

Believe it or not, Disinvestment Minister Arun Shourie is a founder member of the People's Union for Civil Liberties (PUCL). The other day he made



a remark which showed as if he never had any commitment to the PUCL principles. Asked what could upset a government's decision at the last minute, he said: public interest litigation (PIL) and threat by trade union. The remark violates the very essence of human rights. It reflects insensitivity to the needs and compulsions of those who are struggling for justice and all that the PUCL has stood for.

Both the PIL and a strike are the methods to get one's due through democratic measures when there is no other recourse. Both are instruments to ventilate grievances that a sympathetic administration should have remedied itself. The PIL, he should know, comes in handy to the activists when they find that the long procedural legal delays will not allow immediate justice. Certain wrongs require quick attention.

The activists, without having to pay a heavy legal fee, can approach the court straightaway for a hearing. If some power-crazy politician or a hardened bureaucrat takes exception to such a remedy it is understandable. But it is unfortunate if it comes from a person who has rubbed shoulders with torchbearers of civil liberties and human rights. Or was the PUCL a passing phase in the case of Mr Shourie? Like the PIL, the trade union activity is also an expression of injustice towards workers.

Their association has every right to protest and promote their interests. The remedy is not to run down the

View from New Delhi

Fight for human rights

Human rights

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trade union but to understand its point of view and associate it with decision-making process. Workers do not go on strike unthinkingly. The situation generally leaves them with no other option. They know the sufferings they and their familiars would go through. But when driven to the wall they have to fight.

But why blame Mr Shourie alone? The entire functioning of the National Democratic Alliance (NDA) government reflects an attitude, which is devoid of values and norms, not to speak of human rights. The government is so obsessed with sants and sadhus that it has little time for NGOs or human rights activists. In fact, it harasses them all the time and there is hardly any meeting of activists where people from the intelligence agencies do not appear to record who the speakers are and what they say. The Sangh Parivar meetings, however provocative, have never evoked the government's attention, much less concern.

In the name of terrorism and security, every act of omission and commission by the government is sought to be defended. Instances of POTA misuse are multiplying. Deputy Prime Minister's defence does not mean anything. Previous governments, which had preventive laws, said all things to justify them. But the misuse never stopped. The police, despite numerous conferences at the top, remain more as a force to tyrannise people than help them. So highhanded have they become in their working that the Supreme Court

has asked for an explanation of high custodial deaths.

Mr Shourie, there was no PIL. The Supreme Court on its own took notice of the police excesses. In India, the euphemism 'encounter killings' has been used since the 1960s to describe extra judicial killings because of the frequency with which officials claim that the deceased had been killed in an 'encounter.' Although the right to life is enshrined in Article 21 of the constitution, the high incidence of extra judicial killings demonstrates that the government has failed to take effective measures to ensure that the right is respected in practice.

Patna witnessed mass protests against the killings of three youths in an allegedly fake encounter three months ago. The families of the deceased accused the police of concocting the 'encounter' story and falsely claiming looted vehicles were recovered from the scene. A dawn-to-dusk general strike or bandh was called in Patna in protest against the killings. In response the state government

ordered a probe by the Criminal Investigation Department (CID) into the killings. Six policemen were reportedly suspended in connection with the case.

A fresh incident of 'encounter killing' was reported as recently as January 13, in Gujarat. In Ahmedabad, the police shot dead 25-year-old Sadiq Jamal Mehtar, who, they alleged, was on a mission to kill Gujarat Chief Minister Narendra Modi. The police claimed they fired at him "in self-defence." This was the second such incident following the events of early 2002. In October 2002, another 'militant' Samir Khan Pathan, who had allegedly planned to "kill" Modi had been killed in an 'encounter.'

Terrorism was reportedly discussed threadbare recently at the meetings of chief ministers, chief secretaries and directors general of police. But little does the administration realise that it too, probably unwittingly, contributes to terrorism. Study the profile of most terrorists. They went on hardening in proportion to the treatment meted out to them. The police go after a petty criminal with all their force. In the famous novel, *Les Miserable*, the author narrates how an ordinary man turned into a dreaded terrorist. His original crime was that he stole a loaf of bread because he was hungry.

Human rights activists are not letting the grass grow under their feet. Many of them have grouped themselves in different ways to fight against communalism on the one hand and what goes under the name

of WTO on the other. One group, called *Desh Bachao, Desh Banao* (Save the country, make the country) led by Medha Patkar, has embarked on a march from Palghat, (Kerala) to Ayodhya. It began on the Republic Day, January 26, and will conclude in the end of March. The purpose of the march is to highlight the repercussions of what the Hindutva people and the WTO adherents are doing to the country.

Somewhat similar has been the effort of Muslim intellectuals who, along with some Hindu activists, undertook a countrywide tour from January 10 to 19. Saiyid Hamid, former vice-chancellor the Aligarh Muslim University, who led the "Caravan of Peace," says in his report: "Although Godhara and Gujarat had a very adverse reaction in most parts of the country, the fact remains that fundamentalists are much better prepared and organised than persons who believe in democracy and secularism and the values of an enlightened society. The need for dispelling the misconception about Muslims and Christians was invariably stressed during the course of the discussions. This would require a massive persistent effort. It was also felt that the communal criminals should not go unpunished and the cover of immunity, which they seemed to enjoy, should be dismantled. It has also emerged that the two major communities should try to find out as to what in respect of one is considered most irksome by the other." The high level of public interest creates an opportunity to refocus attention on the alarming frequency with which killings have occurred, both in the name of religion and security. However irritating are Mr Shourie's remarks, the fight to protect human rights has to go on relentlessly.

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