



Kuldip Nayar

A different kind of human rights movement is now on the go. A band of Gandhians flagged off a few days ago from Rajghat. They finished their march at Ayodhya on January 30, the day Mahatma Gandhi was assassinated. Communal harmony is a major human rights issue because it is connected with the right to life, right to equality before law. Can a small body of determined spirits fired by an unquenchable faith in their mission alter the course of history?

The Gandhians on the march "armed themselves with Bapu's immortal words: 'Recall the face of the poorest and weakest man whom you may have seen, and ask yourself if the step you contemplate is going to be of any use to him.' Then you will find your doubts and yourself melting away." I wish the ultra groups, which believe that they solve the problem by killing people could think over Mahatma's words. They are as much wrong in their approach as is the state, which is arming itself with more and more draconian laws to crush the defiants. In a way, both are terrorists. Both are making the

society increasingly unlivable. Both have only force as instrument to solve problems. They do not seem to realise that both terrorism and state terrorism have become irrelevant. I strongly believe that wrong means will not lead to right results.

POTO (Prevention of Terrorism Ordinance) is evidence. Despite widespread protests it has been re-promulgated. The government has, in fact, cheated parliament by not bringing the relevant bill before it. It was the use of wrong methods. The Supreme Court has upbraided some state governments for bypassing the legislature. New Delhi has itself criticised them for doing so. But if the Centre indulges in similar tactics, where do people go to escape the government's tyranny? I am amazed that the sensitive President of India okayed the second ordinance so readily. The government also gave certain promises to the press. It has gone back on them. Clause 3 (8) regarding the disclosure of information in possession has been deleted. But the harsher Clause 14 stays. It deals with the obligation of all citizens of India to furnish information. My case is not that journalists are a class above the citizens. But journalistic profession has certain demands and one of them is the protection of source. A police official should have no power to ask a journalist for information and detain him if he refuses to divulge it. Confidentiality of the source is part of reporter's ethos. How can he breach it? POTO is a blot on the democratic escutcheon.

Human rights diary

Human Rights Nation
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When the National Human Rights Commission re-opposed POTO, the matter should have ended there. It is the highest body we have in the country to protect the rights of citizens and it is presided over by one of the ablest former Chief Justices of India. Even before the ordinance was promulgated for the second time, the commission used harsh words against it. In a unanimous resolution it conveyed to the government: "Any law for combating terrorism should be consistent with the constitution, the relevant international instruments and treaties, and respect the principles of necessity and proportionality." The commission's chairperson, Justice JS Verma, has elucidated recently the point in a lecture: "Terrorism results in gross violation of human rights and must, no doubt, be dealt with a heavy hand. However, the methods to counter terrorism must not violate the human rights of innocents or else the

innocents would be exposed to double jeopardy and suffer twin violation of their human rights. Experience worldwide has shown that state terrorism to combat terrorism is counter-productive."

The international opinion is also shocked because India is considered a liberal democratic country. As an MP, I have received many letters from abroad, requesting me to stop the measure. How can I when the government does not have the courage to bring it before parliament? Sensing defeat in the Rajya Sabha—the BJP had an unofficial count—the government decided on another ordinance after the session. However, the observation by a human rights activist from Denmark is pertinent. It says: "One of our concerns with this bill is that it is incompatible with international human rights treaties, particularly the International Covenant on Civil and Political Rights (ICCPR), to which India is a party. Also, India's own experience with the application of TADA (Terrorist and Disruptive Activities Act) is a case where widespread abuse occurred in its application. TADA in effect surrendered rights assured under the ICCPR by the de facto establishment of a continuing state of emergency."

The story of Pratap C. Dutta is equally pathetic, though in a different way. He is an old journalist, abandoned by almost all to die in a non-descript room. Years ago, his byline appeared in most leading newspapers. He has been a witness to our freedom struggle. In some ways he has participated in it. Although gentle and affable, he minced

no words in his writings. But he has been abandoned now—by friends and others. He needs sympathy and help. Both are not forthcoming. I wrote to Prime Minister Atal Behari Vajpayee for assistance several months ago. But there was not even an acknowledgement to the letter. Chief Minister Shiela Dixit has proved no better. She too did not reply. They are busy people, lost in politics. Still ageing and ailing journalist and artists should be helped. Maybe, there should be a fund for their care. The corporate sector, instead of sponsoring fashion shows and beauty pageants, can create a fund.

Reports generally accumulate dust. But the one prepared by the Commonwealth Human Rights Initiative (CHRI) on Human Rights and Poverty Eradication should not. It mirrors the conditions—and the people's helplessness—prevailing in the Commonwealth countries. But what makes it important is the admission it makes that the rich countries in the Commonwealth lack sensitivity towards the poor ones. "It is a matter of shame for the association, member governments, the commercial sector and civil society actors that it continues to rely on rhetoric when the social and economic conditions of millions in the Commonwealth are in fact worsening in many ways. Such pervasive poverty mocks the pretensions of the Commonwealth to solidarity, social justice and equity," says the report. True, many consciences must have been irked at many places. But this alone will not do. A plan of action is required. The report lacks that. Some time-bound concrete steps are required and the CHRI should supervise them.

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