

PRAFUL BIDWAI COLUMN

Excellent verdict on Salwa Judum



PRAFUL BIDWAI

INDIA'S higher judiciary only rarely tells the executive to uphold Constitutional values in national security matters. The courts have never asked the army and paramilitary forces to employ strictly legal methods against separatist insurgents in Jammu and Kashmir and in the Northeast.

Even on armed police operations against Left-wing extremists in five Indian states, especially Chhattisgarh, the courts have usually adopted a hands-off attitude.

A Supreme Court judgment last week decisively breaks from such conservative thinking. It directs the government of Chhattisgarh, in central India, to disarm Special Police Officers (SPO) recruited through the state-sponsored counter-insurgency militia Salwa Judum (Rallying for Peace). It also orders the Central government to cease financially supporting SPOs and ask the Central Bureau of Investigation to inquire into Salwa Judum's recent criminal activities.

Left-wing insurgents, variously called Maoists and Naxalites, control parts of the tribal belt in India's heartland. Many high functionaries, including Prime Minister Manmohan Singh, believe the insurgency constitutes the "greatest internal security threat" to India. An unstated presumption is that excesses are inevitable but must be condoned so long as the security forces act in good faith. The verdict by Justices B.

Sudershan Reddy and Surinder Singh Nijjar rejects this reasoning.

The nearly 5,000 SPOs are "barely literate tribal youth" who are asked to undertake tasks that only members of the formal police service ought to perform, including armed raids, military-style interceptions and combat with firearms.

The SPOs were encouraged to loot and burn 600 villages suspected to have Maoist sympathisers, and rape women and kill indiscriminately. The strategy was to divide Chhattisgarh's once-cohesive, virtually classless and egalitarian Gond tribal society -- especially in Bastar, which boasts of a unique Adivasi civilisation.

Unleashing limitless state violence to terrify innocent civilians would "teach Naxalites a lesson."

Instead of asking the Chhattisgarh government to desist from using illegal methods to contain the insurgency, the Centre sustained Salwa Judum by paying 80% of its guerrillas' honorarium. This violated the maxim that "the power of the people vested in any organ of the state, and its agents, can only be used for promotion of constitutional values."

The state of Chhattisgarh created Salwa Judum because it failed to meet the Naxalite challenge despite deploying 40,000 armed police personnel with extraordinary powers. Maoism took root and grew because the state perpetrates "developmental terrorism," violence against the poor to further

the corporate interests.

Between 1951 and 1990, extractive "development" activities uprooted 8.5 million tribals in India; three-fourths were not even rehabilitated in a token fashion. In Chhattisgarh, displacement has accelerated under the policy of selling capital the

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cheapest mineral deals.

The judges hold "neoliberal economic ideology" the chief culprit for its "false promises of ever-increasing spirals of consumption leading to economic growth." They criticise the argument that India won't be able to "compete globally and accumulate the wealth necessary to tackle the seemingly intractable problems of poverty, illiteracy, hunger and squalour" without rapid growth through rapacious exploitation of natural resources.

The judges say that growth must be just and sustainable. But in practice, the new mantra is, "tax breaks for the rich, and guns for the youngsters amongst poor, so that they keep fighting amongst themselves" The judgment deplors the Chhattisgarh government for dehumanising youth from

"deprived sections of the population."

The judgment is emphatic that "the fight against Maoist/Naxalite violence cannot be conducted ... as a ... law-and-order problem The primordial problem lies deep within the socio-economic policies pursued by the state on a society that was already

endemic, and horrifically, suffering from gross inequalities. Consequently, the fight ... is no less a fight for moral, constitutional and legal authority over the minds and hearts of our people. Our Constitution provides the gridlines within which the state is to act To transgress those gridlines is to act unlawfully"

By exposing untrained SPOs to great risk, which leads to disproportionately high casualties, the government violates "the promise of equality before the law" (Article 14 of the Constitution), since it treats unequals as equals, and "the dignity of life" (Article 21).

Against the argument that SPOs are "effective" in the fight against Naxalism, the judges hold that legality must prevail over "effectiveness," and quote an analyst: "If we act lawlessly, we throw away the gains of effective action" against extremism.

also claim that it needs ... to perpetrate its policies of ruthless violence."

To meet the challenge of extremism, the state must pursue the "necessary socially, economically and politically remedial policies that lessen social disaffection" and should train professional law enforcers to "function within the limits of constitutional action." Chhattisgarh has failed to do either.

The judges deplore the Centre's description of the SPG as a "force multiplier" without "explaining what is involved in such a concept, nor how 'force' is multiplied." The term is from strategic discourse, which should be abjured in discussion within a civilian framework. The judgment holds that the government is perpetuating "a regime of gross violations of human rights" and pursuing "policies of ruthless violence."

This strong indictment should occasion some humble and honest soul-searching on the government's part. Regrettably, the Chhattisgarh Chief Minister describes Salwa Judum's methods as "Gandhian," and has decided to file a review petition against the verdict.

In off-the-record conversations, Chhattisgarh officials attack the judgment saying it ties their hands down in the fight against extremism. They are also trying to subvert its implementation and find ways of keeping Salwa Judum going in some way.

Nothing could be more misguided and sordid. And nothing could better ensure the spread of Naxalism than the state's mollycoddling of Salwa Judum.

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Viqarunnisa incident: An eye opener

HUSAIN IMAM

IF the ghastly incident of a teacher of Viqarunnisa Noon School and College sexually assaulting a teenage school girl in his private coaching centre is not a stark eye-opener to the extent to which degradation has taken place in our society in terms of moral values and principles then what else could it be?

After what we have been witnessing these days in our educational arena, how long we can continue to repose our trust on teachers has become a big question

extent, responsible for the sad happening, and taking punitive action against those found directly or indirectly responsible for their failure to take appropriate action in time, the government ought to look deeper into the whole issue from a wider perspective.

Some pertinent questions have arisen in the public mind. For example, who appointed this teacher? Was there a proper screening of the candidate's age, qualification and past record before appointing him as a teacher of a girl's school?

and again by education experts, social thinkers and conscience citizen of the country through various forums.

It is not that the government is not aware of it. As a first step towards curbing coaching business, much to the appreciation of the guardians, it initiated admission to grade 1 through lottery, but it seems that it is still not decisive enough to go for all-out action against the business. Nor the guardians seem to be interested enough to see an end to this.

I remember hearing the principal of Viqarunnisa Noon School once talking on

It is time the higher authorities along with the guardians made a decisive move to free our children from the clutches of these coaching centres and let the children pursue their studies in schools and colleges in a free and healthy atmosphere.

a private TV channel about private coaching. She was proudly saying that she did not allow the teachers of her school to run private coaching centers. Instead, she had arranged special coaching in the school for those who were unable to keep pace with the brighter students of the class. How is it that the accused was running a private coaching centre?

What the perpetrator is alleged to have done is a crime that deserves exemplary punishment. We have all sympathy for the unfortunate girl, and we are confident that justice will be meted out to her by the court of law.

But what about the thousands of school-going boys and girls whose mental faculties are being constantly molested by a system of education that is so badly dependent on a sort of syndicated private coaching run on commercial basis?

It is time the higher authorities along with the guardians made a decisive move to free our children from the clutches of these coaching centres and let the children pursue their studies in schools and colleges in a free and healthy atmosphere.

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He tattooed it on his forehead



W HOA! I was nearly squashed flat on a pedestrian crossing yesterday -- by a police van.

It stopped at a traffic light further on, and I wondered if I should say something. "Excuse me officer, could you kindly arrest yourself? And 'accidentally' slap yourself around for 'resisting arrest' while you're at it, know what I mean, heh-heh?"

But I decided against it. The driver looked like Judge Dredd, the comic-book cop who simultaneously acts as constable, judge, jury, and on-the-spot executioner.

I suppose I shouldn't complain. This attitude to police work saves taxpayers' time and money.

But watch out for cameras. In London last week, a traffic warden racing to give out some parking fines rode his motorbike the wrong way up a one-way street. It was all caught on camera.

No doubt, anyone who tries to charge the warden with breaking the law will hear him evoking Judge Dredd's catch-phrase: "I AM the law."

But in general, I've found police officers to be highly intelligent. Not so for criminals. They frequently reveal their incompetence by their lack of preparation.

Last month, Joseph Price, 61, marched into a bank in Florida and demanded "a sack full of cash." But neither he or the teller had a sack. Just imagine the conversation:

ROBBER: "Put all the money in a sack."

TELLER: "What sack?"

ROBBER: "Don't you have a sack?"

TELLER: "Bank robbers have to bring their own sacks."

ROBBER: "Sorry, I'm new at this."

But failing to be prepared turned out to be a good thing in one incident recently.

To inspire police action against a seducer, a family of five tried to set themselves on fire in India.

At a police station in Coimbatore, they doused themselves in kerosene. DADDYJI: "Okay, gimme the matches."

MOMMYJI: "I didn't bring matches. I thought YOU brought the matches."

During the ensuing row, officers grabbed them.

Talking of domestic tension, there was one "dumb criminal" case recently that really struck a chord with me.

Robert Norton Kennedy, 51, of South Carolina, was arrested for assault.

Police saw words tattooed on his forehead: "Please forgive me if I say or do anything stupid."

Every married man in the world should immediately copy this idea. Think of all the hours of explaining it would save. It's kind of like the Ultimate Disclaimer.

The next time your wife finds you drunk in a bar in the wrong part of town, you just point to your head, and say: "See?"

Indeed, it could usefully be incorporated into the wedding vows. "Do you take this man as your lawful wedded husband, in full knowledge that he, being male, is likely to say and do some incredibly dumb things?"

What this shows is we can learn important lessons from stupid people as well as from smart ones. There's hope for all, especially if we are careful at pedestrian crossings.

I hope you have enjoyed this column. Please forgive me if I wrote stupid things.



that is difficult to answer. We can only pray and hope that it will be the last case to inflict irreparable damage not only to the image of the teaching profession but also to the psyche of the entire nation.

The perpetrator has been arrested and taken on remand, and has already admitted his guilt to the police. It is now up to the police authority to frame charge against him and place it in the court for trial.

So far so good, but there are still a lot more things for the government as well as for teachers, educationists and, most importantly, the students and the guardians to do if a real repair of the damage is to be accomplished.

First of all, complete order has to be restored in the institution without further delay so that the students can pursue their studies brushing aside all the emotion and commotion that have arisen out of the tragic incident. Both the students and the guardians must guard against falling victims to the dirty politics that seem to be creeping in taking advantage of the situation.

Apart from instituting a departmental inquiry to find out who are, and to what

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