

Order and Disorder

THERE IS NO GREAT DISORDER UNDER THE SUN. AND YET ORDER is on discount in some areas as the system fails to deliver despite a bold face shown by the powers that be. These past several months have witnessed something unusual in India's political culture. The union government and its army chief have been in a tussle over a simple issue for quite some time—date of birth or date of retirement. But the situation turned murky in due season as the prospects of some skeletons coming out of the cupboard became real because the chief revealed how he was approached by someone of his own tribe, with a lucrative moneybag , to clinch a shoddy defence deal. Every year millions of rupees are being siphoned off as kickbacks in executing order and supply of military hardware. Barring occasional furore over naked loot like 'Bofors', not much is publicised as defence is the sacred cow that is to be milched secretly. A whopping Rs 1,70,934 crore was spent on military purchases in the financial year 2011-2012 and how much of it is ' ploughed back as consideration money' is anybody's guess. But the age-row now got further complicated with the news in a section of press that an army coup was imminent, albeit it turned out to be a false alarm, much to the relief of ruling and opposition elites.

The essence of what functions in this republic is not democracy but an improvised parliamentary device with purely Indian fervour. Not that it always sells in international forums but government and quasi-government officials continue to boast of the uniqueness of Indian democratic experiment having its own benchmarks which are set by 'a powerful and activist judiciary, a free media and a vigilant civil society'. But these days paid media gets more attention than free media. As for the judicial activism the less said the better because this so-called activism has so far failed to plug too many loopholes that mock at the biggest showcase of democracy at every critical juncture.

In its submission to the UN Human Rights Council for India's Second Universal Periodic Review (UPR), the National Human Rights Commission (NHRC) alleged that the government failed to act on 18 recommendations that it made in the first UPR. NHRC expressed its concern in no uncertain terms over an anodyne Prevention of Torture Bill and maintaining the notorious Armed Forces Special Powers Act in Jammu and Kashmir and North-eastern India. The policing system in this country since the days of Raj is so coercive and sadistic that it is next to impossible to abolish torture in custody, Bill or no Bill. Nor can they make the police accountable to civil society, lest their vested interests get threatened.

Curiously enough, India's 2011 report on Optional Protocol to the UN body states that 'India does not face either international or non-international armed conflict situation'. Yet the Armed Forces Special Powers Act remains in force in J&K and NE states, conferring an impunity that frequently and routinely leads to gross violation of human rights. There are dozens of repressive laws to combat left-wing extremism as they see it as the biggest threat to internal security.

Now 30 percent of the complaints to the NHRC are against the police. In other words nobody in the police bothers about the ‘Manual on Human Rights for Police Officials’. They have their own manual to follow ignoring laws of the land and abusing powers at their will. About 9 percent of the complaints to the NHRC are related to inaction and abuses of position by the police establishment. Maybe, many don’t dare to lodge complaints to NHRC.

The ever rising prison population illustrates among other things that Indian democracy has always meant the systemic and systematic oppression of the socially and economically disadvantaged. Indian jails are overcrowded and unhygienic, disease rampant and treatment poor. What is more horrifying is NHRC’s observation that ‘67 percent of prisoners are under-trial, either unable to raise bail or confined for longer than they should be because of the huge backlog of court cases’. In many ways Indian prison system resembles the prison notoreity of the US where 2.4 million people, mostly Black, Latino and Hispanic are languishing in jails to support an expanding “prison-industrial” complex. Cases pending in different Indian Courts show the judicial system is crumbling under the rise of criminalised politics masquerading as democracy. As per NHRC’s latest admission, 56,383 cases were pending in the Supreme Court at the end of October 2011. And at the end of 2010, 4.2 million cases were pending in High Courts, and about 28 million in sub-ordinate courts. For all practical purposes NHRC is a powerless monitoring institution while State Human Rights Commissions are literally moribund.

The official champions of human rights say ‘human rights belong to everyone of us without exception’. Then there are always exceptions to the rules. As the naxals are being portrayed as violators of human rights, NHRC doesn’t see any valid reasons to talk about abuses and police excesses they face day in and day out mostly in tribal belts. Whether they like it or not, some 120 million people as reported by NHRC are under the sway of left-wing extremism in 200 out of 600 districts of India. More they talk of order, disorder seems inevitable. □□□