



**Kamal Sandesh**  
Fortnightly Magazine

Editor

**Prabhat Jha, MP**

Executive Editor

**Dr. Shiv Shakti Bakshi**

Editorial Team

**Ram Prasad Tripathy  
Vikash Anand**

Creative Editor

**Dharmendra Kaushal  
Vikas Saini**

Subscription

**Annual Rs. 100/-  
For 3 years Rs. 250/-**

Contact

Phone : +91(11) 23381428

Fax: +91(11) 23387887

Subscription : +91(11) 23005798

e-mail

kamalsandesh@yahoo.co.in

**Publisher and Printer** : Printed by Dr. Nandkishore Garg for Dr. Mookerjee Smruti Nyas, at Excelprints, C-36, F.F. Complex, Jhandewalan, New Delhi-55 and Published by Dr. Mookerjee Smruti Nyas, PP-66, Subramanya Bharati Marg, New Delhi-03. Editor : Prabhat Jha.

# CONTENTS



*BJP National President Shri Nitin Gadkari paying floral tributes to Kushabhau Thakreji on his Jayanti on 15 August 2011*

On Anna's fast for a strong Lokpal Bill  
Congress led UPA tried to crush Anna's fast ..... 7



## Lok Sabha

Smt Sushma Swaraj on Anna's arrest..... 10

## Rajya Sabha

Shri Arun Jaitley on Anna's arrest..... 12

Shri Arun Jaitley on the impeachment motion..... 14

## Morcha/Cell

BJP Human Rights Cell..... 9

BJYM Sansad Gherao..... 18

Senior Citizen Mahasammelan..... 23

## Article

A bill patently unconstitutional  
By M. Rama Jois..... 21

## Interview

J.P. Nadda..... 26

## States

Andhra Pradesh, Goa..... 28

Madhya Pradesh, Uttar Pradesh..... 29

Gujarat..... 30

"I am not surprised at Anna Hazare's arrest. This is the direction in which this government is moving. Instead of dealing with the problem of corruption and owning responsibility it is trying to find scapegoats and stopping peaceful protests".

– LK Advani

"The Anna wave has swept the country and shown the Congress-led UPA government its place".

– Nitin Gadkari

"The government Lokpal Bill is "toothless and visionless" and should be thrown in the dustbin".

– Sushma Swaraj

*Letter to the Editor...*

~~~~~@~@~@~~~~~

**UPA Government complicity  
in corruption exposed**

Dear Editor,

In an overwhelmingly charged atmosphere against corruption manifesting that UPA has become habituated of ignoring the law of the land, abusing its power and position to amass wealth. The attitude of the UPA government and its failure to tackle corruption has fuelled widespread anger. The UPA government is seen as complicit in corruption. This has been the most corrupt government in the history of independent India. It has helped in decline of parliamentary representative democracy. Declining of parliamentary democracy has been started with formation of National Advisory council. It has forced Civil Society and people to take action outside parliament.

**Aditya Venketesh  
Gurgaon**



Write to us

The Editor,



We welcome

Your views & Suggestions

Editor,

**Kamal Sandesh**

Dr. Mookerjee Smruti Nyas,  
PP-66, Subramanya Bharati Marg,  
New Delhi-110003

e-mail: kamalsandesh@yahoo.co.in

*Articles invited*

Insightful and inspiring articles on the life and great work of Pt. Deendayal Upadhyay ji are invited for publication in Kamal Sandesh. Pt. Deendayal Upadhyay remains a source of our inspiration, guiding us in our journey to restore the glory and greatness of *Maa Bharati*. We request his associates, co-workers, researchers, writers and journalists to become a part of this *vichara yatra* of Kamal Sandesh.

-Prabhat Jha, Editor



## ***Nation stands up against Congress led UPA, awaiting its fall***

# Editorial...

**E**ntire nation stood enchanted by Anna. One will have to understand this phenomenon. Those who are seen openly indulging in corruption themselves could not risk supporting corruption in the country. Even a corrupt person will oppose corruption. Who can support corruption? No one! Now if someone will ask whether you support Anna or not? Who can oppose Anna who is fighting against corruption? Whatever is taking place today in the country on the issue raised by Anna Hazare is not related to supporting or opposing an individual. The country is today fed up with corruption. At the same time there are some people in the country who are trying to create hatred against politics, politicians and political parties. They are the people who consider themselves to be the 'know-all' ones. They believe that they received the biggest share of intelligence when it was being distributed by god. These people with 'special intellect' feel that there should be distinction between them and the 'others'. How a person illiterate or less educated than them can be allowed to run the government of the country in the name of democracy? Should he be finding a place among the legislatures and elites?

Such frustrated intellectuals start looking for people like themselves. These frustrated souls start abusing politicians, political parties and politics. They start creating doubts and suspicion against politicians. These people sitting on the peak of frustration believe that those at the helms of affairs should seek their guidance in running the country and loath the coming forward of the people produced by democracy. But they should understand that the attempt to create hatred and animosity will not succeed. The faith of the people can be won only by constructive work and positive approach. This is what in reality lasts long.

The debate is taking place in the country whether the Congress led UPA should bring in Lokpal bill or not. We also believe that Lokpal bill should be presented in the parliament. The logjam is on the issue that the supporters of Anna feel that the Janlokpal bill drafted by civil society should be introduced in the parliament. The point here is that who brought the civil society in the drafting committee? If it was Congress government then why its voice was not heard? The nation must be aware that it was the BJP which has first talked about the Lokpal bill. The then Prime Minister Shri Atal Bihari Vajpayee had even favoured bringing of the office of the Prime Minister in the ambit of Lokpal. Why Congress led UPA is desisting from extending support to what Atalji had said? Our stand was made clear in all the speeches that were made in the parliament.

Not only this. Two important legislations were enacted in Madhya Pradesh to fight against corruption. Entire country has discussed and appreciated these legislations enacted by Chief Minister Shri Shivraj Singh Chauhan in BJP ruled Madhya Pradesh.

Public Service Gurantee Bill 2010 is now being emulated and similar bills are getting enacted in other States also. Madhya Pradesh also made a strong law for setting up 'Fast Track Courts'. To fight corruption, this bill has been sent to the President but it has not yet been given the presidential assent. This proves that the present Congress led UPA government in the centre is a supporter of corruption.

The reality of today is that the nation is standing against the Congress led UPA government and awaiting its fall. We will have to create confidence in the people that the culture of BJP is different from Congress culture. We will have to stand in accordance with our own culture. We will have to keep the nation first, party next and self last in the list of our priorities. The country wants honest and impeccable politics. The country wants honest and committed politicians. The country wants to see its elected representative as honest, dedicated and transparent individuals. Therefore we will have to follow the path of honesty, commitment and dedication. ■



## **“Nationalism, Good Governance and Development” to be released on 25th September 2011**

We are glad to inform you that Dr. Mookerjee Smruti Nyas has decided to publish a special issue of Kamal Sandesh this year on the topic of :

### **“Nationalism, Good Governance and Development”**

This special issue and ‘**The Ajatshatru** (English)’ is proposed to be released on 25 September 2011, the birth anniversary of the propounder of the philosophy of Integral Humanism Pandit Deendayal Upadhyaya ji.

It is to be noted that the special issues of Kamal Sandesh published every year among which **Antyodaya, 21<sup>st</sup> Century – India’s Century, Challenges, Samadhan, Samkalpa** and **Vikalpa** have been widely acclaimed. All these special issues have earned appreciation for research based insightful articles.

**-Prabhat Jha MP**  
Editor, Kamal Sandesh





## Congress led UPA tried to crush Anna's fast

Protests, fasts across nation against Congress Dictatorship

From Our Correspondent

### BJP supports Anna's crusade against corruption : Gadkari

Barely two months after the midnight crackdown on Swami Ramdev's supporters to choke their voice raised against black money stashed abroad, the Congress led UPA government repeated the same repressive steps to crackdown another popular movement led by social activist Anna Hazare for a strong anti-corruption Lokpal Bill.

In an early morning swoop, the Delhi Police picked up social activist Shri Anna Hazare from east Delhi on August 16 just as he was preparing to leave for Gandhi Samadhi at Rajghat ahead of his fast at JP Park to protest a toothless anti-corruption bill approved by the cabinet and to press for a strong anti-corruption Lokpal Bill.

Activist Arvind Kejriwal who was also detained along with Shri Hazare was also taken to Civil Lines, Police Officers Mess in north Delhi. "We have orders from higher up," said the detaining officer when Shri Hazare during his arrest asked him what his crime was.

Shri Anna Hazare who is

Extending support to Anna Hazare's anti-graft crusade, BJP National President Shri Nitin Gadkari on August 18, 2011 asserted that it was BJP that brought corruption and black money issues to the forefront and now it will firmly stand with the social activist in his agitation. 'BJP Anna ke saath hai' (BJP is with Anna), Shri Gadkari said.



Interacting with media persons Shri Gadkari said BJP had not delayed anywhere on raising such contemporary public issues. BJP very much voiced itself against corruption in 2G spectrum and Commonwealth Games and even did not allow ruling Congress-led UPA government to run both houses of Parliament on these issues.

He said the country and its citizens have woken up now and no government can crush their agitation. He said after BJP spearheaded the corruption and black money issues in Parliament and in public, non-political and social organizations took it up and gave it a momentum.

He said public agitation should not be restricted to political parties, the society should always come forward with leaders like Anna and Baba Ramdev.

On Anna Hazare's arrest, Shri Gadkari said by now the Congress-led UPA government should have learnt a lesson on unity of public and values of democracy. The public dissatisfaction and resentment against the Congress led UPA government is seen on the streets," he said.

It was most unfortunate that the Delhi and UPA governments tried to crush Hazare's proposed fast on August 16, he said. ■



campaigning for a legislation that will cover the Prime Minister, higher judiciary and MPs conduct within Parliament among other things, was later taken to Rajouri Garden police station in West Delhi where a Special Executive Magistrate remanded him to 7 days' judicial custody and he was later sent to Tihar jail after he reportedly refused to offer surety for his bail before the magistrate.

Just before his arrest, Shri Hazare told media persons that don't let my arrest stop this movement. This is the nation's second struggle for freedom.

The arrest of Anna Hazare ahead of his indefinite fast in Delhi evoked countrywide ▶▶

## **NDA strongly supports Anna's cause**

The NDA on August 22 decided to aggressively back Anna Hazare's demand for an effective Bill for an anti-graft watchdog to deal with corruption in higher echelons of the Government.

Spiritual leader Sri Sri Ravi Shankar of The Art of Living, who has extended support to Hazare's campaign against corruption, was also present in the meeting and briefed Opposition leaders about Hazare's health. NDA convenor Shri Sharad Yadav, Leader of Opposition in Lok Sabha Smt. Sushma Swaraj and Leader of Opposition in Rajya Sabha Shri Arun Jaitley were also present in that meeting.

NDA leaders said that though NDA did not agree with certain provisions of Hazare's Jan Lokpal Bill, they were in favour of having a strong Lokpal, which also covered the Prime Minister.

NDA leaders said it was time to extend support to Anna Hazare's campaign, more aggressively, both inside and outside the Parliament. The NDA allies have decided not to disrupt the Parliament but expose the misdeeds of Congress led UPA Government through effective participation in debate, including that on the corruption. (FOC) ■

## **Countrywide BJP protest against Anna's arrest**

The Delhi Bharatiya Janata Party burnt effigies of Prime Minister Manmohan Singh, Home Minister P. Chidambaram, Human Resources Minister Kapil Sibal and Delhi Chief Minister Sheila Dikshit at many places across the Capital protesting against the "murder of Constitution and democracy and infringement of fundamental rights". Accusing the Congress led UPA Governments at the Centre and in Delhi of taking the country towards dictatorship the BJP Karyakartas burnt the effigies to also register their protest against recent use of force against innocent and peaceful protesters. Almost the entire Delhi BJP leadership under the leadership of Delhi state BJP President Shri Vijender Gupta participated in the protests. Against the prevailing corruption in the country, death of the Constitution in democracy, dictatorship of Congress-led UPA Government at the Centre, suppression of right of expression and forcible blockage of peaceful agitations by the Centre the Bharatiya Janata Party organised huge sit-in demonstrations simultaneously at all the districts of the country. ■

## **We will fight an effective war on corruption : BJP**

BJP National General Secretary and Spokesperson Shri J.P. Nadda on 20 August 2011 briefed the press on BJP action plan against corruption. Announcing the launching of nationwide anti-corruption campaign he outlined the following course of action to the undertaken by BJP in the days to come :

- ◆ We will fight an effective war on corruption.
- ◆ BJP will move an anti-corruption movement through a people mobilization campaign.
- ◆ Party has decided to form a Yuva Vahini.
- ◆ 10 laks youth will be made members of this Yuva Vahini.
- ◆ This Yuva Vahini will go to every village in the country.
- ◆ The Yuva Vahini will give an agenda to the young brigade.
- ◆ Neither we will be a part of corruption nor will we allow corruption.
- ◆ India will be a corruption free society.
- ◆ We will get the common man out of the jaws of the corrupt government. ■

» protests. As news of Hazare's arrest spread, sporadic protests broke out across the capital, leading to the detention of more than thousands of supporters, including Kiran Bedi and lawyer Shanti Bhushan.

In one hand the entire nation including the BJP strongly criticized the brutal suppression of peoples' voice by the Congress led UPA government. On the other hand Congress spokespersons tried to justify the Delhi Police action on Shri Anna and said such type of police actions is required to maintain the law and order.

Apart from them the Prime Minister, the Home Minister and other senior ministers of the Congress led UPA government also tried to justify the police action.

The Bharatiya Janata Party severely condemned the arrest of Shri Anna Hazare, comparing the scenario to the "1975 Emergency like situation" BJP National Spokesperson Shri Ravi Shankar Prasad said it is regrettable and condemnable; Anna's arrest is illegal, unconstitutional.

He said this government has no faith in democratic values. It has become dictatorial and bent upon crushing anyone who wants to protest against corruption.

He said the language used is identical to that during the Emergency period. I regret many people in government today were there that time too; still they can't understand the people. Anna is articulating the emotion of the distress of people against rampant corruption," he added. ■

September 1-15, 2011 ○ 9

## "Lok Tantra Bachao Yatra (Save democracy)" organized



BJP Human Rights Cell on August 20, 2011 organised a *Lok Tantra Bachao Yatra* (Save democracy) in Meerut (UP). Thousands of people, hundreds of by-cycles, motor cycles and car also participated in the protest march. In addition to the Karyakarta of BJP Human Rights Cell, local residents, students also participated in the protest.

Addressing the gathering BJP National Convener Shri Sudhir Aggarwal condemning the Congress Government said corruption is a disease, unless cured, will become a disaster for the country. He said Congress Government at Centre for their ill-Will not taking strong action on this issue. He also raised voice that for the last 65 years of independence, corruption has made life of people miserable. Everyone is facing this problem in his daily life. The position gets worse when their elected representative and members of Government didn't lend ears to their needs, aspirations and desires. And when people come out of their own, instead of supporting their cause, people at Government take repressive steps to thwart their agitations with help of police and other security agencies. ■

### Gadkari expresses profound grief on the demise of P.C. Alexander

The Bharatiya Janata Party President Shri Nitin Gadkari on August 10 expressed his profound grief and sorrow on the demise of Shri P.C. Alexander, a veteran bureaucrat and a former governor of Maharashtra. In a condolence message, Shri Gadkari said the people of Maharashtra will always remember Shri Alexander as an able administrator. The BJP President has sent his heartfelt condolences to the bereaved family.

## Not only Lokpal or Janlokpal but citizen's rights at stake : Swaraj

*Calling the Congress led UPA Government not only corrupt but also repressive, Leader of Opposition in the Lok Sabha Smt. Sushma Swaraj described PM Manmohan Singh's statement on circumstances leading to Anna Hazare's arrest a "bundle of lies" that concealed more than it revealed. Smt. Swaraj blasted the Congress led UPA Government for trying to put the blame at Delhi Police's door for the entire arrest fiasco and hit out at Congress leaders for launching a personal attack on the social activist Shri Anna Hazare. We are publishing the synopsis of the speech made by Smt. Swaraj in Lok Sabha on August 18 for our readers.*

I stated in the beginning that we had sought structured discussion on the issue of corruption and we shall discuss it. But, all the leaders would like to make their comments on the statement made by Hon. Prime Minister. Before I set out to put forth my views on this statement, I would like to make one point. The Minister of Parliamentary Affairs is duty bound to ensure smooth functioning of the House. He has to ensure smooth conduct of the proceedings of the House with coordination with all the parties and groups and certainly by speaking less and maintaining his cool composure. However, the experience of the House shows that the conduct of the Minister of Parliamentary Affairs becomes more often than not the cause of disruption of the House. It happened yesterday and it has happened today also. Yesterday, he challenged the Ruling of the Chair. Today also he violated the Chair's observation immediately after the Chair had made a specific observation before the start of the discussion. Hon. Prime Minister made a long statement on the events of yesterday. Whether it is good or bad, the Chair will

decide but we would say what we intend to say. The Members of the treasury benches cannot put their words in our mouth. I would like to categorically say that this statement reveals the truth less and muzzles the voice more. Hon. Prime Minister shifted the entire responsibility from the Government to the shoulders of the Delhi Police. In this country, the anti-c o r r u p t i o n campaign is going on for last so many days. As a result of which, three Members of the Ruling Party are languishing in the jail. Today this movement is being lead by Shri Anna Hazare but the attitude of the Government defies any sane thinking. The behaviour of the Government is disbalanced. This statement mentions of Parliamentary supremacy in 4-5 paragraphs. The Prime



*The very first question I would like to ask from the Prime Minister as to who threw to the wind the Parliamentary processes? Who decided to discuss this issue with the team Anna ignoring the entire Opposition?*

Minister's mention of Parliamentary processes and enactment of laws through the due process of Parliament. The very first question I would like to ask from the Prime Minister as to who threw to the wind the Parliamentary processes? Who decided to discuss this issue with the team Anna ignoring the entire Opposition? Five senior Minister of the Government including the Leader of the House sat with team Anna to draft the Bill. When Shri Anna visited us, we asked

him as to why they kept the entire Opposition out, to which they replied that they had made this point to the Government that the members of the Opposition Parties should also be there on the Committee. But the Government replied that they themselves and the members of



the team Anna are O.K. I would, therefore, like to ask if that was O.K. then why the tone and tenor of the Government changed after they fell apart.

Then the Government turned to the Parliamentary process, wrote letters to us and called a meeting of the Opposition Parties. One senior Minister of the Ruling Party who sat with them in all meetings, later dubbed them as corrupt. The Spokesman of the ruling Party who is an Hon. Member of this House says that Anna Hazare is neck deep in corruption. I would like to make a humble advice to him that he has just started his political career and he is elected to this august House for the very first time, therefore, he should learn modesty and mind his language. Today, I would like to say to the Prime Minister that the Government is out to undermine the Parliamentary processes of which he is making mention in his statement. **The second thing he has mentioned in the 11th paragraph of his statement that the Government acknowledges the rights of the citizens. There cannot be anything untrue than this. On the night of 4th June, who lathi charged the supporters of Swami Ramdev? Was it protection of citizens' rights?** Recently, on August 9, the workers of the BJYM were also lathi charged on the day of 'Quit India Movement'. Was it also an attempt to protect the rights of the citizens? Was it also protection of citizens' rights to arrest Shri Anna Hazare from a residence in Mayur Vihar who did not even violate the section 144? Some Hon. Member from the Ruling Party was saying that

September 1-15, 2011 ○ 11

the statement made by the Prime Minister is good but I would like to very emphatically say that this is the pack of lies. The whole country was agitated on the issue of corruption yesterday but with its actions and conduct the Government has proved not only to be corrupt but oppressor also. If the RSS lends its support to any movement in the country then our Minister of Home Affairs gets very agitated. I would like to ask the Prime Minister that the separatists under the leadership of Shri Gilani come to Delhi and make anti-India speeches in Delhi but the Delhi Police does not move at all. Therefore, this Government is the protector of the rights of such people but when a saffron clad saint or any Gandhian bearing a Gandhi cap or an RSS activist comes to Delhi then he is lathi charged. I wonder as to why the Government is irked by the RSS. In fact, the RSS is a patriotic organization. As many as 116 members of this House, 45 Members of the other House and seven Chief Minister of States have faith in RSS. Yesterday, as many as four senior Ministers of this Government while defending the Government on different Channels were responding that such questions should be put to the Commissioner of Delhi Police. It simply shows that this Government is indecisive and is not able to defend its own decisions. Will anybody buy this argument that the Prime Minister is unaware of these issues and the Commissioner of Delhi Police is deciding as to where the fast would take place, as to for how many days the fast would be allowed and as to how many people will be allowed to

participate. This nation has framed the Constitution and the Constitution has given the right to protest. As far as the Bill is concerned we also have some reservations about various provisions of the Jan Lokpal but now this fight is not for Lokpal or Jan Lokpal but the greater issue is that of citizen's rights. The kind of undemocratic attitude the government adopts outside the House, the same attitude it adopts inside the House to muzzle the voice of the Opposition. This Government has brazenly attempted to undermine and malign the dignity of the Constitutional Institutions. The CAG is attacked both inside and outside this House. The Members the ruling Party create unnecessary din in the PAC. One institution of Speaker was left but yesterday the Minister of Parliamentary Affairs challenged the Ruling of the Speaker thereby undermining the dignity of the Chair. This country will never forgive for the treatment meted out to Anna Hazare.

The entire nation has come on to the roads. We the Opposition have never allowed and would never allow the supremacy of Parliament to be undermined. In the year 1975 this ruling party had assaulted the supremacy of Parliament. We shall not allow the supremacy and dignity of Parliament and Judiciary to be maligned but the citizens' rights are top of all.

Today, country is independent. If this Government tries to violate the rights of the citizens then we shall oppose it with full strength at our command and I reject this statement in full. ■

# Does UPA have political will to fight corruption ? - Arun Jaitley

*Launching a scathing attack on Prime Minister Manmohan Singh after his statement in the Rajya Sabha on circumstances leading to Anna Hazare's arrest, Leader of Opposition in Rajya Sabha Shri Arun Jaitley said even the British administrators did not impose such conditions on freedom fighters, including Mahatma Gandhi when they staged protests. He slammed Prime Minister Dr. Manmohan Singh for lacking political will to tackle corruption and instead taking "refuge behind Delhi Police Commissioner" for Anna Hazare's arrest. He said the Congress led UPA Government was also trying to engineer a confrontation between Parliament and civil society. We are publishing the synopsis of the speech made by Shri Jaitley on August 17 for our readers.*

We have heard a detailed statement from the Hon. Prime Minister which not only disappoints us but does not really add to our information or knowledge. The Prime Minister, in his statement, besides giving us the detail of the events which have taken place, has posed a question before this Parliament as to who drafts the laws and who makes the laws in this country. This is a serious political issue which is being debated for the last few months, which climaxed in the last few days, and now we find that the political leadership of this country is really hiding behind the men in uniform and tells India's Parliament and India's people that this entire crisis was being handled by some policemen and the solution to them was that the police decided to invoke provisions of sections 151 and 107 of CrPC. It is time for the Prime Minister of India and the political leadership of the Government to really stand up and take bold decisions. He



***India today is exasperated with this political leadership of the Government, which is unable to tackle corruption.***

must go to the root of this issue. When the news spread that Shri Anna Hazare had gone and sat at the Rajghat, thousands of people, voluntarily started

arriving there in order to show solidarity and support. When the news of his arrest spreads, all over the country, every city, even in rural areas, protests start. India today is exasperated with corruption;

India today is exasperated with this political leadership of the Government, which is unable to tackle corruption. When the 2G scam took place, it was repeatedly told that there is nothing of a scam in it. You were coerced by courts; you were compelled by the courts and by the course of public opinion and the Opposition in Parliament to start taking action against those who were responsible for all these scams. There are two questions this Government has to answer. The first is: Does it have a political will to fight corruption? You determine political will, you evolve that political will in yourself and then decide to fight corruption. You followed the police power approach to solve the political problem. Smugness and arrogance of power which has

become a character of this Government, is not the methodology by which corruption can be fought. If the Government is having a political will to fight corruption it is only then that you can ever get the

abide by each of these conditions that you have imposed on Anna Hazare and his people? The politics is a separate discipline and the law is a separate discipline. The political problems are to deal with a

prison. You brought in a bill that does not satisfy anyone. When they chose to protest, you quietly went early morning and arrested them. But by the evening you saw the enormity and the magnitude of the protests, therefore, you make a statement. India is already exasperated with you. It is fed up of corruption and those who are covering up for corruption. You went begging him to come out of the prison. He had shown his moral strength to you by saying that he is on a fast whether inside or outside the prison and my fast will continue. This is not a confrontation between the civil society and India's Parliament. We are clear in India's Parliament that Parliament alone will draft the law. But if citizens' group wants to tell us something, we will

***If the Government becomes so dictatorial, so oppressive, then a citizens' group may well say that it is willing to offer satyagraha and even go to prison. You brought in a bill that does not satisfy anyone. When they chose to protest, you quietly went early morning and arrested them.***

confidence of this nation back. Members of civil society or any citizens' group or any citizen of this country has a right to campaign for his views. He has a right to crusade for his views. That is a part of the democratic discourse, they have a right to protest and they have a right to dissent.

You have first involved them in the Drafting Committee. Then, you come up with a Bill, a Bill which almost provides for a Government-controlled Lokpal. That Bill may not inspire confidence with them. There are areas where we also have serious differences with the Bill. The issue, today, is how you have handled a political crisis. You have imposed conditions. The Government of the day, against whom the protest is being organized, will decide as to whether the people are entitled to a large protest or only a miniscule protest. You will never have more than 5,000 people in this protest. Is the Congress Party willing to give an undertaking to this country that it will never organize a protest of more than 5,000 people? Are you willing to

political approach. If a country is exasperated with corruption, you address the problem of corruption. If a citizens' group wants to protest, you allow him to protest. National Advisory Committee is a group of citizens.

***This is not a confrontation between the civil society and India's Parliament. We are clear in India's Parliament that Parliament alone will draft the law. But if citizens' group wants to tell us something, we will listen to them.***

The laws drafted by your NAC will come up before the Government or the Parliament. The effective issue today is that Shri Anna Hazare, his group and lakhs and lakhs citizens of this country have a right to say what they want to say. They have never indulged in violence; they have not disrupted the public order; they have not been a threat to peace.

If the Government becomes so dictatorial, so oppressive, then a citizens' group may well say that it is willing to offer satyagraha and even go to

listen to them. We may or may not accept what they say. But they have a right of peaceful protest. Please develop a political will to fight corruption; you will solve most of your problems. Release each one of the persons that you have arrested. Allow them the right of peaceful protest at a reasonable place. If anybody violates the law, invoke your police powers. But don't invoke them against peaceful protestors because, then, you will be threatening the right of dissent which is the very essence of Indian democracy. ■

## We need a judicial vision and a legislative statesmanship : Jaitley

*The Rajya Sabha on August 18 passed the impeachment motion against Justice Soumitra Sen of the Calcutta High Court, clearing the first stage for his removal. This is the first time in the country's history that an impeachment motion against a judge has been passed by either House of Parliament.*

*As many as 189 members voted in favour of the motion to impeach the 53-year-old Judge after a two-day debate on the issue, in the second case in Parliament's history and the first-ever in the Upper House. Seventeen members voted against. The members belonging to BSP opposed the motion. Trinamool Congress MPs were absent during voting. The impeachment motion will come up before the Lok Sabha next week. If passed by a two-thirds majority in the Lok Sabha, the motion will be referred to the President who will order Justice Sen's removal as a judge.*

*Leader of the Opposition in Rajya Sabha Shri Arun Jaitley made a strong pitch for Justice Sen's removal, noting that right through his tenure as receiver and then a judge of the high court, he never rendered account of the money entrusted to him, and in fact created encumbrances and misappropriated the money, "as an in-house committee appointed by judiciary had found."*

*Stating that a judge needed to be transparent, he said, notwithstanding his persuasive arguments placed before the Rajya Sabha the entire basis of Justice Sen's defence was completely at variance with facts. "You said you materially operated the account between 1993 and 1996 and that no statements were available?...but the Rajya Sabha inquiry directed the bank to file a statement.*

*We are publishing the synopsis of the speech delivered by Leader of Opposition in Rajya Sabha Shri Arun Jaitley on the motion for the removal of Justice Soumitra Sen on August 18, 2011.*

**T**oday is an occasion which is both sad and historic. We have all assembled here in an alternative capacity of Parliament where it performs a judicial function. We are conscious of the fact that the power of impeachment is intended to be exercised in the rarest of the rare cases. The power of impeachment of a holder of a Constitutional

office is an authority or jurisdiction given to us to remove a man in order to save the dignity of his office. The office gets precedence over the man who



occupies. We impeach him so that we can ensure that the dignity of the office of judge. A

Judge can be impeached either on proven misbehaviour or incapacity. In this, case is proven misbehaviour. When these articles were being drafted by the constituent assembly, Shri Gopaldaswamy Iyengar had expressed the hope that perhaps, these powers would never be used. We have made two efforts in the past. One at the preconstitution stage and second occasion was in 1993. We have an independent Judiciary. We have the concept of separation of powers. And this power of removal of a judge is given to the



legislative body which conducts an inquiry in accordance with the Judges Inquiry Act.

It is only a very rare case which comes to this House for consideration. The judges will also have to realize that judiciary is no longer an Institution which lives on ivory towers. Their conduct is also going to be watched very closely. This is not to say that we can make unfounded allegations against a Judge. Therefore, we have to be very cautious about every word. When a Judge says that first prove the allegations against me only then I will let you know what my response is. That is not the case of an ideal Judge facing an inquiry. A Judge by his very character must be 'unsuspectable'. We have heard the presentation of the learned Judge at length. He was trying to say that I

must get away from this offence as there were instances when other people who have committed offences while being Judge and got away with. The case in a nutshell is that Steel Authority of India, brought certain goods. There was a dispute over those goods and its qualities between SAIL and supplier. The Steel Authority of India moved the Calcutta High Court and the Calcutta High Court on 30 th April, 1984 appointed the then Mr. Soumitra Sen, an advocate as a receiver. Court also asked him to make an inventory of the goods. There was a direction of the Calcutta High Court that he had to file a return in every six months with the Calcutta High Court about the goods. From 1984 till

2006, September 1-15, 2011 ○ 15

18 years have passed, not once is the return filed. Calcutta High Court asked him to sell the goods and also said whatever you sell, open a bank account, keep the money in that bank account and the court will decide what is to be done with this money. The goods are slowly sold and finally an approximate sum of Rs. 33,22,800 is received against these goods. Mr. Sen, opens two bank accounts, one account in the ANZ Grindlays Bank and the

***It is only a very rare case which comes to this House for consideration. The judges will also have to realize that judiciary is no longer an Institution which lives on ivory towers. Their conduct is also going to be watched very closely.***

other account in the Allahabad Bank. He deposits Rs. 4,68,000 in Allahabad Bank and the balance of about Rs. 28 lakhs in the ANZ Grindlays Bank. He gives four cheques in the names of private individuals. Law books are purchased. The money go from that account. Calcutta High Court appoints him as a special officer in the case of Calcutta Fans. That case has nothing to do with this case. He is paid Rs. 70 lakhs so that workmen of Calcutta fans could be paid. He opens another bank account and puts the Rs. 70 lakhs there. Of this Rs. 70 lakhs, he quietly withdraws Rs. 25 lakhs and makes a deposit in the name of one company, Links-India. When he is paying the workmen he realized that he is short of

money because M/s links India went into liquidation. He deposited the money by removing Rs.22 lakhs from the SAIL's money and deposited in the Calcutta Fans Case. The first thing that should have struck him when he becomes a judge was that he was a receiver in some cases and he got somebody else's money and he has to clear that first. He just keeps quite and keeps sitting on it. So, during his tenure, as a judge from 2003 onwards,

this misappropriation for 'alternative' purpose continues. The Calcutta High Court noticed him repeatedly to file an affidavit regarding the status of money. He was holding it for the benefit of some other parties. He does not file any affidavit or response to the court. The court finally delivers a judgment. He has paid

back to SAIL Rs.5 lakhs. With regard to the balance amount, with interest, the court then passes a decree against him saying that Rs.52,46,454 be paid. Only on a coercive direction of the court he pays Rs.40 lakhs. Then, he asks his mother to move an application before the Calcutta High Court praying for giving some more time to pay the balance amount. So the court passes a judgment by giving him time and makes some adverse remarks against him. When these adverse remarks are reported in newspapers, the Chief Justice of Calcutta High Court writes to the Chief Justice of India, saying that this case has come to notice and this is a conduct unbecoming of a judge. The Chief Justice of India calls him and ask about the

money. He files an appeal through his mother again before the Division Bench, after taking time from CJL.

Division Bench removed the observations against him. The Chief Justice of India constituted a Committee comprising two very eminent Chief Justices of High Courts, and a Judge. He gets a detailed hearing from them. He puts up his defence. They asked him what he did with this money. The three senior most Judges of the Supreme Court call him and ask him to submit his resignation because prima facie

when there were a compulsion of a judicial order, you claim it to be a virtue that now, at least, I have returned the entire money with interest. Even today, he did not tell us where the money of the Steel Authority case went? All we were told was this money was used for fixed deposits, this went to workmen etc. He kept misleading the in-house inquiry, the judges' inquiry, even today, the House that I honestly deposited the money. The impression which any person who has not read the record would get is, that he deposited

that an address be sent to the President supporting the fact that this judge is unfit to be in the Office of Judge.

The case against the Judge is that from his tenure as an Advocate-Receiver to his tenure as a Judge, he never rendered accounts for monies which came into his possession as Receiver. The second charge against him is that before various authorities, he misrepresented the facts and misled them. The hon. Judge said that he was being hanged because the Committee attributed a bank account to him which was in the name of some other Soumitra Sen. The Committee did not make this charge of this account against him. He told the single judge of the Calcutta High Court that he had kept money obtained by sale of goods in the Steel Authority of India, in account no.01SLP0156800 and this money was invested in Lynx India. This account number that he himself gave was the account of the other Soumitra Sen. All investments made by the erstwhile Receiver in the company were by way of cheques drawn on ANZ Grindlays Bank from bank account no.01SLP0156800. In this charge given to him it was said that from this account no money was paid to Lynx. So, the defence is false. The truth is otherwise. He passed off a false account as his account. This fraud was detected with the help of the bank. He misled the House yesterday saying that bank statements are not available. The bank statements are available. As per statement of Allahabad Bank all cash and cheque withdrawals were for himself. In 2006, when he got caught, he says, "Okay, I

***The explanation to section 403 of the IPC states that a dishonest misappropriation for a time only is a misappropriation. As a Judge between 2003 to 2006 he continues the misappropriation and misrepresents to every authority. Can we afford to have a Judge whose conduct is of this manner?***

there is a serious material against him. The inquiry said that the charges were serious. And, since he does not agree to resign, fiftyeight Members of Parliament submit a motion, for his removal. The hon. Chairman constitutes a Committee under the Judges Inquiry Act. He appears through an advocate. The first thing he does is, raises an allegation of bias against Mr. Nariman, a member of Committee. He did not enter the witness box. In a nutshell, the first misconduct is that you misappropriated the monies. The misappropriation started when you were an advocate. It continued after your elevation. You didn't cooperate with the judicial institution in telling them the truth. Finally,

this money with a company and that company went into liquidation. This House, in exercise of its Constitutional jurisdiction to remove a judge, will look at the kind of evidence which has come out. We are not relying on any judgment in the course of this impeachment proceeding against him. We are relying on the report of the Judges Inquiry Committee. Full opportunity has been provided to him by the Inquiry Committee and by this House. He is a judge who stands stigmatized by repeated reports and those reports have a strong basis. Those facts are borne out by the fact that monies have been diverted for collateral purposes. I strongly support the motion

will pay with interest". The third thing he said yesterday was that he did not misappropriate the money. As per record all these cheques were cut out 'self' and cash withdrawn. He used and utilised the money which was case property. This money was misappropriated.

The misappropriation continues till 2006. He said that he returned the money. But the explanation to section 403 of the IPC states that a dishonest misappropriation for a time only is a misappropriation. As a Judge between 2003 to 2006 he continues the misappropriation and misrepresents to every authority. Can we afford to have a Judge whose conduct is of this manner?

He is held guilty for his misconduct of misappropriation and stating incorrect, inaccurate facts during his tenure as a Judge. Therefore, I am reaffirming that, I support Mr. Sitaram Yechury's motion that his is a fit case of proven misconduct where the Judge concerned must be removed from office. When the Constitution was framed, we had a system where Judges were appointed by the Executive Government in consultation with the Chief Justice of India. In 1993, that system got changed. Today we are living in a system where Judges appoint Judges. The Government, at best, has only a very marginal say. This is a non-transparent process. My suggestion to the alternative is about setting up a National Judicial Commission. It must have Judges, the participation of the Executive and people selected by a collegium of some eminent citizens. There must be some objective criteria for appointment

of judges. Judges judging judges and nobody else participating in this is also an issue which requires a serious review. When appointments are made we have to seriously consider how the institution functions. It should be free from any pressure and biases. Almost every retiring judge, barring a few honourable exceptions, holding a belief that he is entitled to a job after retirement. The desire of a job after retirement is now becoming a serious threat to judicial independence.

The separation of powers is one of the basic features of our Constitution. And if every institution works in its own spheres, it has to lay down the

lakshman rekha of its own jurisdiction. The only ideology that courts can have is commitment to the rule of law and that law is made by Parliament. The Government has to decide the policy. Courts cannot decide that policy. We need a judicial vision, a legislative statesmanship and vice-versa in this country so that the correct balance of separation of powers can itself be maintained. The conduct of the Judge leaves much to be desired. It is without doubt

that it's a fit case for removal of this Judge and we must make a recommendation of the address to the President of India. ■

## Corruption and indecision proving to be biggest drags on development : Murthy

**I**ndia Inc's anger over governance and ethical deficit in the Manmohan Singh government burst out in the open yet again, with NR Narayana Murthy, Infosys Chairman Emeritus, saying that corruption and indecision were proving to be biggest drags on development.

Shri Narayana Murthy said the UPA-II has failed to take any major economic decision since coming back to power.

"The main reason is the lack of clear leadership and quick decision-making what with two people being in charge — Congress President Sonia Gandhi and Prime Minister Manmohan Singh," Shri Murthy told a private television channel. He said dual leadership was not good for the nation. "I understand that we have two leaders.

These things slowdown decision-making. My request to the prime minister is to take quicker decisions," Murthy said. Murthy was equally critical of the government's failure to tackle corruption. He said if the government reduces graft, "we could clock a GDP growth rate of 8.5-10%."

He said economists had established that corruption was likely to reduce the GDP growth rate by 0.5-1.5%. He had emphasised this while delivering the 32nd Vikram Sarabhai Memorial lecture on "Towards a Corruption Free India". ■

*Police deploy Lathi Charge, Tear Gas and Water Cannons against  
BJYM Protest*

## Manmohan on silent mode, switch in Sonia's hand : Gadkari

**From Our Correspondent**

**O**n August 9, 2011 Lakhs of youth from across the nation mobilised for the "Sansad Gherao" rally organized by the Bharatiya

police. "This is the second attack by Delhi Police after Baba Ramdev to curb voices against corruption," Shri Thakur said.

Ahead of marching for

Nitin Gadkari said after the Shunglu Committee and CAG report, it has been established that the Congress party had been looting the country and



Janata Yuva Morcha. The rally was planned to proceed from Ramleela grounds towards Parliament with the slogan "Corrupt leaders, quit power".

As the youth approached Jantar Mantar, they were stopped by the police. The police surrounded the protesters from all sides deploying lathi charge, tear gas and water cannons against them. Hundreds of youth were arrested and more than 40 were seriously injured. BJYM President Shri Anurag Thakur along with a large number of BJYM activists was also manhandled and arrested by the September 1-15, 2011 O 18

"Sansad Gherao" a huge rally was organised by BJYM. The rally addressed by senior BJP leaders including BJP National President Shri Nitin Gadkari, BJP Parliamentary Party Chairman Shri L.K. Advani and Leader of Opposition in Lok Sabha Smt. Sushma Swaraj. Former BJP National Presidents Dr. MM Joshi, Shri M Venkaiah Naidu and Shri Rajnath Singh addressed a large number of youths in Ramlila Ground.

Addressing the huge gathering of activists of Bharatiya Janata Yuva Morcha BJP National President Shri

corruption existed at the highest level in the party too. Shri Gadkari also accused Smt. Sonia Gandhi of influencing the appointment of Shri Suresh Kalmadi as CWG OC chief.

"I want to ask Sonia Gandhi why action is not being taken against Sheila Dikshit after CAG report indicted her involvement in the CWG scam. I want to ask why Dikshit is not being removed because after that the next turn will be of Prime Minister Manmohan Singh," said Gadkari. He also said both Manmohan Singh and Gandhi should answer under whose



pressure Kalmadi was appointed to the post despite objections raised by three Sports Ministers.

“Manmohan Singh is on silent mode, the switch for this is in Sonia’s hand. It is now apparent that Kalmadi was appointed as CWG OC chief under Sonia’s influence. Corruption is not restricted to Dikshit only, the connect goes to 10 Janpath from Dikshit’s residence through 7 Race Course Road,” he said. Shri Gadkari added that the people of the country also wanted to know why Congress is quiet on the CAG report though it made a hue and cry when the Karnataka Lokayukta indicted the then Chief Minister BS Yeddyurappa in the mining scam issue.

Shri Advani said on the

occasion that there have been several scams and scandals during the regimes of Congress led-Governments since Independence, but the most

Delhi Police to probe the role of Congress leader Satish Sharma in the July 2008 ‘cash-for-vote’ scam. Referring to a WikiLeaks cable which claimed Sharma’s



shameful and biggest one is the ‘cash-for-vote’ scam. Shri Advani also urged the Supreme Court that it should direct the

aide Nachiketa Kapoor showed “two chests containing cash” to a US embassy official five days before the July 22, 2008 Trust Vote, Shri Advani said.

## BJP stalls House, demands PC resignation over action on youth workers

BJP on August 10 sought the resignation of Home Minister P Chidambaram for police action on BJYM activists on August 9, 2011 in Delhi. The BJP stalled Parliament on the issue, and asserted that the UPA government had allowed separatist elements to congregate in the Capital while it “brutally” cracked down on those who raised the issue of corruption.

Leader of Opposition in Lok Sabha Smt Sushma Swaraj, addressing the media along with leader of Opposition in Rajya Sabha Shri Jaitley, demanded the resignation of Chidambaram. “We have been demanding his resignation over corruption. Now he is responsible for the police atrocities and we are demanding that he step down. If he is not stepping down, he should be sacked,” Smt. Swaraj said.

Shri Jaitley said while the government ejected Ramdev’s supporters and denied permission to Anna Hazare to hold his protest at Jantar Mantar, it had allowed separatist elements of all hues to hold a meeting in the Capital and air secessionist views, which Chidambaram justified as freedom of expression. “This government is liberal and lenient towards separatists,” he said. ■

“I request the Supreme Court to direct (police) to investigate the role of the Congress leader Satish Sharma,” he said. Terming the buying of MPs by the UPA-I as a shameful act, Advani alleged that powerful people, including Chief Ministers, were asked by the Government to find out ‘MPs who could be manipulated and also their price’. “This is the height of shamelessness. This Government led by Dr. Manmohan Singh is the most corrupt Congress Government since Pandit Nehru’s time,” he added.

Leader of Opposition in Lok Sabha Smt. Sushma Swaraj said the UPA Government has been exposed in the past two years and that it has failed on a number of fronts like terrorism, corruption, inflation and bringing back black money to the country. “A Minister (A Raja)

who was in the UPA Cabinet is in jail. A leader of the party (Kalmadi) is in jail and the daughter of a senior leader (Kanimozhi) is in jail. There are more people who are waiting to go to the jail. Is the Congress not ashamed?" she said.

Former BJP National President Dr. Murli Manohar Joshi said that the CAG report on CWG is a clear indictment of Dikshit's role and accused the Congress of trying to remove him from the PAC. "I conducted an independent probe into the 2G scam, the biggest scam in India since Independence, as the chairman of the PAC. Did I committed any crime? I want to finish corruption, they want to finish me.

I want to remove the corrupt, they want to remove me. Is it fair?" he asked the assembled youths. Shri M Venkaiah Naidu said the current situation in the country warrants a revolution like the one "led by Jai Prakash Narayan". ■

## Assam BJYM takes out demonstration at Jantar Mantar

A demonstration was organized jointly by BJYM - Assam Pradesh and BJP North East India Sampark Cell at Jantar Mantar, New Delhi. In the demonstration more than 400 activist of BJYM- Assam Pradesh and BJP North East India Sampark Cell participated.

The demonstrators were demanding implementation of Assam accord of 1985, detection and deportation of illegal Bangladeshi migrants from Assam, immediately take up the Brahmaputra water diversion issue with china, financial package to the small tea grower of Assam, declare flood and erosion problem of Assam as national problem. BJP National spokesperson Ms Nirmala Sitharaman, said Govt. of India as well as Congress party has not given due attention on these problems & our party will always pressurize govt.

To take appropriate steps on these issues BJP National Vice President Smt. Bijoya Chakraborty said that people of North East facing severe problems of identity and without giving due attention to this problems, nation's prosperity and integrity can not be achieved. National Convener of BJP North East India Sampark Cell Shri. Sunil Deodhar expressed his views that north east people and region have been treated step motherly by the congress party ruling in centre as well as state Assam since Independence. Shri Chandan Mitra said all these burning issues will be raised in parliament. BJP National General Secretary Shri Vjay Goel also voiced his concern on all these burning issues. Shri Srabanda Sonowal, MP from Assam also raised issues like illegal infiltration and small tea grower issues. Other Prominent leaders like Shri Rajen Gohain, MP from Assam and Ex-president of Assam Pradesh BJP, President of Assam BJYM Shri Mriganka Barman also expressed their views. North East India Sampark Cell, Delhi State Co-convener Mr Dhananjay Sharma and Mr Himangsu Baruah was also present on the occassion. ■

## Jharkhand CM announces to enact *Right to Public Service Act*.



For ensuring delivery of public services timely, Jharkhand Government, following the path of Madhya Pradesh Government, has declared on the Independence Day to bring *Right to Public Service Act*. Besides this landmark declaration, Jharkhand Chief Minister Shri Arjun Munda also made announcement of more than 13 Yojana like *Ladli Laxmi Yojana*, *Dal-Bhat Yojana* etc.

The CM has assured to start *Ladli Laxmi Yojana* from November, 2011. The *Yojana* promised to deposit Rs.30, 000 in the post office in the name of newly born child baby of the state. *Mukhyamantri Dal-Bhat Yojana* will be implemented statewide for the poor people of the State.

On the occasion the Chief Minister increased the amount for *Kanya-Dan* from 10,000 to 15,000. To make Jharkhand technological hub, Shri Munda promised to establish a software technology park in Jamshedpur and Indian institute of information technological in the State. Earlier Shri Munda hoisted tricolour at Morahabadi ground in Ranchi. ■

# A bill patently unconstitutional Injurious to unity – integrity and fraternity of the people

By M. Rama Jois

**I**t is astonishing that a bill like PREVENTION OF COMMUNAL AND TARGETED VIOLENCE (ACCESS TO JUSTICE AND REPARATIONS) BILL, 2011 which is flagrantly violative of the right to equality and patently discriminatory being violative of Article 15(1) could have been even thought of by the National Advisory Council under the chairmanship of Sonia Gandhi who has taken oath to uphold the constitution and the Government headed By Dr. Manmohan Singh who is also under similar and introducing it in the Parliament.

To put it in a nutshell the bill is intended to give immunity to religious minorities against serious criminal offences committed by violent groups among them against the life and property of majority and penalize the majority for the crimes committed by such militant groups among minorities and in addition to reward the culprits by providing compensation at the cost of exchequer.

Therefore if it were to be passed into Law; though it is difficult even to imagine that it will be passed by the Parliament; it would be void ab-initio. Therefore this is one such bill which should not be permitted even to be introduced in the Parliament.

The bill is more disastrous

than the partition of India on communal lines as it is intended to divide us the people of India on communal lines; for by partition India lost a portion of its territory but by this ill-conceived bill the citizens who are all children of Bharatamata, stand divided on communal lines and providing instigation to the militant and violent sections of minorities to indulge in violence against majority with impunity.

A reading of the definition of the word GROUP and of Communal targeted violence in the BILL which disclose the entire mischief of the bill read – “group means a religious or linguistic minority in any state in the union of India or scheduled castes and scheduled tribes within the meaning of clauses (24) and (25) of Article 366 of the Constitution of India .

### **Definition of the Communal Targeted Violence.**

The communal target violence means and includes any act or series of acts whether spontaneous or planned, resulting in injury or harm to the person and or property, knowingly directed against any person by virtue of his or her membership of any Group, which destroys the secular fabric of the nation.

The above definition read with the Various provisions of the Bill indicate that only minority

group can be the victim of communal and targeted violence and only the majority indulge in or instigating communal violence. It is preposterous to presume, that the majority instigates violence against minority and not vice versa in view of the two definitions. It is needless to analyse the various provisions of the Act to show how unreasonable and arbitrary they are, and how they are designed to destroy the unity and integrity of the Nation and fraternity among the people which are the noble principles enshrined in the preamble to the constitution of India further the provisions of the bill are designed to destroy the federal structure and render the states subordinate to the center.

I conclude this article by stating that the bill is unconstitutional relying on the constitution bench judgment of the Supreme Court of India in which an exactly similar classification was struck down as violative of Article 15 of the constitution (state of Rajasthan Vs. Thakur Pratap Singh; AIR 1960 SUPREME COURT 1208)

Shortly after the commencement of the constitution congress government of Rajasthan issued a notification under Sec. 15(5) of the police Act after having levied the cost of additional police force stationed in certain Villages, granting exemption to



Muslims and Harijans from such levy. The constitution bench of the supreme court of India struck down the said notification. Relevant portion of the judgment reads:-

The state of Rajasthan in defence of the exemption stated thus ....

"The Harijan and Muslim inhabitants of these villages have been exempted from liability to bear any portion of the cost of the additional force not because of their religion race or caste but because they were found to be peace loving and law-abiding citizens, in the 24 villages where additional force has been posted" ..

The Supreme Court rejected the defence thus :-

"It would be seen that it is not the case of the state even at the stage of the petition before the High Court that there were no persons belonging to the other communities who were peace - loving and law-abiding, though it might very well be, that according to the state, a great majority of these other communities were inclined the other way, If so, it follows that the notification has discriminated against the law-abiding members of the other communities and in favor of the Muslim and Harijan communities, - ( assuming that every one of them was ' peace loving and law-abiding') on the basis only of "caste" or "religion" . If there were other grounds they ought to have been stated in the notification. It is plain that the notification is directly contrary to the terms of Art. 15 (1), and that Para 4 of the notification has incurred condemnation as violating a specific constitutional prohibition. In our opinion, the learned judges of the High court were clearly right in striking down this paragraph of the notification.

**The present bill proves that old habits hardly die**

In the light of the law laid down by the Supreme court of India the present Bill is liable to be rejected at the stage of introduction itself. ■

*(The Writer is a BJP Rajya Sabha MP)*

## Delhi BJP Legislators demands resignation of Sheila Dikshit

Delhi BJP Legislators led by Leader of the Opposition in Delhi Legislative Assembly Prof. Vijay Kumar Malhotra, Delhi BJP President Shri Vijender Gupta and Co-Incharge Shri Rameshwar Chaurasia on August 8, 2011 in Delhi marched from Shahidi Park to Delhi Secretariat demanding resignation of Chief Minister Sheila



Dikshit who has been accused by the CAG of bungling of crores in CWG and for initiating case by the CBI. The Police stopped the BJP leaders

in the midway by putting barriers. The Legislators were raising slogans : 'Ab CAG Ne Bhi Kah Diya - Sheila Dikshit Bharasthachari Hai', 'Bharasth CM Istifa Do - Istifa Do'.

Prof. Vijay Kumar Malhotra said, "The CAG has held Chief Minister Sheila Dikshit guilty of bungling in the CWG. BJP has been telling this truth from the 1st day of the Games. Before this Shunglu Committee, CVC, Technical Committee of PWD have also found the Chief Minister responsible for corruption of thousands of crores in the CWG. Prime Minister is mum even after so many charges and the entire Congress Party is trying to save Sheila Dikshit. Shri Ramesh Chaurasia said that the Congress Government of Delhi is taking its last breath. The people of Delhi have rejected this Government. For how long she can survive."

Lambasting the Congress Government Shri Vijender Gupta said, "The Congress may try any magic but this time they will not succeed in saving Chief Minister Sheila Dikshit. The movement of BJP will continue till the Prime Minister takes resignation from Sheila Dikshit and orders prosecution by the CBI.

BJP is not going to tolerate the corruption of Congress and its leaders. BJP has framed a plan to fight decisive battle from the streets to the Parliament. It would be in the interest of the Congress that it removes Chief Minister Sheila Dikshit as soon as possible and the CBI takes action against her under the Indian laws." (FOC) ■



## Govt. paying mere lip-service to senior citizens: Gadkari

From Our Correspondent

**B**JP National President Shri Nitin Gadkari lambasting the Congress led UPA Government for its double standards on corruption said that the crackdown on yoga guru Baba Ramdev and his supporters at Ramlila Maidan, the recent police action against BJP youth wing workers and now conditions on Hazare's fast reminded him of the Emergency days, when the Opposition voice was muzzled.

Addressing the Senior Citizen Mahasammelan on August 14 in New Delhi Shri Gadkari said Anna Hazare was being prevented in every possible way by the Congress-led UPA Government at the Centre. He said Hazare was taking steps to strengthen India's democracy and that his voice against corruption should be heard. "Is it a crime if Anna speaks against corruption?" He asked to the Congress whether it was wrong to talk about corruption and black money. Shri Gadkari criticised the UPA Government for paying mere lip-service to senior citizens – paying them a pittance in the name of old-age pension. To ensure better care to the elderly, he demanded setting up of a national commission for senior citizens on lines of the

panels created for women and minorities.

The BJP National President criticizing the Manmohan Singh

the need of national commission for senior citizen in the both Houses of Parliament in ongoing session."



Government said, "Only Rs 1,000 is paid in the name of pensions for the senior citizens, which is definitely not appropriate since there is so much of inflation. We would enhance it and make it double once BJP Government comes to the power. We would also provide health insurance card and free of cost medical facilities to senior citizen."

While addressing the seminar BJP National General Secretary Shri Ananth Kumar said, "We talk about on the condition of women, farmers, scheduled castes and scheduled tribes but we ignore our senior citizens. We would discuss for

BJP National General Secretary Shri Vijay Goel said, "The vulnerable citizens have been denied the basic necessities, such as healthcare. They are neglected and suffer at the hands of their own families. These aged people not only need the basic amenities, they also need care and affection."

Shri Goel further said, "For the better care of our Senior citizens 50 per cent special reservation in railway, buses and in aviation should be given to senior citizen. The Government also should provide special court for the early judgment in the cases related to senior citizen." ■

## Advani calls for Opposition unity to end Congress misrule

BJP Parliamentary Party Chairman Shri LK Advani's Blog Posts "As I see it" was released on August 18, 2011 at Constitution Club, New Delhi. Eminent jurist Shri Fali S. Nariman and Veteran Journalist and the Editorial Director of India Today Shri M.J. Akbar were present on the occasion.

Speaking on the occasion Shri Advani suggested all Opposition parties, including the BJP and the Left to join hands for concerted action to end the Congress-led misrule "whose mandate has long since evaporated."

Shri Advani said the meeting of Opposition leaders including those of the Left in the chamber of Leader of Opposition Smt. Sushma Swaraj for a joint strategy on the issue of corruption and arrest of Anna

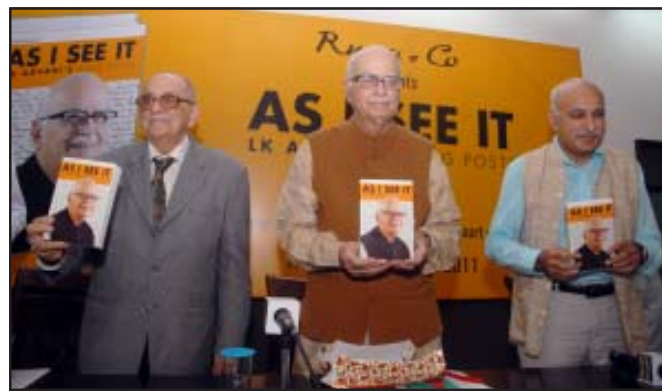
Hazare will certainly bring new hope for the people.

Shri Advani said that the Left had inhibition in associating with the BJP. But the BJP did not believe in political untouchability for public welfare. He said, "however, their (Left) decision to attend the meeting at Smt. Swaraj's chamber following

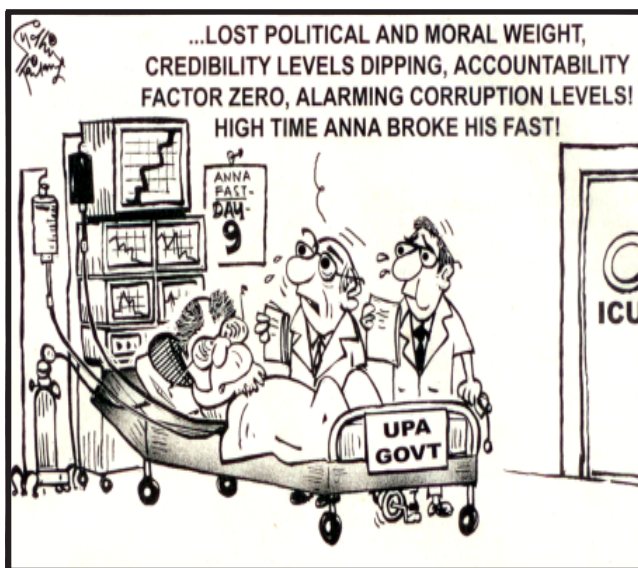
the outrage over action against Anna Hazare has given rise to hopes for some concerted action by all opposition groups against this anti people government, which has done everything

against aam aadmi".

Earlier, the Blog Posts "As I see it" was released by eminent jurist Shri Fali S Nariman, listed three important issues – corruption, black money and inflation for which all



Opposition parties could come together against the Congress led UPA government because "sooner this government exits, it's better for the country", he said. (FOC) ■



### An appeal to the readers

Dear Readers,

We have sent receipt books to the State presidents of your State. Kamal Sandesh is a vehicle for propagating nationalist ideology and you also work for the promotion of nationalist thoughts. Therefore your support is essential for Kamal Sandesh.

Your subscription is our strength. We cannot afford to lose it. Therefore please immediately contact your State president and general secretary (Organisation) and help us by taking subscription of Kamal Sandesh. You must be aware of the fact that our national president Shri Nitin Gadkari has always been emphasizing on increasing the circulation of Kamal Sandesh.

Yours,  
Prabhat Jha, MP  
Editor, Kamal Sandesh

## Centre should ask States to suspend land acquisitions : Rajnath

**F**ormer BJP National President Shri Rajnath Singh asked the Centre to issue an advisory to all States to stop land acquisitions till the legislation in this regard is passed by Parliament even as it alleged that the Haryana government had leased acres of land illegally to Rajiv Gandhi Charitable Trust.

"The government should bring the Land Acquisition Bill in Parliament in this session itself and not delay it further.

Also the Centre should issue an advisory to all state governments that till this Bill is passed all land acquisition should be stopped," Shri Singh said.

He said injustice towards farmers is being done by state governments in Uttar Pradesh, Haryana, Andhra Pradesh and Maharashtra among others. Some of the State Governments were acquiring land to benefit builders and this should be checked.

"Forcible and unfair land acquisitions are taking place. In the blind race for development, destruction of land and natural resources is taking place. There is misuse of authority by the state governments. This is a form of corruption," Shri Singh added.

He made a special mention of Haryana where he had visited Ullahawas and other adjoining villages on August 5 to meet farmers agitating against land acquisition.

"In Ullahawas, I met

farmers who said in 2005-06, land was acquired with just Rs 12.5 Lakh compensation per acre and given to the Rajiv Gandhi Charitable Trust," Shri Singh said.

Shri Singh said that no work was done on the land and it was again sold to a private builder. Even after five years no building plan was made by those builders.

He maintained that there were many farmers in the region who were facing problems of livelihood and unemployment.

Shri Singh alleged that the land has been leased to Rajiv Gandhi Trust for a period of 33 years. It further said the land



belonged to the Gram Panchayat but given on lease to the Trust without taking the Gram Sabha's opinion.

"The Haryana government is misusing its powers. A judicial probe should be ordered into this land acquisition.

It is unfortunate that this land was acquired in the name of serving a public purpose. The land of farmers is being looted," Shri Singh said.

He alleged that while farmers are in a state of panic, government seems to be acting hand in glove with corporate builders. ■

### Dharmendra Pradhan & Murlidhar Rao given additional responsibility

BJP National President Shri Nitin Gadkari on August 18, 2011 assigned additional responsibility to BJP General Secretary, Shri Dharmendra Pradhan to look after the party activities in Jharkhand. Shri Murlidhar Rao has been appointed as a member of the policy making working group of the party. ■



### Food inflation rises up to 9.9%

Food inflation accelerated to its highest in more than three months, making it difficult for the Reserve Bank of India to pause interest rate hikes despite global economic uncertainty and deceleration in industrial growth. Prices rose 9.9% for the week ended July 30 from a year ago, the highest rate of increase since the third week of April, data on Thursday showed. ■



## Working for Party is equally a service of the nation : Nadda

*Shri Jagat Prakash Nadda jumped into the student politics through ABVP in his teens. He was also elected President of Delhi University Students' Union. In 1991 he was appointed the National President of the Bharatiya Janata Yuva Morcha. He quit this post when in 1993 BJP asked him to contest the Himachal Vidhan Sabha elections which he won and was also elected Leader of BJP group in Vidhan Sabha. When BJP was voted to power in 1998, he became the Health Minister in Prof. Prem Kumar Dhumal government and Forest Minister in his second government in 2007. The moment he was appointed a National General Secretary of Party he instantly quit his cabinet minister's job which is a bit unusual in the present political environment in the country. He gladly opted to work for the organization.*

*BJP National Convener of Literature & Publication Cell, Amba Charan Vashishth interviewed Shri Nadda last week at his office in New Delhi. Excerpts:*



**What are your experiences during the last one year of your working as BJP's National General Secretary?**

I like the new responsibility very much where my primary responsibility is to strengthen the party and broaden its base and reach among the people. The field is wider; the scope is extensive. I am fortunate to work with senior leaders. My sphere extends to the whole country. The environment too is very cordial and to my liking. I am enjoying the new responsibility. I am grateful to the Party to have given me this opportunity. Working for the party is equally the service of the nation.

**Quitting the office of a Cabinet minister in Himachal to take up an organizational responsibility was a big decision. Did it present a predicament for you?**

I am not the one who thinks that the only way to serve the people and the party is by becoming a minister. I have come here by option, by choice. For me party organization is supreme. I feel that to run a good government and provide good governance, organizational strength of the party is of great importance. The Party is there to realize

the dreams of the people and serve the nation. In my view there is no other means better in serving the country than the organization. I have tasted power from a very young age. I have been a Cabinet minister for seven-and-a-half years with 2.5 years yet to go. I was Leader of the BJP Legislature Party for five years. As a minister one does get a chance to put his vision into practice, but that is not the be-all and end-all. If we strengthen the Party, we simultaneously strengthen the government. I am thankful to the Party President Shri Nitinji Gadkari who has given me this chance

**Which of the two jobs - of a minister or general secretary - did you enjoy better?**

For me serving the organization is better than holding the office of a minister. For me it is more a priority to make the party stronger than enjoying the fruits of power. Every action taken in the organisation is a positive step with a national impact.

**Does your moving over to Delhi mean your shifting to the politics at the Centre?**

I volunteered to come to the Centre. I would like to concentrate in the organization. For good



governance you need a good, strong party and organizational support. Organisational work is more a priority for me. Left to me, I would like to continue at the Centre. I am a disciplined soldier of the party. Wherever I was asked by the Party to work, I did it smilingly.

**What about the anti-incumbency?**

If there is any anti-incumbency, it is not against the government but against certain individuals and that too to a very little extent. We are going to overcome it by evaluating the performance of the sitting MLAs, their commitment to core ideology, their rapport with the people and winnability. As a result some changes could take place and anti-incumbency, if any, will be overcome

**There is great infighting in the main opposition Congress. But, at times, there are reports about dissidence in BJP also. What do you say?**

The dissidence and infighting in the Congress is very evident, very prominent. Strong posturing has been visible on various

occasions. On the other hand, BJP is a party with a functioning internal democracy. We have given our workers the freedom to vent their views. We want to encourage a healthy discussion on issues and problems facing the government and the organization. The free expression of opinion should not be construed as dissidence or infighting. Yet, if *Lakshman rekha* is crossed, party does take a very strict action

**With a BJP government in Himachal and a Congress-led UPA at the Centre, are you getting your due share of help and assistance from the Centre?**

Frankly speaking, for political and electoral reasons the intention of UPA is not to help the State.

But it goes to the credit of Dhumal government that through statecraft, administrative skill with proper home work and personal rapport at the Centre, we have been able to get much from the Centre. Yet, the problems remain.

**What change do you perceive Shri Nitin Gadkari has brought in the BJP during the last eighteen months as President?**

Shri Nitin Gadkariji has infused a new outlook in the party. He has injected a new enthusiasm among youth and women. He has taken many bold steps. By raising the issues agitating the minds of the people, like price rise, hike in petroleum products,

internal security, etc. at every forum – village, Vidhan Sabha and Parliament, he has made the party stand shoulder to shoulder with the people and won their heart. He has made BJP a party of the masses. The spirit of *antyyodya* and good governance has been made the hallmark of the organization and government. More initiatives have been taken with a commitment for change. He has involved every party leader and

**Chances of BJP being returned to power once again in next year's elections?**

BJP is bound to bounce back to power once again. Yet, complacency should not overwhelm us. Lot of development has taken place. People appreciate the work done by the Dhumal government at a much faster pace despite many handicaps. Yet, we have to be careful of the dirty tricks of the Congress Party.

*karyakarta* in the organisation. His handling crises in the Party is a pointer to his political vision, maturity and sagacity. He has given momentum to the party and energized it with a team spirit. He has infused fresh blood by involving new faces in the party, by giving younger people a chance, full freedom to work He is result oriented and wants concrete results, not just *khana-poorti*. Activities of the party have multiplied and expanded to new areas. He has given Vision Document. He monitors the functioning of the party and of governments in States from close quarters. BJP is now brimming with new enthusiasm and confidence.■

## ANDHRA PRADESH

### ***BJP stages 'Maha deeksha' for Telangana***

## **Immediately introduce bill to carve out separate Telangana State : BJP**

The BJP staged a dharna as part of "Maha deeksha" programme in front of Collectorate at Karimnagar; AP on August 17 demanding that the Congress led Union government must carve out separate Telangana State by introducing a bill in Parliament.

Former legislator and BJP State Vice-President Shri G. Ramakrishna Reddy led the 'Maha Deeksha' dharna. Karimnagar BJP district president Shri M. Arjun Rao and hundreds of other State and district BJP leaders participated in the dharna programme raising slogans of "Jai Telangana". Braving incessant rain, the BJP leaders and thousands of common people participated in the dharna and launched a scathing attack against the Congress led UPA government for betraying the people of Telangana.

They also flayed the Telangana Congress Ministers for attending to their duties in spite of tendering their resignations for the cause of Telangana State. They reiterated that the BJP alone would carve out separate Telangana State.

In Adilabad

In Adilabad district thousands of villagers at Sonkhas in Bela Mandal stayed away from agriculture work to take part in the 'Sakala Janula Samme' (people's agitation). The entire population of this village pledged support to the cause of separate Telangana. The villagers took a collective oath towards the objective. They demanded that the MLAs from Telangana region must resubmit their resignations.

The BJP staged a dharna as part of the 'Samme' in front of the Collectorate in Adilabad. Party's district president Shri Ravula Ramnath and others demanded a Bill in Parliament for carving out separate Telangana State. The BJP and Telangana Joint Action Committee organised rallies by schoolchildren which converged at the venue of the dharna in front of the Collectorate.

Representatives of the Joint Action Committee of Employees, Teachers and Workers too visited the dharna camp to express solidarity with the agitating BJP activists.

Nalgonda

The BJP Nalgonda district unit organised a 'Maha dharna' at Clock Tower as part of the 'Sakala Janula Samme' (people's agitation) and demanding introduction of bill in the current session of Parliament on Telangana.

Many leaders from the BJP and TRS joined the protest taken up under the leadership of BJP district President Shri V. Chandrasekhar. State BJP treasurer Shri Manohar Reddy, and several leaders from the district were also present.

Former MLA and chairman of the party's finance committee Shri B. Bal Reddy, while inaugurating the dharna, criticised both the Congress and Telugu Desam for their 'double standards' on the Telangana issue and the Centre for not reacting to the resignation of Telangana MLAs. He faulted the Telangana ministers for attending official functions and office work, which amounted to virtual withdrawal of their resignations. He called for support to the government employees to join the agitation by going on strike on September 05.

## GOA

### **Mining scam in Goa much bigger than other states : Parrikar**

Former Goa Chief Minister and Leader of Opposition in state assembly Shri Manohar Parrikar said the mining scam in Goa is much bigger in compared to other states. Addressing an anti-corruption rally organised by the State BJP, Shri Parrikar said, "if other States are waist deep in the mining scam, Goa Chief Minister Digambar Kamat was submerged up to his head in mining scams".

Shri Parrikar said, "The Lokayukta Bill in the



Goa Assembly was passed four years back and Digambar Kamat has been stalling it citing minor technicalities. He knows that if the Lokayukta Bill comes into force he will be hauled up in the mining scam". He said Goa exported a record 54 million tonnes of low grade iron ore last financial year to countries like China, Japan and Romania from the 100-odd operational mines in the hinterland and massive corruption has taken place in mineral exports and several Cabinet Ministers of Goa Government, including the Chief Minister Digambar Kamat are involved in illegal trade.

He further said the Opposition BJP has raised its voice several times against these illegal mining trade during Digambar Kamat led Congress Government. But surprisingly no action has been taken by the State and Central government yet.

Shri Manohar Parrikar said BJP will definitely try its best to expose the corrupt faces of Goa ministers and will go to people's court to give fitting punishment to these anti nationals.

#### MADHYA PRADESH

### Agricultural land not to be acquired for industrial projects : Shivraj Singh

Madhya Pradesh Chief Minister Shri Shivraj Singh Chouhan said that agricultural land of farmers would not be acquired in view of shrinking of land resources. Mega industrial projects would have to purchase suitable land for their own use. Shri Chouhan was addressing apex level investment promotion empowered committee at Bhopal on August 17.



It may be recalled here that the investment promotion committee meets regularly at the initiative of Chief Minister to speed up decision making regarding establishment and commercial operation of industrial units and resolve inter-departmental issues.

Shri Chouhan gave instructions to convene a meeting on Delhi-Mumbai Industrial Corridor under the chairmanship of the Finance Minister

September 1-15, 2011 ○ 29

for resolving issues pertaining to the project. He asked Principal Secretaries of the concerning departments to ensure compliance of decisions in a fixed time frame. He asked them to examine and discuss issues thoroughly before bringing them to the apex committee, saying that it would make easier to take decisions.

#### UTTAR PRADESH

### Congress led UPA stifling voice of aam aadmi : Surya Pratap Shahi



Addressing BJP Karyakartas in the state-wide 'Loktantra Bachao-Bhrashtachar Mitao' demonstration in Lucknow on August 17 Uttar Pradesh BJP President Shri Surya Pratap Shahi said that Congress-led UPA was stifling the voice of aam aadmi because

they were demanding a stronger law to fight corruption. Leading the protest in state capital he said that UPA Government, which is neck-deep in corruption, has been exposed on the issue of Lokpal.

He said, "The BSP government in Uttar Pradesh is no different as it is also following the path shown by the Congress. The poor people are suffering due to the mis-governance of both the governments - Congress at Centre and Ms. Mayawati led BSP in Uttar Pradesh".

He said the collusion between the BSP and the Congress was exposed as both these parties are anti-people and believe in looting government exchequer.

It is notable that the 'Loktantra Bachao-Bhrashtachar Mitao' protest was held all over the state with senior party leaders and legislators leading these demonstrations in various places.

In Varanasi the protest was held at Chitaranjan Park while in Gorakhpur party Karyakartas staged protest at the Chetna tri-junction. The party Karyakartas also torched the effigies of Prime Minister Dr. Manmohan Singh and UPA Chairperson Smt. Sonia Gandhi there.

## GUJARAT

## Panel to probe Congress charges against govt.

The Government of Gujarat on August 17 announced setting up of an inquiry commission under a retired Supreme Court judge Mr MB Shah to enquire into 17-point charges that the State Congress party submitted to the President of India a



few months back. The decision was taken at the cabinet meeting headed by the Chief Minister Narendra Modi.

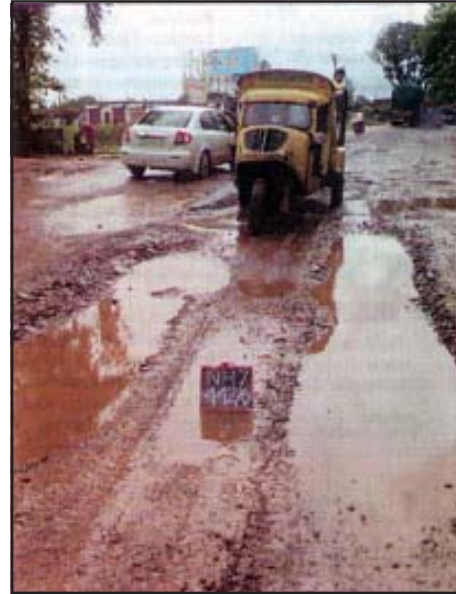
When it came to the notice of the Government of Gujarat as also published in newspapers that the Congress leaders gave a representations to the President of India on June 3, 2010 regarding 17 allegations against the functioning of the so-called malpractices of the Government of Gujarat, the latter suo moto took this historic step with good intentions and set up this Commission of Inquiry. The state government formed the MB Shah Commission under the Commission of Inquiry Act-1952, said government spokespersons Mr. Jay Narayan Vyas and Mr. Saurabh Patel. Government of Gujarat is of the opinion that it is necessary in the public interest that the people of Gujarat must know whether there is any substance in the allegations, particularly at the time when a strong public opinion is building against corruption in public life. The Government of Gujarat is also of the opinion that it is necessary to bring to the knowledge of the people of Gujarat the factual position obtaining on each of the allegations referred to above.

This has been necessitated to bring the 'truth' to the people over the allegations made by the Congress. The State government is committed to have a transparent inquiry into whatever allegations have been made, they said. ■

September 1-15, 2011 ○ 30

## UPA's consistent neglect of road sector shows its dismal performance on governance record

BJP-ruled Madhya Pradesh, which wrote to the Centre asking that 10 much-travelled intercity roads in the state be de-notified, arguing that the State government would do a better job maintaining them than the Centre. To back up their



assertion, they attached photographs of the roads — potholed, flooded and jammed.

The pathetic condition of highways prevents the modernization of agriculture, preventing farmers in remote areas from accessing markets that would fund capital investment. They make worse unevenness in development, forcing the clustering of industrialisation. They make it expensive to haul materials cross-country, bolstering inflationary pressures along the supply chain. Despite many promises by UPA, little has been done to advance highway-building, or even maintenance.

Highway-building has been plagued by cost and time overruns. As the MP photos make clear, these are not necessarily caused by land acquisition problems but by genuine inefficiency and badly designed contracts; indeed, recent government numbers suggest that when the private sector is implementing publicly funded and internationally funded projects, almost all suffer over-runs. This is not the case for projects being constructed on a build-operate-transfer basis, in which the private partner is penalised for delays.

The UPA's consistent neglect of the road sector is one of the blackest marks on its governance record. These problems in the implementation of construction projects have been understood for years, but little effort has been made to correct them. ■