

The state of human rights

*Human Rights
The Nation* 25.6.03

By declaring Jarnail Singh Bhindranwale a martyr, the Akalis, who primarily represent the Sikhs, have not served the community well. They have given recognition to wayward forces which brought no glory to the Sikhs. They have re-sown the seed of distrust in the minds of the majority community. Punjab may well be in for ferment again.



The eighties were the worst of times in the state. The Bhindranwale cult of violence, Operation Bluestar inside the Golden Temple, the assassination of Mrs Indira Gandhi and the killing of Sikhs in Delhi—all happened in a span of five years. They took the toll on peace and equanimity.

Punjab looked nearly beyond repair. Never before were human rights and religious sentiments so blatantly violated as was done then. Besides the loss of thousands at the hands of terrorists and the security forces, a feeling of insensitivity came to pervade the land. Today when there is a demand to account for the missing young men since then and to punish those responsible for false encounters, there is also praise for those who 'fought against terrorism'.

The Akalis are not answering the real question: how did Bhindranwale come to acquire a large following among the Sikhs? He was the instigator of violence. Should he have been

glorified? A former Akali leader, till recently an MP, Balwant Singh Ramoowalia, puts it succinctly: 'The Akalis never face the truth because in their calculation two and two do not make four'.

Still the Akalis have a point when they say that those who killed 3,000 Sikhs at Delhi in 1984 have gone scot-free. None have been imprisoned or hanged. They have every reason to criticize the snail-speed of the Nanawati Commission conducting a fresh inquiry into the killing. But they exasperate everyone and create doubts about their motive when they hail Bhindranwale. He came to represent terrorism which cannot be condoned in any way. Nor can violence.

It is, however, sad to see that violence, the demolition of human rights and values, is taking place all over the country. Organisations even motivated by economic considerations are behaving like the Akalis whose propelling force is religion. The Naxalites, for one, should be working differently. There is no difference between them and the security forces. Both are indiscriminate.

The third report by the Committee of Concerned Citizens covering the 5-year-long effort, from 1997 to 2002, shows their fruitless intervention in the climate of social turmoil and violence in rural Andhra Pradesh, specially Telengana. The Committee was disappointed to find that there was 'no change at all' in the approach of the Government. Nor was there any

BY KULDIP NAYAR

There are hundreds of women jumping into fire or the well for escaping the demands of their greedy in-laws.

qualitative change' seen in the practices of the People' War, a naxalite group.

In two years alone, 2002 and 2001, as many as 350 lives were lost in police "encounters" and more than 310 persons died as a result of violence by Naxalite parties. Most of the victims were from the weaker sections, women, youth and even children. This unending and spiralling violence, according to the report, tended to obscure the basic issues of people and progressively brutalized the State and the society, reducing people to passive spectators and often victims.

"It is the considered position of the Committee that Law is not just a weapon in the hands of the State but also a restraint on its behaviour and unless the State itself first respects law, it is not possible for the State to expect adherence to law by people.", says the report. "Like-wise, the Committee is equally clear that the Naxalite parties must adhere to higher standards of human rights, human values and human concerns through their

theory and practice and this alone can provide moral legitimacy and justification for any revolutionary or transformatory movement and every action has to be examined on the touchstone of democratic, moral and humane standards."

This takes me to another facet of violence: dowry. I am referring to dowry deaths. Women are the victims. There are hundreds of women jumping into fire or the well for escaping the demands of their greedy in-laws. Media publicity is essentially about the incident, seldom against the evil. It is surprising that leading women journalists have not built a campaign against dowry as they have done in other fields. The recent incident of a bride in Delhi who showed the bridegroom and his parents the door is a case in point. There are many horror stories but I have seen little on them from the pen of known women journalists.

I also find that the law is unhelpful. By jailing the husband you may have the satisfaction that the guilty is undergoing some punishment. But the wife's problems- maintenance, shelter for her and her children-continue to harass her. Above all, women facing the dowry problem are generally poor. They cannot undergo the rigours of delay in the criminal justice system we have.

More than a decade ago, some lawyer NGOs drafted a model law on domestic violence. The National Commission for Women gave a helping

hand. A bill was introduced two years ago in the Lok Sabha. But it is not comprehensive legislation. It defines domestic violence as habitual assault. Why has the assault to be habitual? Section 4(2) gives man the leeway of 'self-defence'. He can always take the plea of 'self-defence' while fighting with his wife, mother-in-law or other members of the family. One woman jurist, Indira Jai Singh, while criticising the bill has said: "The present law is a complete sellout of the rights of woman. We must demand that the state perform its most elementary duty, the duty to protect the life and liberty of its citizens in an effective way, consistent with its constitutional and international obligations".

Social problems depend on the sensitivity of the society for remedy. Men have to be awakened to what women go through. Seema Sirohi, a journalist of eminence, has tried to do just that. In a book, Sita's Curse, she has told the story of six dowry victims. Their tales of woe are so poignant that even stonehearted men will melt. She says: 'Dowry makes one realize that women are often treated like second class citizens. While doing research for my book, I realized that there is too much pain that women go through and there is nothing to justify it'. Joining Seema, Actress Nandita Dass says: 'Dowry, as a social issue, impacts all our lives. It is the realization of the fact that it can happen to any of us, which will bring about a change in the social perception of dowry as an issue'.

E-mail queries and comments to: knayar@nation.com.pk