

NORTHERN INDIA PATRIKA

MONDAY, APRIL 2, 2018

The virus spreads

With Copying Mafia and Munna Bhai's having invaded our examination system in a big way, as has been glaringly evident in the High School and Intermediate examinations in UP and Bihar for the last several years, the presumption was that the authorities conducting other crucial examinations will become extra cautious so as to ensure that nothing goes wrong. Unfortunately that has not been so. The virus of unfair means seems to have swamped a bigger and wider operational area of different examinations than hitherto assumed. It is in this context that we wish to condemn the failure of the CBSE authorities to prevent the leak of question papers. And the price for this laxity is being paid by more than 20 lakh students who are being forced to reappear for Class X maths paper and Class XII economics paper. If lakhs of victims, who appeared in the cancelled examinations after toiling hard almost round the clock and preparing thoroughly and honestly are shocked, angry and dejected for being punished for the misdeeds of a few, don't they have legitimate reason to be disillusioned with a system that cannot take care of itself?

The importance of board examinations in the life of a student can be gauged from the fact that these are the hurdles that have compulsorily to be crossed if one is to continue his or her journey in higher studies. But the study culture in the schools preparing for these examinations has collapsed whereas teaching standards and discipline have been reduced to the brink of disaster even when the salaries of the teaching staff have gone up by leaps and bounds. For lakhs of youngsters, aspiring for higher education, it's a do-or-die battle. They have to decide which educational institution they will get themselves admitted to, what stream they will take up and in which direction their career would head. But all hopes crash when examination papers leak, they are asked to re-appear, disrupting their plans to take part in competitive examinations which they now cannot do if the re-examination dates clash with the schedule of the entry tests so essential to shape the future of their choice. It need hardly be stressed that re-examinations mean wastage of time and resources both for the board and the examinees—more for their parents and guardians some of whom might already have mortgaged their belongings to finance the costly education of their children. For many of them it is like managing a financial disaster with none to render a helping hand except the Shylocks of the lending system.

At this crucial stage, when re-examinations are being forced on lakhs of honest examinees, what is the guarantee that there won't be a leakage again? Have the authorities been able to suddenly evolve a foolproof machinery to conduct the re-examinations without any scope for cheating? If yes, why weren't these precautions taken earlier? And if not, then what is the guarantee that there won't be another question-paper leak and another bout of re-examinations? For how long will this go on? Will we have to witness the 'encouraging' process to deal with Copying Mafia as well?

SNIPPETS

In Allahabad too a statue of Baba Sahib Ambedkar was damaged. BJP will say: 'SP is doing so to throw suspicion on us and to deceptively build their vote bank by stealing our Dalit votes'

Lalu may say: 'They are trying to aim at two birds with one stone—destroying the statue themselves and blaming it on the Opposition to gain sympathy'

Now Amit Shah has conceded that BJP will make Development and Hindutva as its poll agenda. Lalu will quip: 'Didn't I warn fellow countrymen? In the garb of development they are playing the Hindutva card'

In Karnataka, while Amit Shah was addressing an election rally, Yediyurappa fell asleep on the stage. Was this his way to seek revenge against Shah for calling him the most corrupt man in the State?

Of course, Yediyurappa will also apologetically tell Amit Shah: 'Oh, I fell asleep by mistake'

Amit Shah, however, thundered on the mikes of the obliging TV channels: 'I made the mistake but the people of Karnataka won't commit the mistake of bringing the Congress back to power in Karnataka'

Akhilesh says he has doubts about Raja Bhaiya backing them. BJP will say: 'See Raja Bhaiya, Babua has jumped back into his Bua's band wagon'

Stop Barbaric Practice of 'Honour Killing': SC

It is true that love knows no boundaries, but it is equally true that there are many enemies of the true love. The biggest obstacles that have been coming in the way of the love of two adult couples in the recent years are the Chap panchayats. These Khap Panchayats of Haryana, Rajasthan and western Uttar Pradesh wield enormous authority and influence, particularly in the Jat community. These Khap Panchayats not only decide the cases of community disputes but also take up the roles of cruel executioners. Such Panchayats do not have any legal sanctity, yet governments do not muster the courage to effectively implement the orders of the courts even if they come from the Supreme Court. Courts have expressed their resentments, number without times, on the crimes committed in the name of defending the honour of caste, clan or family and yet they are committed in various parts of the country. The Supreme Court has now come down heavily on those, who have been committing such crimes, without much fear, for the sake saving the honour of the family or caste. It is true that there are many well entrenched and abominable social prejudices and therefore, it is difficult to eradicate them overnight through law or judicial pronouncements.

The Supreme Court has said that when the ability to choose is crushed in the name of class honour and the person's physical frame is treated with absolute indignity, a chilling effect dominates over the brains and bones of the society at large. The question that poignantly emanates for consideration is whether the elders of the family or clan can ever be allowed to proclaim a verdict guided by some notion of passion and eliminate the life of the young who have exercised their choice to get married against the wishes of their elders or contrary to the customary practice of the clan. The answer has to be an emphatic "No". Class honour, howsoever perceived, cannot smother the choice of an individual which s/he is entitled to enjoy under our compassionate Constitution. And this right of enjoyment of liberty deserves to be continually and zealously guarded so that it can thrive with strength and flourish with splendence.

The petitioner-organization 'Shakti Vahini' was authorized for conducting Research Study on 'Honour Killings in Haryana and Western Uttar Pradesh' by an order of the National Commission for Women. It is contended in the petition that the existence of a woman in such an atmosphere is entirely dependent on the male view of the reputation of the family, the community, and the milieu. The action of a woman or a man in choosing a life partner according to her or his own choice beyond the community norms is regarded as dishonour which, in the ultimate eventuate, innocently invites death at the cruel hands of the community prescription. The reputation of a woman is weighed according to the manner in which she conducts herself, and the family to which the girl or the woman belongs is put to pressure as a consequence of which the members of the family, on certain occasions, become silent spectators to the treatment meted out or sometimes become active participants forming a part of the group either due to

determined behaviour or unwanted sense of redemption of family pride.

The pernicious practice of Khap Panchayats and the like taking law into their own hands and pronouncing on the invalidity and impropriety of

JUDICIAL PANORAMA Parmanand Pandey

Sagotra and inter-caste marriages and handing over punishment to the couple and pressurizing the family members to execute their verdict by any means amounts to flagrant violation of rule of law and invasion of personal liberty of the persons affected. Sagotra marriages are not prohibited by law, whatever may be the view in olden times. The Hindu Marriage Disabilities Removal Act, 1946 was enacted with a view to dispelling any doubts in this regard. The Act expressly declared the validity of marriages between the Hindus belonging to the same 'gotra' or 'pravara' or different sub-divisions of the same caste. The Hindu Marriage Act does not prohibit sagotra or inter-caste marriages. Earlier in Lata Singh's case, the Supreme Court had opined about Khap Panchayats that we are of the opinion that this is wholly illegal and has to be ruthlessly stamped out. There is nothing honourable in honour killing or other atrocities and, in fact, it is nothing but barbaric and shameful murder. Other atrocities in respect of personal lives of people committed by brutal, feudal-minded persons deserve harsh punishment.

As a matter of fact, the concept of liberty has to be weighed and tested on the touchstone of constitutional sensitivity, protection and the values it stands for. It is the obligation of the Constitutional Courts as the sentinel on qui vive to zealously guard the right to liberty of an individual as the dignified existence of an individual has an inseparable association with liberty. Without sustenance of liberty, subject to constitutionally valid provisions of law, the life of a person is comparable to the living dead having to endure cruelty and torture without protest and tolerate the imposition of thoughts and ideas without a voice to dissent or record a disagreement. The fundamental feature of dignified existence is to assert for dignity that has the spark of divinity and the realization of choice within the parameters of law without any kind of subjugation. The purpose of laying stress on the concepts of individual dignity and choice within the framework of liberty is of paramount importance.

Life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into the constitutional recognition of the identity of a person. The choice of an individual is an inextricable part of dignity, for dignity cannot be thought of where there is an erosion of choice. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal and they have the right to do so. And it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation. The majority in the name of class or elevated honour of clan cannot call for their presence or force their appearance as if they are the monarchs of some

indescribable era who have the power, authority and final say to impose any sentence and determine the execution of the same in the way they desire possibly harbouring the notion that they are a law unto themselves or they are the ancestors of Caesar or Louis the XIV. The Constitution and the laws of this country do not countenance such an act, and, in fact, the whole activity is illegal and punishable as offense under the criminal law.

The Supreme Court has now asked the State Governments to adopt preventive, remedial and punitive measures to stop this nefarious practice of honour killings. As far as preventive steps are concerned the State Governments should forthwith identify Districts, Sub-Divisions and/or Villages where instances of honour killing, or assembly of Khap Panchayats have been reported in the recent past, e.g., in the last five years. Home Department of the concerned States shall issue directives/advisories to the Superintendent of Police of the concerned Districts for ensuring that the Officer In charge of the Police Stations of the identified areas are extra cautious if any instance of inter-caste or inter-religious marriage within their jurisdiction comes to their notice.

If despite the preventive measures any Khap Panchayat has taken place and it has passed any diktat to take action against a couple/family of an inter-caste or inter-religious marriage (or any other marriage which does not meet their acceptance), the jurisdictional police official shall cause to immediately lodge an F.I.R. under the appropriate provisions of the Indian Penal Code. Upon registration of F.I.R., intimation shall be simultaneously given to the Superintendent of Police/Deputy Superintendent of Police who, in turn, shall ensure that effective investigation of the crime is done and taken to its logical end with promptitude. Additionally, immediate steps should be taken to provide security to the couple/family and, if necessary, to remove them to a safe house within the same district or elsewhere keeping in mind their safety and threat perception. And lastly, upon the failure by either the police or district officer/officials to comply with the aforesaid directions shall be considered as an act of deliberate negligence and/or misconduct for which departmental action must be taken under the service rules. The departmental action shall be initiated and taken to its logical end, preferably not exceeding six months, by the authority of the first instance. The State Governments shall create Special Cells in every District comprising the Superintendent of Police, the District Social Welfare Officer to receive petitions/complaints of harassment of and the threat to couples of inter-caste marriage.

Honour killings need to be consigned to the dustbins of history sooner than later.



The Author

A long distance to travel

In about a year from now, if not earlier, people of India will be asked to exercise their franchise and elect a national government. Frontloading the general election is a gambit only the government of the day can set into motion while the rest of the contestants can, at best, read straws in the wind and interpret such a possibility.

Politics is all about getting the timing right and seasoned leaders across the spectrum began making initial moves to explore how parties, which are opposed to the Bharatiya Janata Party can mount a formidable challenge to Prime Minister Narendra Modi's robust bid to retain power at the Centre.

At least four strands are emerging on the national political landscape. West Bengal Chief Minister and Trinamool Congress (TMC) chief, Mamata Banerjee's exploratory steps; Congress president Rahul Gandhi's earnest efforts in a networking exercise; the Communist Party of India (Marxist) struggling to come up with a formulation to remain relevant; and, forays of regional chiefs like Mayawati, Mulayam Singh Yadav, Lalu Prasad, N Chandrababu Naidu, the Abdullahs, tribal leaders of Jharkhand in Sorens or Marandis.

Having interacted with a cross-section of leaders, including the three sulking BJP veterans —Yashwant Sinha, Shatrughan Sinha and Arun Shourie— during her Delhi sojourn, the TMC chief reconnected with former Congress president Sonia Gandhi, who has a soft corner for the West Bengal leader. Mamata Banerjee sent a clear message that an anti-BJP coalition of political parties without the Congress will be less than equal to the humungous task at hand.

In doing so, Mamata Banerjee also sought to check any move by her main political opponent, the CPI (M) to revisit the strident "No-truck with the Congress" stand when the party firms up its political-tactical line at the Hyderabad Party Congress in April.

Standing alongside her in this endeavour is the Telangana Chief Minister and Telangana Rashtra Samiti chief K Chandrashekhara Rao, whose ambitions to be a catalyst like his neighbour N Chandrababu Naidu was in the 1990s, drives him in the direction. The sub-script is that KCR, as the Telangana leader is known, wants a smooth transition of power at home to his son KT Rama Rao while taking a leap forward in his long political journey.

Congress under Sonia Gandhi was different. She built an excellent and enduring set of relations with leaders of various political parties that transcended personal and/or political differences. The ability to

stitch a neat working arrangement with the Nationalist Congress Party of Sharad Pawar, remains a classic instance where both leaders set aside the genesis that led to the creation of the NCP on Sonia Gandhi's foreign origin.

KV Prasad

Re-energising it, recently she organised a couple of meetings that included a well-attended dinner and had the presence of the CPI (M) whose representative later insisted such events do not necessarily translate into any actionable political front.

Rahul Gandhi does not enjoy the same degree of comfort with the senior leaders, both within the party and the others. Then the shrinking political space for the Congress that manifests into a less than respectable presence in Parliament and Legislatures, restricts the new party president's standing to negotiate from a position of strength.

Making up for these handicaps, the new Congress



president started doing the rounds calling on leaders of eminence in other parties while making subtle moves to usher in a generational change within the Grand Old Party (GOP). Rahul Gandhi will need to muster best negotiating skills and imagination to carve out an agreeable coalition that while retaining primacy of the GOP for its ordinary karyakartas to carry forward any arrangement with dignity is seen accommodating the pan-parties obligations and mould it into a coherent and purposeful political alternative.

Of the two Communist parties, the parent CPI is not averse to be seen in the company of the Congress while the purists in the Marxist mould have a pathological aversion to the Congress and its "neoliberal economic policies". The recent interpretation of a change of heart by former general secretary Prakash Karat is a misnomer. The hardline faction he represents always insisted of supporting secular parties only where the CPI (M) has little or no base.

The others like Andhra Chief Minister Naidu, a

past master in managing contradictions in coalitions on either side of the political divide, is still smarting under the snub from the BJP and is lying low like a wounded tiger waiting to go for the kill. The new-found bonhomie between sworn rivals Mayawati's Bahujan Samaj Party and Mulayam Singh Yadav and son Akhilesh's Samajwadi Party, came unstuck faster than before for reasons still unclear. The Abdullahs, both Farooq and son Omar, have a fine equation with the Congress leaders with the younger Abdullah and Rahul Gandhi being part of a mutual admiration team.

Collectively or otherwise, the Opposition has a long distance to travel. The possibility of having a united Opposition that Mamata Banerjee advocates is both a steep and an uphill climb. Even if there is more than one strand, alternative coalitions will need to convince the people how these formations are not offering more of the same.

The perception of a less-than-efficient government and a sense of pessimism that gripped the country during the second-term of the UPA government, acknowledged even by Rahul Gandhi, will need a strong counter. Along with it there has to be an equally solid narrative of what is not going right under the current regime. A liberal democracy requires a healthy discussion on issues and ideas, which can be contested dispassionately unlike the shrill debates sometimes bordering on cacophony that viewers are served night after night at primetime by television news networks.

Interestingly, the social media platforms that propelled the BJP campaign in 2014 have more than one side to them. As the netizens know, it has elements that can be classified as, The Good, The Bad and The Ugly. Easy access to all is good. That everyone enjoys similar equality is bad for opponents, while incidents and comments, intended or otherwise, spinning out of control causing damage is the ugly side.

The stakes are high for all. Even though contours of a united Opposition appear blurred, PM Modi and BJP president Amit Shah are conscious that serious efforts are underway to bring together different parties with differing ideologies. The objective will deny them from writing a new chapter in India's political history—the only BJP PM to be voted back after completing a full term. So far, the two poll battle-inoculated warriors have demonstrated that in elections, there is little room for concessions. It is up to the Opposition to reset the battle lines.