cases, 87 elderly killed - 6.26 percent). For instance, Kerala has the highest percentage of the projected elderly population with 16.5 percent of its population aged above 60. Notably, 17.2 percent of the 337 murders reported in Kerala had elderly people as victims. Going by news reports, that many elderly victims are being brutally murdered and their homes are getting ransacked is a cause for serious concern. What is disconcerting is that in a number of cases, the perpetrators seem to gain the trust of their victims only with the intent to kill them. A few sensational murders of elderly people reported in the recent past given below depict the gruesome manner in which the killers achieved their objectives of financial and material gains.

In Vellore, Tamil Nadu, not long ago, an elderly couple, staying alone was killed by their 26-year-



old neighbour (who was trusted by the couple and even took part in family functions) and his accomplice, a college student. Three weeks after the gruesome murder, the police finally zeroed in on them. On the fatal night, the perpetrators visited the couple and as such, there weren't any signs of forced entry. Once inside the house, the duo overpowered the victims and killed them. The offenders then poured water, washed away their finger/foot prints and quietly sneaked out through the backdoor with their booty that included jewels, a laptop and cash. The motive behind the murder was to settle their debt of Rs 20,000/-

The sensational murder of former Union Minister Rangarajan Kumaramangalam's wife - 70-year-old Kitty at her residence last year sent shockwaves across Delhi. Kitty and a few others had offered financial and medical aid to 24-year-old Raju, a laundryman in the area who had contracted COVID. However, deep financial crisis triggered by the pandemic led him along with two accomplices (both drivers by profession) to plot and execute the murder of Kitty. The trio, said to be alcoholics, apparently needed a steady flow of money to sustain their vices and clear debts. Kitty gave Raju clothes for laundry regularly and he had free access to her house for the past five years. As Kitty wasn't keeping well, she would ask Raju to keep her laundered clothes in the cupboard. Raju reportedly told police that he knew the woman was a minister's wife and he thought she had money stored in a small detachable locker inside the cupboard, which became a source of envy that ultimately triggered him to become a murderer. Raju first went in and the door was opened by Kitty's maid and his two accomplices soon followed. After they thought the maid had been strangled the trio used a pillow to smother Kitty to death. They fled with cash, jewellery and the small



locker belonging to Kitty including a gold necklace, nose ring and earrings of the maid. Raju didn't get anything from the small locker as it had only documents. The maid after regaining consciousness about an hour later was shocked to find a lifeless Kitty on the floor and the whole room ransacked. The police were alerted soon after she called her husband and told him what had happened.

Investigation into a case of an unsuccessful attempt to loot an ATM in Vijayawada, Andhra Pradesh, led the police to two suspects. On interrogation, based on their confessions, three more persons were apprehended. During questioning it emerged that the gang, comprising of three auto drivers, a vegetable seller and a painter, all aged between 20 and 22 years claimed responsibility in killing six senior citizens in quick succession. The gang allegedly targeted elderly persons in and around Vijayawada. Taking advantage of COVID and curfew, the gang planned the killings on the belief that no one would suspect foul play, especially amid the pandemic. Further, they felt that the deceased would be buried in haste and the cause of death would be presumed to be either COVID or due to natural causes. Accordingly the gang conducted recce during day time and identified senior citizens. The houses of the identified victims were broken open during the night and the gang mercilessly smothered them to death and escaped with gold and cash. Reportedly, out of six murders, only one case was registered with the police. In other incidents, family members of the deceased did not

Community policing programmes and neighbourhood watch scheme already in vogue in some of our cities merits emulation across the nation



lodge complaints on the belief that they had died of COVID.

More recently, no sooner an elderly couple reached Chennai from California they were allegedly murdered by their Nepali driver Krishna and his friend Ravi. While Krishna, worked as a driver for about seven years, his parents worked at the deceased couple's farmhouse on Chennai's outskirts for nearly 20 years. Krishna, who was also given a room at their home, overheard a phone conversation before the couple left for the US a few weeks back about a big property sale worth Rs 40 crore. Krishna assumed the cash had been kept in the house but did not have the keys even though he was staying there. So Krishna planned to murder the couple on their return assisted by his accomplice. Unable to contact her parents, the US-based daughter asked a family friend to visit the couple who found the door of the house locked and the car missing. The Police swiftly arrested Krishna and Ravi after accessing the call data records of the deceased man's phone, which had received FastTag messages on crossing toll plaza on Chennai-Kolkata national highway and by tracing the phone location of the accused. The duo confessed killing the couple with a rounded blunt object and shifting the bodies to the farm house. Finding the locker didn't have Rs 40 crore, they took the gold (9 kg) and silver (60 kg) in it and before leaving the murder scene, the accused also took the hard

Besides police-community interface and door-to-door visits by beat staff, other initiatives like motivating senior citizens to install home security devices, employing servants and attendants only after proper police verification of their antecedents, keeping digital track of hawkers and other vendors can significantly enhance the safety and security of residential areas

disk that had been recording CCTV footage.

According to reports, during 2011 to 2021, while the general population increased by 12.4 percent, the elderly population (aged 60 and above) had risen by 35.8 percent. It is projected that while the general population in the country will grow by 8.4 percent during 2021 to 2031, the population elderly will rise by 40.5 percent. That is, India's elderly population which was 10.38 crore in 2011 including 5.28 crore males and 5.11 crore females is projected to increase to 19.38 crore in 2031 including 9.29 crore elderly males and 10.09 crore elderly females.

That many elderly couples living alone can become easy targets for unscrupulous elements, calls for concerted efforts to strengthen violence protection initiatives. Community policing programmes and neighbourhood watch scheme already in vogue in some of our cities merits emulation across the nation. Besides police-community interface and door-to-door visits by beat staff, other initiatives like motivating senior citizens to install home security devices, employing servants and attendants only after proper police verification of their antecedents, keeping digital track of hawkers and other vendors can significantly enhance the safety and security of residential areas. Above all, there is an imperative need for increased cooperation among the police and the elderly people to prevent crimes. 🗣️

Italian missionary nun killed in Mozambique

Sister Maria De Coppi, a Comboni missionary sister, was murdered by Islamist terrorists on September 6 in Mozambique, where she had served as a missionary for nearly 60 years.

The attack in which Sister Maria de Coppi, 83, was shot and killed was carried out the night of Sept. 6 in Chipene.

In the attack on the mission, which lasted five hours, the terrorists ransacked and burned the mission's church, school, health center, dwellings, library, and vehicles.

"They destroyed everything," Bishop Alberto Vera of Nacala told the pontifical charity Aid to the Church in Need.

"The attackers broke open the tabernacle and vandalised part of the sacristy, looking for whatever they could find – probably money," he added.

Mozambican president Filipe Nyusi said that "On the 6th of September, as a result of terrorist attacks, six citizens were beheaded, three kidnapped, six terrorists were captured and dozens of houses torched in the districts of Erati and Memba, Nampula province."

The terrorists were fleeing from soldiers from Mozambique, Rwanda, and the Southern African Development Community.

The Chipene mission included two Italian missionary priests, Fathers Lorenzo Barro and Loris Vignadel, and at least three foreign religious sisters: two Italians and one Spaniard. All but Sister Maria survived the attack.

The mission's boarding school was evacuated of all its 35 male students, and most of its 45 female students, according to Aid to the Church in Need.

The religious had been taking in displaced persons fleeing from Islamist terrorist groups.

The pontifical charity reported that "According to eyewitness reports ... the terrorists had arrived at the sisters' convent and forced them to leave. The other religious sisters had fled together with the girls, but Sister Maria, who was about to leave the



house, suddenly thought of the little ones who might still be in the house and came back. It was then that they shot her."

According to Corriere del Veneto, Sister Maria left a voicemail for her niece, Gabriella Bottani, shortly before her death.

In the message the nun explained to her niece that the situation had become complicated because "the group they call al-Shabaab, the insurgents, is very close."

"On Friday they attacked a place in our parish and it seems that yesterday a group

entered here, and they are very close.

It seems that they are armed, they have already kidnapped people, they have killed people. Wherever they pass, they carry out massacres," Sister Maria explained.

She then said that "all the people here are fleeing, running away. Today a Father told me that the girls from the [boarding school] should return home and that the four aspirants of the Comboni Sisters will also return to Nampula because there is danger."

"The situation is sad, very sad," the missionary continued. "All the people sleep outdoors in the forest, among the plants; those who can, go to the towns of Alua, Mazua and the centers where they are a little more protected. But many people are still sleeping outside, in the woods. It's sad," she lamented.

Sister Maria repeated several times that it's "a very sad situation" and that "everyone is escaping: nurses, priests, everyone."

"They're shooting here. We'll see each other in paradise. They are burning the house. If you don't hear from me anymore, I take the opportunity to apologize for my shortcomings and to tell you that I loved you very much. Remember me in prayer," said Sister Maria.

"I have forgiven those who will kill me," she said. "You do the same. A hug from me. ☺"

(Courtesy: Catholic News Agency)

National convention celebrates Tribal Rights' Day

BY FM BRITTO



A national convention has tried to unite tribals from various parts of India. The convention at Raipur, Chhattisgarh, marked the International Tribal Rights' Day that the UN declared on September 14, 2007.

The September 12-13 program gave hundreds of tribal people a platform to express their problems and display their unique cultures.

The Tribal Affairs Office of the Catholic Bishops' Conference of India (CBCI) was involved in organizing the program, its secretary Divine Word Father Nicholas Barla told Matters India.

Addressing the gathering, Chhattisgarh Governor Anusuiya Uikey, a tribal, expressed solidarity with them. She promised to take up "our" rights, even after relinquishing her post as she had been doing earlier.

Informing the participants that the local Congress-ruled Chhattisgarh state has restored lots of rights to the indigenous people, the governor said, "The tribal rights prescribed in the Constitution should be restored to the tribals in the country."

Hosting the tribal convention, the state government has provided a lot of facilities, she added.

The Indian Constitution has provided many rights to indigenous people. But many governments do not grant them in practice. The indigenous people fight for their very survival. Due to the influence of western culture, their unique culture is also vanishing.

The international tribals had got organized and

expressed their grievances in front of the League of Nations in 1923. It was declared in 2007 that September 13 would be celebrated every year as the International Tribal Rights' Day.

It was celebrated at Nagpur in 2017, Ranchi in 2018, Mysore in 2019, Gujarat (2020) and Dipu (2021). Every year new office-bearers are elected from various areas to work for their rights and to organize this event.

The governor also said she had been working along with President Droupadi Murmu, when she was the Jharkhand governor in solving the tribal issues. Even after becoming the president, Murmu is interested in tribal welfare, Uikey said and asked the tribal leaders to send her the unresolved issues.

India has about 705 indigenous communities with about 120 million tribals, mostly in the central and northern India, a mineral rich region. But the nature worshipers remain undeveloped despite many government reservations.

Jesuit Father Kalyan Minj, director of St Xavier's College of Education, Ambikapur, said the convention has helped unite tribals from various parts of India. "It has given them a platform to share their problems and display their unique culture," he told Matters India.

"The tribal convention has been organized since a few years to mark this date," said Father Minj, a former Jesuit provincial of the Madhya Pradesh. "It had been previously organized even in more grand

style in various parts of our country. But due to the Covid-19 restrictions since a few years it could not be properly organized.”

The tribal priest from Chhattisgarh said the convention has given the tribals a greater awakening. “It is a good move. All the tribals have come under one umbrella.”

Amarjeet Bhagat, a Chhattisgarh minister, demanded the restitution of their constitutional rights to the tribals. The minister of food, civil supplies and culture praised the Chhattisgarh government for granting many rights to the tribals, who have been suppressed in the country.

The tribal minister pointed out that reservation has helped tribals come up in education. “But they have not progressed in employment. For that the powers have to be given to the tribals in the panchayat level (village assemblies).

Bhagat bemoaned that although tribals had fought

for the national Independence, the recognition given to them was inadequate.

The convention heard tribal leaders from various regions expressing their problems, rights and ways to solve them. In between the speeches, various tribal groups presented their cultural dances.

A tribal procession was taken on September 13 morning where participants dressed in their cultural costumes and displayed their dances and rights. It began from the convention place, Deen Dayal auditorium of the city’s Science College, to the heart of the state capital city, Jai Stump Chowk, about 6 km long.

The convention began with honoring past tribal heroes such as Birsa Munda, and Durgabati Mata.

The convention ended with the participants pledging allegiance to the Indian Constitution by reciting the Preamble. ©

(Courtesy: Mattersindia)

CNI bishop arrested for alleged corruption

A protestant bishop facing charges of misappropriation of funds, forgery and cheating has been arrested and remanded in the custody of the Economic Offences Wing (EOW) for further investigations.

Bishop P. C. Singh, the moderator of the Church of North India (CNI), was arrested when he landed at the Nagpur Airport in central India, reportedly from a trip to Germany, on Sept. 12. He was shifted to Jabalpur in Madhya Pradesh state and has been remanded to four days of police custody to enable further investigations. Officials from the EOW, a special wing of the police dealing with economic offenses, said the arrest of the prelate followed a raid on his office and residence in Jabalpur on Sept. 8.

The EOW claims to have seized cash worth 16 million rupees (US\$18,352) and £118 during the raid.

Officials also seized documents related to 17 properties, 48 bank accounts of the diocese, bishop Singh and his close family members, gold and registration details of eight vehicles. Bishop Singh heads the Jabalpur diocese and also serves as the moderator of 27 dioceses under the CNI.

A day after the raid, Madhya Pradesh Chief Minister Shivraj Singh Chouhan directed the EOW to investigate if the funds were being misused for religious conversions or other illegal activities.

Vishnu Datt Sharma, president of the ruling Bharatiya Janata Party in Madhya Pradesh, said: “A probe needs to be conducted into the use of lands leased out to Christian missionaries since the colonial times to know if they are being utilized for the original purposes or for commercial and illegal activities,” he added. A CNI official, when contacted by UCA News, confirmed the seized documents were related to bank accounts and properties held by the diocese. The official, however, was at a loss for words when asked how such a large sum of cash in Indian and foreign currency was found at the residence of the bishop.

“It is quite normal for bishops to get gold ornaments as gifts from the faithful,” he said on the condition of anonymity. “I hope the bishop will be able to explain the sources of the money and other valuables found in his possession.”

The CNI owns extensive land and properties across India inherited from the Anglican Church of the British era. The CNI was formed in 1970, uniting all the Protestant churches in northern India.

After unification, the properties independently owned by the churches came under the administration of the CNI, which is now part of the worldwide Anglican Communion and a member of the World Methodist Council. © (Courtesy: UCAN)



Bob's Banter » BY ROBERT CLEMENTS

bobsbanter@gmail.com

Crossing Floors, Switching Sides..!

Not just me, but most of the world is astonished as our elected representatives switch sides!

Logically, how can they do this?

They've been elected by voters voting for a particular party and its ideology, and the representative is the collective voice of those same people, and cannot have an identity of his own, except that of the voters he represents, then how is he or she allowed to get away?

It's like wagging a dog's tail. A dog wags its tail when happy, right? So, the tail is reflective of the dog's mood. Now when the tail decides to act on its own, it is no more reflecting the mood of the dog, but just the tail itself, which makes it no more useful to the dog, which in this case, is we the voters.

Or let's take the example of a game of hockey or football. As the game progresses and the crowd watches with frenzy, the referee suddenly blows his whistle seeing a confusing muddle of players in the middle, "What's the problem?" he shouts angrily as a group of players shuffle past him and walk to the opposing half of the field.

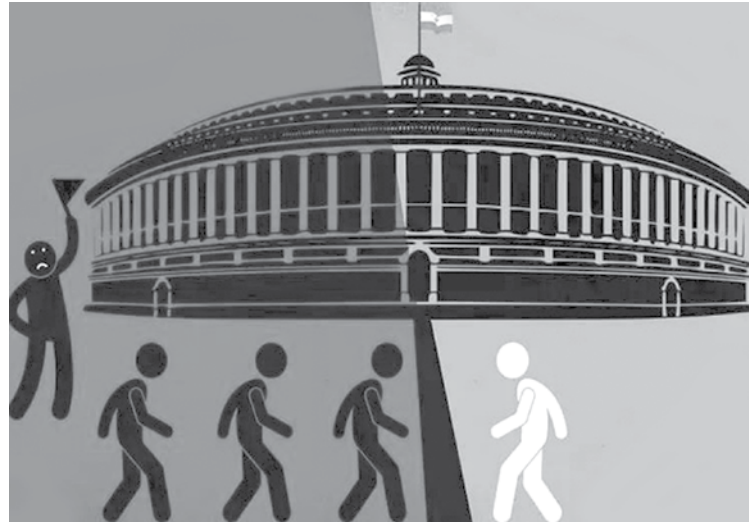
"We have decided to join the other side!" they say even as the other side cheers wildly and welcomes them to their midst even appointing one of them as a deputy captain.

At first the spectators look puzzled at the goings on and at the two or three players who still remain on the side they are supposed to be.

But the next moment there is a giant roar as angry men and women rush onto the field, and with raised fists beat up the players who have switched sides.

This has never happened in a game, but I'm sure if it ever did, this would be the end result. Not only would they beat the players who have crossed over, but also the ones on the other side who spoiled the game by luring them over.

Because that's not sport, even as what is happening today is not democracy.



It's wrong, and the only difference here is that unlike the spectators in the stadium, we don't rush in and beat the 'switchoverists'!

Knowing the wishy-washy nature of our representatives, the anti-defection law was made but even that is being skillfully bypassed.

There's only one way out, and that is, that as soon as an elected representative decides to switch sides he resigns from his post or is disqualified. Then he isn't a spokesman of his people anymore. Not a dog's tail wagging itself.

Till this happens and such a law for immediate disqualification is passed, these 'crossovers' and 'switchoverists' represent only themselves and that my dear people of India is not democracy, but some game of football or is it hockey, the world, our referee is extremely puzzled about..! ©

ABOUT THE AUTHOR

ROBERT CLEMENTS is a Newspaper Columnist, with an estimated readership of 6 million. He also conducts a short-term Writer's Course. Contact him on bobsbanter@gmail.com for more details

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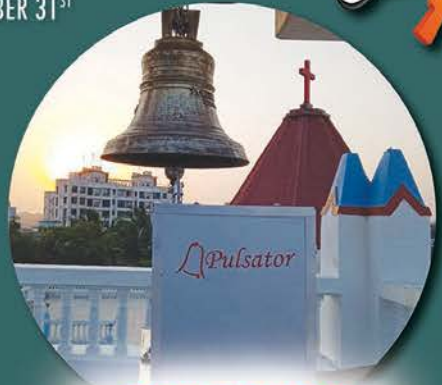
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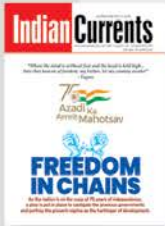
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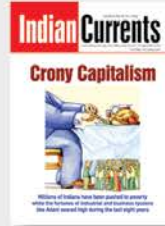
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