

editorial & opinion

“Social progress of a country can be measured by the social position of the women.” - KARL MARX

When law catches up

Wednesday was a momentous day in contemporary Indian history and a historic day for the Indian judiciary, reinforcing the people’s faith in the fairness, impartiality and objectivity of the Indian judicial system. While the Supreme Court of India upheld the death sentence of Ajmal Amir Kasab, the Additional Sessions Judge of Ahmedabad Jyotsna Yagnik held a former BJP minister Maya Kodnani along with Bajrang Dal leader Babu Bajrang and 29 others guilty of massacring 97 people on February 28, 2002. Many skeptics apprehend that Kasab (the correct spelling is Qassab with a Q, meaning the butcher) would also succeed in escaping the noose the way Afzal Guru has. But human memory is short and nobody seems to remember that Afzal was a surrendered militant, working under the command of the security handlers in Srinagar. He was virtually denied proper and effective defence. He was nowhere on the scene of the crime and the apex court while awarding him death sentence argued that somebody had to be punished for such a heinous crime against the Indian state. His hanging would forever bury the mystery at whose behest his security handlers sent him to Delhi to assist those who attacked Parliament on December 13. On the other hand everyone saw on the TV screens how Qassab went around butchering and slaughtering people without any remorse. In Gujarat, judge Yagnik has reinforced the confidence of the victims of the post-Godhra massacres in the fairness and impartiality of the Indian judicial system. The relatives of Kausar Bano who witnessed this nine-month pregnant young woman being stripped and dragged on the street to be raped repeatedly in full public view with hordes baying for her blood, then cutting open her womb and then burning her to death, feel vindicated. But more importantly judge Yagnik has rejected the Narendra Modi plea of spontaneous anger over Godhra and upheld a criminal conspiracy. For the first time a woman politician has been convicted for leading murderous mobs during those hapless days of February-March, 2002. Maya Kodnani was not a minister then but she was duly rewarded for her ‘Courage and conviction’ by Narendra Modi on the recommendations of the then Home Minister LK Advani. So far no charge has stuck to Modi, despite the efforts of his detractors. But one by one all the active players, in the forefront of the Gujarat pogrom from Kodnai, to Babu Bajrang to Amit Shah are all getting sucked in by the slowly grinding wheel of justice and if the hand of law has reached the actors, the day may not be far when it will reach the architect of that conspiracy.

DAILYTAKE

Tackling Trafficking

According to a study, around 100 million people are victims of human trafficking in India.

PARVEER SINGH GHUMAN

A major international sex racket came into the limelight on August 16, 2012 when the Social Service Branch of Mumbai Police rescued 37 girls from the clutches of the pimps who were transporting them to Dubai from the Delhi Airport. This clearly portrays the magnitude, widespread and atrocious nature of an immoral and illegal act, which is given the umbrella term of human trafficking. Human trafficking is a universal phenomenon. It is, however, more pronounced in developing countries. Low level of development, chronic unemployment, poverty, hunger and lust for lavish standard of living push men, women and children into human trafficking. The revealing feature of human trafficking is that victims live under climate of constant fear and feel helpless. In most of the cases the victims reconcile to the circumstances and finally surrender to the dictates of perpetrators for unending exploitation. Human trafficking takes place in many forms including bonded labour and slavery, prostitution, call girl trade, massage parlours, drug peddling, forced marriages and illegal immigration. Girls and women are more vulnerable to human trafficking. Human trafficking has emerged as one of the important criminal industries across the globe after weapons and drug trafficking. The human trafficking industry earns total annual revenue in vicinity of \$10 billion. The latest Trafficking in Persons (TIP) report released by the United States early this year, estimates that as many as 27 million men, women, and children around the world are victims of human trafficking. It would be fair to add, however, that all of these estimates are debatable, since they cannot be exactly measured and verified. India being one of the most populous nations is a home for both domestic and international human trafficking. Elucidating the situation in India, the same TIP report states



INHUMAN : The human trafficking industry earns total annual revenue of \$10 billion.

that India is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. According to one estimate, approximately 100 million people are victims of human trafficking in India. One of the most important factors which leads women, children to become victims of this inhumane act is commercial sex work which creates a market demand for women and children. The nature of this industry necessitates regular fresh supply of women, which keeps trafficking profitable. The viable market encourages women or children into it. Other causes include no apt knowledge about migration process and globalisation which has increased the demand for cheap labour. This cruel act leads to the physical and psychological breakdown of the victims and causes them severe damage. It has a health angle, as trafficked women and children are most at risk of HIV infection and other sexually transmitted diseases. It is foremost, a human rights issue, as its victims are stripped of their rights and lack any access to redress for the crimes committed against them. It is the duty of the state and its law enforcing agencies to prevent, human trafficking, protect the victims and prosecute the culprits. Indian constitution prohibits human trafficking. According to Article 23 (1), “Traffic in human being and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence

punishable in accordance with law.” There are plethora of Acts which directly or indirectly deal with human trafficking in India. Immoral Trafficking Prevention Act 1956 (ITPA) and amended in 2002 is the most important piece of legislation, the mandate of which is to prohibit immoral human trafficking. The Section 2 of the Act provides definitions of the various terms being used in the statute including terms such as brothel, child, prostitution and institutional home for protection. According to the severity of the offence, punishment ranges between a minimum of one year imprisonment and maximum of life. Fines go up to a maximum of Rs 2 lakh. Although these are quite comprehensive, but a major drawback of this Act is that it fails to provide a definition for the basic, important term of trafficking. It has currently an amendment bill pending since 2006 and the international definition of trafficking is present in the amending bill but it is yet to be put into effect as a proper law. Other Acts include Juvenile Justice (Care and Protection) Act, Child Marriage Act, Dowry Act, SC/ST prevention of atrocities Act, Organ Transplant Act, Child Labour Act. Many sections of the Indian Penal Code (IPC) also declare human trafficking as a crime. In consonance with various Acts, governments have taken important initiatives for mitigating human trafficking in India. The major initiatives include Integrated Anti-Human trafficking Units (IAHTU’s), Anti

trafficking Nodal Cell State Program, Swadhar Program and Ujjawala Program. Another forward step is that India has recently ratified the Convention on Organised Crime and its three protocols in 2011 one of which is of utmost importance regarding human trafficking. One of the major objectives of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is to prevent and combat trafficking in persons, paying particular attention to women and children. Ratification of this instrument means that it is now legally binding on India to enforce and implement the provisions of the convention. Also it is obligatory for India to now integrate these provisions in a domestic law which the legislature needs to create. Although the Central government took more than sufficient time (adopted by the UN in 2000) to ratify this important instrument, but it does establish the fact that the Central Government has an intention to meet with the international standards set up by the United Nations. Notwithstanding the gamut of Acts, and programmes in conformity with the Acts, human trafficking has increased over time. The rising trend of human trafficking suggests governance deficits and necessitates urgent governance reforms to mitigate the menace of human trafficking from the Indian soil. Firstly, India needs to amend its domestic law to cope up with international demands and standards. Secondly, regular updates in the policies and written law is required to combat this menace. Thirdly, a proper definition of trafficking is lacking in the ITPA along with different other gaps which need to be filled. Fourthly, the international statutes recognize the nature of human trafficking as been often run by organized criminal groups but The ITPA does not contain any provision relating to organizing and directing to commit an offence which is considered as an important facet by international instruments. Organised crime lacks a national law defining it, though there have been state laws defining organised crime.

Irony of Uttar Pradesh

Had it not been a State, Uttar Pradesh would have been the eighth largest country in the world. By implication, it means that the most populous State of the country represents all the ironies of India. Its diversity, its backwardness, its prosperity, its assimilative culture, its divide between the haves and have-nots and its hypocrisy. In keeping with this line, the VIPs of Uttar Pradesh ensure they are not deprived of all facilities that many denizens of the State are. When most rural areas of Uttar Pradesh suffer from severe power failure - one must stay in that State to know what frequent power breakdowns mean - Congress president Sonia Gandhi, dubbed by the Forbes magazine as the sixth most powerful woman in the world, has ensured through Chief Minister Akhilesh Yadav that her constituency Rae Bareilly gets 24X7 power supply. Her request

had a ripple effect in that her son Rahul Gandhi’s neighbouring Amethi constituency has also been promised round-the-clock electricity supply by the Samajwadi Party government in Uttar Pradesh. It is so ironical that Rahul Gandhi often speaks of two Indias, one that enjoys all the rights and privileges and the other that struggles for a square meal. It’s like talking of India’s poverty in a plush drawing room while having chocolate soufflés. Cut to Lucknow, the city of Nawabs and the seat of power. The entire historical and beautiful city should ideally get seamless power supply, but here too the two ‘Indias’ exist. The so-called VIP areas get power supply 24X7 but that is not the case in the other areas. And it is these VIP areas that consume the maximum electricity. Can Sonia and Rahul ensure round-the-clock power for the beleaguered State?

Me and my science strong arm Neil

RAJBIR DESWAL

Neil Armstrong is no more on the Earth! Nor on the Moon!—where he put ‘the small step of (a) man but a giant leap for mankind’. This was the best foot forward of scientific temper inculcated in me in my childhood, although later I switched over to Humanities. Gliding into the space then was almost Science-fiction. ‘Landing on the moon!’—unthinkable. I had my own challenge to meet while pursuing my Physics during High School days at St. Theresa’s Convent School, Karnal, when RL Saini, my favorite teacher who taught my sons too, decided to

put up a Science Exhibition on our school’s Annual Day. I was tasked to be part of a team for making a sand-model which would create a ‘moon-like-ground’. While all other things were arranged in the form of toys etc, the most difficult thing was to conceive, how a ‘helmet-like-see-through-head-protector’ could be created for the astronaut—toys to be put up close to the lunar-ship—Apollo 11. Back home I was restless. We didn’t have enough stationary items like we have today in cello tapes, glues, thermocol sheets, toolkits etc. We had to devise our own improvisations. I suddenly stumbled on to find some bulbs gone what we call as ‘fused’. I tried to break them near the neck and separate the glass-bulb from its

metal base, but the cracks crippled the endeavour, breaking the bulb to pieces. Then I put a thick thread soaked in kerosene oil on the neck of the glass portion and burnt the thread to be dipped in water after a little heating up. Temperature difference broke the glass surface exactly along the thread circle line. Eureka! I had discovered the desired glass shield for my Neil Armstrong, Edwin ‘Buzz’ Aldrin and Michael Collins. Saini pat- ted me for this. People in those days talked about booking plots on the moon though they had to wrestle with their intellect, combined with experience, of feeling lighter by six times less than the gravity of the earth. Dancers started to practise what is now called

a moon-walk. Man’s landing on the moon gave birth to many jokes besides reason enough for bland stoics to take jibes at the poor poets who sang in praise of the moon referring to it as the beloved, cool, beautiful and what not! Watering the fields and thus keeping awake all through the night a farmer in my village was told in the morning by some one who heard the news on Radio of ‘a man landing on the moon’. The bucolic yokel quipped, ‘Sub bakwas hai! It’s all crap. The whole night I kept looking at the moon to know what hour of the night it was when not to talk of landing. I saw no one even going near it.’ Well if I told him the latest news of an elevator being planned to the moon, he would again laugh away at my being moon-struck.

Letters To The Editor

BOLD AND FEARLESS

This refers to the bold and fearless front page editorial of Manish Tiwari, ‘It is time to step down Mr. Prime Minister’ (August 27) where he has convincingly argued and analysed that it is high time the PM must take moral responsibility and must therefore resign. A Central government panel has suggested splitting Coal India Limited or allowing joint ventures with the state-owned miner to foster competition in the sector. This is one of the key recommendations made by the task force on national security in July. “Coal India Limited, being a virtual monopoly under government control, has not allowed open competition to

prevail in the coal sector,” the report said. The Center owns 90 per cent of the firm. The PM must resign and let the country be corruption free and better governed. PK VASUDEVA, Hyderabad

SAINT OF THE GUTTER

Mother Teresa founded the Missionaries of Charity, a Catholic order of nuns dedicated to helping the poor. Begun in Calcutta, India, the Missionaries of Charity grew to help the poor, the dying, orphans, lepers, and AIDS sufferers in over a hundred countries. Mother Teresa’s selfless effort to help those in need has caused many to regard her as a model humanitarian. DEEPPHARAT MEHTA, Ferozpur

REVIVING PATRIOTISM

Harish K Monga’s middle ‘Time to prove our worth for freedom’ is full of the feeling of patriotism and is really wonderful. August 15 is the beginning of the new nation. This day has a special significance in history because millions fought for the freedom of the country. It is symbolises the victory of Indian patriotism. But today, there is a lack of real spirit of patriotism and the unconditional love for the country. The real India is becoming a dream without individual introspection. We must not forget the sacrifices and must try to maintain the independence with the real spirit of patriotism. ANDE DEAN ANAND, Ferozpur

DOPING THE SPORTING SPIRIT

Lance Edward Armstrong’s falling from grace is very painful to hear as he was found drug positive by US-Anti Doping agency. Sports persons, particularly those who excel are revered as strict disciplinarians by their fans, but such disgrace earned by the icons is like a treachery on the fans’ faith which they have bestowed on such icons. Let the sports authorities enforce anti-doping more strictly and sports competitions everywhere must be guided by International Standards. Only then can we truly hope to groom a sportsman to stardom legend. BRIJ B GOYAL, Ludhiana

POLITICAL DUNGEON

It appears that our country is heading towards a dark and anarchic phase in its parliamentary history with the countless scams surfacing with every passing day. The Prime Minister, Manmohan Singh, and his Cabinet Ministers are expected to be honest, sincere and a bit self-critical also. The common people find themselves as mute witnesses to whatever is happening in Delhi. Singh may stay as PM forever but the UPA-II government’s pro-corporate economic policies must go as they are causing a massive gulf between the rich and the poor. RAJ BAHADUR YADAV, Fatehabad

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