

WHY INDIA IS DEVOID OF RULE OF LAW ?



BALBIR SINGH SOOCH
M.A., LL.B., Advocate

SIKH VICHAR MANCH

THINK AND OBSERVE

"There is but one God. True is His name,
creative His personality and immortal His form.
He is without fear,
sans enmity, unborn and self-illuminated
By the Guru's grace (He is obtained)
Embrace His meditation.

Sri Guru Granth Sahib-Page 1

"All are called partners in Thy grace.
Thou art seen alien to none."

Sri Guru Granth Sahib-Page 97

"Hindus were requested, "to disown the Vedas if they really believed that we (Original Indians) should be accorded our fundamental Human Rights, but although India is signatory to UNO declaration of Human Rights, yet Hindus stick to Vedas and the caste system which is entirely opposed to the declaration of Human Rights".

Dr. B.R. Ambedkar

"According to highest Judicial Tribunal in the country, a Scheduled Caste man can not get rid of the stigma of his worth even though he may embrace the Arya Samaj cult.(vide judgment of the High Court of Mysore and the Election Tribunal in the Election Petition No. 431 of 1957 which was also upheld by the Supreme Court of India)"

"The working of the judiciary was dominated by "traditional" rather than forward-looking judges"

Justice Kuldip Singh

"A person, who loots, destroys or demolishes places of worship or instigates people to do so whether in the past or at the present is criminal and does not belong to any religion. Even Hindu kings have their own share of wrong doings in history and non-secular acts because of which Jain and Buddisht temples were demolished during looting etc. But these acts are being suppressed while writing history".

A Citizen

Balbir Singh Sooch has presented a mirror for everyone to gauge one's level of support for corruption.

Baljit Singh Khalsa
a young writer

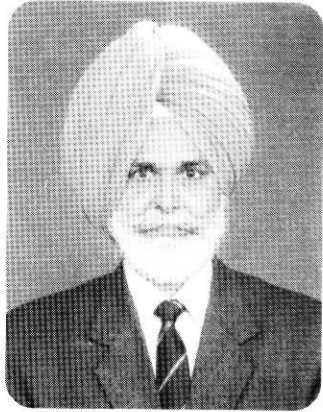
Corruption and cruelty are two sides of the same coin who have destroyed the edifice of this country. Mr. Sooch has presented an exhaustive exposure of this phenomenon.

Dr. Ajit Singh Sikka
Retired Professor

Winner of Natraj Award in 1989 and Golden Poet Trophy winner
From World of Poetry in 1991, California (USA)

Why India is devoid of rule of law? is a document on rampant corruption in all walks of life. To understand the full meaning of this document you ought to read it again and again.

Purdaman Singh Bedi
Editor, Mir



Balbir Singh Sookh

Author

b. 02-03-1950

My husband, S. Balbir Singh Sookh, the author of this book, did M.A. in Political Science and Bachelor of Laws from Panjab University, Chandigarh. He is a practising lawyer at Ludhiana. He was born in village Sandhu Khurd, District Bathinda, Punjab.

He takes keen interest in the present set-up of the country in the context of the Sikh nation. Though he is a self-made personality but always appreciates me for cooperation in leading a happy married life.

Surinder Kaur Sookh

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"COMMITMENT TO GLOBAL PEACE"

*Dedicated to
The spirit of Millennium World Peace Summit
August 2000*

*Firstly God created light
and then by His Omnipotence,
made all the mortals.
From the One light has welled up the entire Universe.
Then who is good and who is bad?*

WHY INDIA IS DEVOID OF RULE OF LAW?

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Prologue

This booklet is written to expose the misdeeds of the corrupt nexus, sufferings of the downtrodden and causes of discrimination to the minorities having different faiths at the hands of corrupt Indian rulers, for seeking remedial action and to have peace in the Indian subcontinent by observing the rule of law.

I owe a deep debt of gratitude to the various authors I have consulted and upon some of whom I have drawn freely for exposition of the various aspects of corruption and injustice being perpetuated in the name of so-called democracy in India.

Article 14 of the Indian Constitution says, "*Equality before Law-the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.*" Mr. Shyam Sunder, former Deputy Speaker of Hyderabad Assembly who was a legal expert has rightly interpreted the language of Article 14 thus: "that the obvious implication is that if any person or group of persons has the courage, the resources and enough popular backing to claim equality before law, then alone the state shall not deny it. **If there is no claim, the question of denial does not arise** (emphasis added). The wording of Article 14 does not envisage a willing and graceful conferment of equal status on all Indian citizens without putting them into the necessity of incurring large expenditure on organisation and litigation. Any child born to Indian parents should automatically have equality of status conferred on him or her by the constitution. Article 14 as drafted denies him this status. The onus of claiming equality is placed on his shoulders. How many people in India can take the trouble of going through this ordeal?"

Article 17 is meant to abolish untouchability. Its practice too in any form is also forbidden. This Article directly counters all Hindu scriptures, beliefs, traditions and *Smritis*. If the Indian constitution was intended to over-ride and scrap Hindu religion, so far as untouchability is concerned, then this intention should have been clearly expressed in the constitution itself. The fact that this has not been done proves that Article 17 was never meant to be implemented in India. Both Articles 14 and 17 of the Indian Constitution have no meaning but were intended only for external propaganda.

The learned Mr. Shyam Sunder, had also preached that if we (*Mool Bharatis*) have any sense of self-respect and regard for our forefathers left in us, then how can we agree to be classified as Hindus when their scriptures proclaim from house-tops that we do not deserve to arrogate

ourselves that "sacred" status. Let us continue to be known the world over as *Mool Bharatis* (aboriginal Indians) and not Hindus. He further said that cowards amongst us may say: Hindus will withdraw the concessions given to us in the constitution, if we refused to be counted among them. We may suffer temporarily but we will triumph in the end but what we need most is unity amongst our teeming millions. Then alone can we regain our soul, which is now mortgaged with Hindus. He used to say that if joint electorates continue, original Indians and (Minorities) will always be represented in the legislatures and parliament by those who pledge or are willing to sign in advance a pledge of slavery to their caste Hindu over-lords. Is it democracy? The Congress is also hundred percent a party of Hindus and no justice can be expected from it, Shyam Sunder said.

Shri Shyam Sunder raised "Bhim Sena", a 2-lakh strong self-defence force of dedicated youth to oppose and destroy Hindu scriptures and Dharma Shastras, a root cause of injustice to them. It was a tragedy that such a glorious career came to an abrupt end and all the top leaders of Bhim Sena soon deserted it to find berths in cosy corners, leaving the movement in disarray and the youth disillusioned.

To maintain the gap between the haves and the have-nots, education is being discouraged under the secret Hindu philosophy in India. It is for this reason that Nobel Laureate Amartya Sen who advocated education for all to have economic development and political liberty is being dubbed as a western agent and a threat to Hinduism.

The Nobel Prize Winner, Mr. Sen said there was also a confounding of mythology with history in the Ayodhya case. The Ramayana he said, was "now being made into a legally authentic account that gives some members of the community an alleged entitlement to particular sites and lands amounting to a licence to tear down the religious places of other communities. Sen's message to those arguing that Lord Rama was born on the exact spot where Babri Masjid stood was clear: "It is not history they are misusing but fables, myths and legends that are being called history and then misused". Sen was among those who attacked the Sangh Parivar and the rightist forces for "trying to misguide and brainwash the people".

It is also pertinent to note how public sector banks have been used over the years to siphon off public money. Out of the reported Rupees 60,000 crores total of NPAs in banks (NPAs are non-performing assets--it is a window dressing euphemism for the amounts due to banks), about Rupees 50,000 crores is due from big industrial houses and their allied concerns. The intention of these business houses is to misappropriate and not to return the amounts. Lawmakers and politicians do not seem to be in a

mood to reform the legal system so that this huge amount is recovered quickly. Bankers' unions have rightly put the situation thus: "Perhaps, they are also in league." It is abundantly clear that NPAs are not a creation of officers or banks, rather these have been contributed jointly by top-level bankers, bureaucrats, politicians and big industrial houses.

Justice Kuldeep Singh, former Judge of the Supreme Court of India said, "our corrupt politicians are all for illiteracy so that innocent people could be fooled for their vested interests".

To eradicate this ancient crime, Mr. N. Vittal has for the first time touched the raw nerve of the corrupt class by putting names of corrupt officials on the CVC website. He wants to come up with a corruption perception index on the lines of Transparency International. He will list the most corrupt departments, cities and states. Some more countries are planning to follow his methods. He is also stressing that government should enforce The Benami Transaction Prevention Act, which was passed 12 years ago, but the government has yet to frame relevant rules in this regard. According to him, "there is no way of tackling bureaucratic corruption unless political corruption ended". "Not only is the corrupt politician patronising, he is shielding the shady bureaucrat, he is also picking such officials for sensitive posts".

Now it is being openly confessed that, "Ministers at the top are corrupt. Their corruption seeps down to the officials below them who have to condone and forward the corrupt practices of their bosses in order to keep their jobs; it forces them to be corrupt. From them it seeps down to administrative officers below them till it reaches the lowest rungs of the ladder".

Again it is an open secret that tolerance to corruption has been paid for with lives and loss as only those buildings built on sand with inferior material violating all laid down safety provisions, were affected by the recent earthquake in this country; on the other hand hundred-year-old buildings are almost standing, hardly effected by the quake. Thus it is the result of man-made calamity, not a natural calamity. Other places of the country like Delhi, can experience havoc if there is a quake of similar intensity as that in Gujarat. There, even a layman can see hundreds of defects in town-planning, construction and bad quality of building material. Is it possible to demolish or improve such buildings? Everybody knows buildings are not "suspect". The men behind them-builders, architects, engineers and sanctioning authorities-might be, but who will check them?

A joint select committee of 30 Members of Parliament in its wisdom has

come to the conclusion that wings of the Central Vigilance Commission (CVC) should in fact be clipped. They are trying to check the CVC, not corruption. The recommendations of the JPC (Joint Parliamentary Committee) run contrary to the December, 1997 directive of the Supreme Court to the government to grant statutory powers to the CVC and also the enormous responsibility of supervising the functioning of the CBI and the Enforcement Directorate. However, the recommendations of JPC have once again exposed the duplicity of the political class on the issue of combating corruption in high places.

This is not the end. The Chief Election Commissioner, Mr. M.S. Gill, speaking on the subject of electoral reforms, said, "I am sorry to say that the main political parties-the Bharatiya Janata Party (BJP) and the Congress-are quite happy with the way things are (corrupt Indian election system). If this continues, criminals will take over Indian democracy. How can law-makers become law-breakers?". On 27th March 2001, while presiding over the concluding function of the platinum jubilee celebrations of Loyola College, Chennai, the Chief Election Commissioner M.S. Gill came out strongly against the use of money, musclepower and misuse of public services diluting the true spirit of democratic choice of citizens. Mr. Gill further said, if the present trend continued 'the country will find itself holding the hollow shell of democracy'.

Tehelka.com's recent bribery expose on camera only confirms that there is widespread corruption, nepotism and favouritism and no Rule of Law in India. It is being rightly said, "The Tehelka bribe expose is only the tip of an iceberg of corruption in India. Our politicians will do anything including compromising National Security for parochial pecuniary benefits. However, any investigation by a Supreme Court judge or by a parliamentary committee is not likely to be productive as experienced in the past. In fact, the focus of the enquiry must be the disproportionate assets of politicians and donations accruing to their parties. Corrupt politicians have nothing to say in their defence except crying shamelessly saying that the Tehelka revelations were only a conspiracy to spoil the image of India internationally. The main attempt of the politicians so far has been to malign the Tehelka team and a "scandalous campaign" is initiated against it by the government because of the report, "Operation West End". As long as political parties are run on unaccounted wealth, bribery and corruption can never be eliminated." In the face of opposition from the politicians, the CVC is actively demanding the enactment of the Corrupt Public Servants (Forfeiture of Property) Act so that the entire property of the culprits, including their accounts abroad -should be confiscated. Day by day, people are getting more frustrated seeing the conduct and character of the corrupt nexus ruling this country.

"The recent expose by tehlaka.com shows India is already a key player in the convergence in corruption where politicians, businessmen and bureaucrats have converged to build a strong network," Vittal said while delivering the keynote address at the Convergence India 2001 convention. Eminent journalist, Swaminathan S. Anklesaria Aiyar rightly said, "The Tehelka tapes constitute the most imaginative, painstaking investigative journalism I have ever seen." Cynics will say that such exposes cannot end corruption. But the Indian national media, never dared to publish or take notice of articles like, "Why India is Deviod of Rule of Law", so far, for the reasons best known to it.

Recently, addressing a seminar, Jusitce KT Thomas, a sitting judge of the Supreme Court of India said, "There is no law in the country at present to bring to book the assistants to politicians, who wield enormous power and amass wealth by corrupt means. The legislature should think of enacting a law to bring these corrupt people to book."

Chief Vigilance Commissioner N. Vittal described corruption to be more vicious than AIDS and said "If corruption was to be taken as a body, then bureaucratic corruption is the brain behind it while the corruption by the politicians formed its heart." He referred to judiciary as "the kidney which does not allow a person to die by separating the poison from spreading into the blood circulation".

Mr. Vittal said while AIDS was caused by uncontrolled sexual behaviour, corruption was caused by "uncontrolled financial behaviour among the people leading to financial rape and financial adultery."

In order to curb powers of the judiciary, during the CNG (Compressed Natural Gas) crisis, the Delhi Chief Minister, Ms. Sheila Dikhshit and her transport minister adopted a head-on policy with the Supreme Court. Their statements could be seen as violating the constitutional mandate. The Supreme Court indeed felt that it amounts to breakdown of the constitutional machinery. Solicitor General Harish Salve sought to pacify the Bench, saying, "It is not the first time that the Court is facing stalling attitude from a State government....."

Recently, India has refused to be part of the International Criminal Court (ICC) whereas so far, 139 countries, including the United States have backed the court. This court is to ensure that no ruler, no State, no junta and no army anywhere can abuse Human Rights with impunity. The aim of the proposed court shall also be to ensure that crimes against humanity like genocide do not go unpunished, even if the country where it is perpetrated is unwilling to take action on grounds of national interest. India feels

perturbed about this development for the reasons already best known to the entire world. But India cannot escape the implementation of the provisions of the ICC, as once the ICC comes into force, "A country can be hauled up, whether it supports the ICC or not".

State-sponsored terrorism by the Indian State through its network of intelligence agencies like RAW, IB and others needs thorough investigation by an independent international organisation. I am fully convinced that these agencies had, since long, infiltrated into all the Sikh militant and political organisations in India and abroad and succeeded in winning over their main functionaries. These agencies through these bodies did all defamatory acts attributed to the Sikh Nation. At the instance of the Indian Intelligence Agencies, the militants could infiltrate in the intelligence agencies of Pakistan, which is the one of the poorest, most corrupt and vulnerable countries of the world. Indian state adopts most corrupt means to finish minorities.

Can we not conclude that the militant leadership which has become impotent since long, is being used to defame and degrade Pakistan as a terrorist state internationally? Can we not say that Indian agencies who through the militant organisations have collected huge amounts of money are using the funds to further divide the Sikhs by strengthening politically their stooges planted in the Sikh Nation abroad and in Punjab?

My thanks are due to S. Gurbhajan Singh Gill, Deputy Superintendent of Police (Retd.) S. Avtar Singh Gill, Additional District & Session Judge (retired), Prof. Jagmohan Singh, General Secretary of Shiromani Akali Dal (Amritsar) and my active daughter Kamaljeet Kaur Sooch, B.A. (Honours) and a law graduate, who provided me valuable suggestions without which this book could not have been seen the light of the day.

I am grateful to Mr. N. Vittal, the Central Vigilance Commissioner, Government of India and Justice Harbans Singh, Chief Justice (Retired), Chief Commissioner, Gurdwara Elections, Government of India and others for sending me their response/letters/goodwill messages.

I am especially indebted to S. Gurbhajan Singh Gill, a renowned writer who has been very kind to spare some of his most valuable time to write the Preface of this book.

I must thank all honest people who provided me all types of assistance in the completion and publication of this book.

April 21, 2001

Balbir Singh Sooch

Preface

Perfidious India

The booklet in hand is a treatise on Rule of Law in India. The author, a well-known lawyer from Ludhiana, Panjab, has touched a delicate and complicated yet important subject: corruption. This malaise has eaten into the vitals of Indian psyche. The author rues the day when cunning politicians prevailed upon bureaucrats to join them in their impious, perfidious and corrupt practices. Subsequently, the Bench and the Bar were roped into the nexus. This is the nexus, which seems to be the root cause of crime, corruption, treason, treachery, hawala and exploitation of poor Indians. This nexus has eradicated human values from the body politic of the so-called democratic and independent India.

Balbir Singh Sooch, the author has tried to awaken the conscience of people. '*Facta non verba*' (deeds, not words) are required to save the country from the clutches of the wild animals of this nexus. 'Dirty money' has killed probity of the Rule of Law and has pushed aside morality and ethics. The author has brought the subjects of the Rule of Law, rampant corruption, depravity and nexus between the politicians, judiciary and the subservient bureaucracy on the canvas.

It is pertinent that recently, the President of India in his address to the people of India, on the eve of the 53rd anniversary of Indian Independence, spoke of the condition of society after Independence, especially the new affluence of the privileged classes. Lamenting the deterioration of Rule of Law in India, the Indian President regretted that law-enforcing agencies remain indifferent or ineffective and that law itself remains awfully inadequate, with crimes against women on the rise. No place is safe for them, not even their own homes, said the President. He further bemoaned that a negligible number of accused hauled for rape, molestation and abduction get convicted because of the criminal-politician-judge nexus.

The writer has practical knowledge of corruption prevailing in the administration as well as the Judiciary-the two pillars of democracy. He has a long experience of dealing with the executive and legal fora. In addition to his being a post-graduate, having degree in law from Panjab University, he has also served the Indian Air Force.

Balbir Singh Sookh is a human rights activist in his own right. He is a writer of the masses. He has written a book entitled '*Samen Da Sachch*' (*Sikh Dukhant*) exposing the faithlessness and hypocrisy of Sikh leaders.

Being a product of a middle class rural agriculturist family of Malwa region of Panjab, he understands the miseries and difficulties of the not-so-rich rural populace, which is being exploited by the urban commercial sector in collaboration with the bureaucracy and the judiciary.

A sufficiently long period of practice has added to his personal knowledge about the degeneration of the political system, which has usurped the powers of the judiciary. In turn, the judiciary has lost its lustre, due to its own weaknesses and love for "goddess Lakshmi".

Let us see, how the conscience-keepers of India react.

August 15, 2000

Gurbhajan Singh Gill
President,
Sikh Vichar Manch

WHY INDIA IS DEVOID OF RULE OF LAW?

To establish Rule of Law, it is the basic principle that an individual is stopped to use his autocratic and dictatorial whims before taking any decision so that he remains within the four corners of law and does not arbitrarily infringe upon anybody's lawful rights. It means that the laws should be such which do not allow anybody to decide a matter whimsically and arbitrarily. Political thinkers and legal experts explain such laws as Divine laws and Natural laws. A person has to be impartial in giving a verdict under such law. The constitution of any state is fair only when it authorizes the law-making body to consider and pass a Bill, which provides the population, equal rights and equal justice without any distinction of caste, colour, creed or class. However, due to various shortcomings and prejudices, such Rule of Law could not be established in India.

Since ancient times, Brahminism has not been able to digest such laws, always considering such laws as *anti-Manu*. The guardians of Brahminism consider the Indian Constitution a gift from the foreigners, which is virtually a carbon copy of the Government of India Acts of 1919 and 1935. Theoretically, this constitution grants equal rights to all but they did not permit to execute or put in practice these rights for lack of will of the *Varun-ashramites* (believers in *Manu's code* of inequality etc.) They still adhere to the *Manu Code* and consider the same as *Swadeshi*. This is the main reason that they are out to turn the spirit of the present constitution *saffron* by making frequent amendments here and there.

Students of history are aware that Brahminism had admitted the pre-Aryan stock into their caste system, allowing them as the lowest class of human beings and sarcastically called them *Shudras*. This caste system was and is the worst possible judicial system, enacted by the higher castes, keeping in view, the sole supremacy of the Brahmin, but it is still effective and visible in society. The constitution is being shaped anew, to effectively incorporate the old Brahminical laws. Under those laws, the aboriginals of India were awarded such inhuman and barbaric punishments that a mere mention of them may turn a normal man, insane. Examples are not far to seek. As reported, only recently, Lalit Yadav, the Cooperation Minister of Bihar, violating the law of the land, kept his truck driver Deenanath Dhobi (a *Shudra*) in illegal confinement and subjected him and the truck cleaner to severe inhuman torture for many days. According to Deenanath, "Every morning, Lalit Yadav and his men had beaten us mercilessly. They would insert objects into my private parts and also urinate in my mouth almost everyday". This minister is stated to be amongst the Mafia members and thus a powerful person and such people are openly roaming the streets under police security. Similarly, it happened in U.P. where a minister is

stated to have thrashed the driver and the cleaner of an oil tanker who could not give instant passage to the car carrying the minister. On March 21, 2000, one Saroj Sandha was arrested by the Bargarh Police in Orissa where an assistant sub-inspector took vicarious pleasure of urinating in his mouth, simply because he had asked for water at the police station. Such incidents are happening daily in police stations but all are not coming to public notice. Nobody is there to guarantee that such incidents will not happen hereafter. Because of such brutish incidents, there is an obvious clash between the rule of law and the *Manu*ites who want to re-establish the inhuman *Manu* Code through the ruling fascist group. The elite amongst aboriginal Indians are made to join the ruling class for preserving the supremacy of the Brahmins while the general masses are shown the rod and kept ignorant about social and economic pariahs.

The matter seems to have gone so far that almost every exploiter and black marketeer has joined the camp of the casteist Brahmins. The aboriginal *Shudras* addicted to the reservation policy have unwittingly fallen in the Brahmins' lap and are content with their low menial status. Having been made a low menial and disgraced by the Brahmin-led casteist society, the *Shudra* has felt satisfaction over his lowest status over the promised mirage of reservation doles. Sadly, the *Shudra* is not prepared to quit the Brahmin-Shudra alliance as he has tacitly accepted the fate of a menial and a humiliated servile. He is using his caste as right to servility.

Caste system is not any religion or faith. Being merely a "bandobust" of the casteist Brahmin, the intelligent Hindus know that this "ism" is not a religion. This partial system of living cannot be accepted in modern times because it is deadly against the doctrine of equality and brotherhood of man. This system cannot recognize a rule of law, which depends on exploitation and deceit and whosoever exposes its basic rules, is termed an enemy. Because of it, no other religion/faith is being tolerated by the exponents of this system.

Hindus consider Indra and Krishna as gods. According to their literature, Indra had sent the fairy Menka to Vishwamitra and Kama Deva and Urvashi to Lord Shiva to entice them for sex, so that their victims may lose their spiritual powers. Krishna, in order to defeat the Kauravas in the Mahabharat war and in order to benefit his cousins, Arjun and Bhim, used all methods of objectionable nature. What can be expected from the followers when their gods had themselves adopted questionable methods? For this reason, the crafty Brahmin has now started reviewing and changing the established facts from history books. Traditionally, they do not feel any difference between Truth and falsehood; honesty and dishonesty, etc.

The ruling clique is trying to impress Indians to become blind followers and subservients of the Almighty-Brahmins against the rule of law; as was done by the conquered Shudras of yore. In this way the Brahmins with already special powers usurped by them have created a new corrupt and subservient society while there is a poor, right-less and exploited society having no just rights except, of course, a right to slavery. Indeed, they are being exploited and tortured.

The wedge between these two classes is fast widening, thereby causing social unrest, though the depressed class has ceased to cause any strain or stress because the unemployed and unscrupulous criminal elements of the privileged class have the patronage of unscrupulous politicians, traders, officers and high police officials. Such an element has taken to murders, dacoities and other heinous crimes and they even choose the youth from the underprivileged class for the commission of such like crimes, as and when the need arises, thereby causing a daily rise in crime rate. In order to break the superiority of law, the privileged and the criminals have started to enforce their own "laws". They are exempted from the enforcement of law, resulting in non-apprehension and punishment of offenders. It almost looks ridiculous that the present regime is attempting to get rid of the unsuited statutes enacted by the British under the pretence of 'Swadeshi'. The casteist faith has succeeded to tame the elite and successfully turn them virtually as their tail-waving slaves.

The rapid race of corruption has given rise to injustice and barbarity. The fast losing honesty, brotherhood and integrity of masses are fastly drawing the doomsday for India, nearer.

Rule of Law is the deadly foe of corruption. Corrupt people can never wish for the supremacy of law. An independent forum (courts) is essential for the healthy growth of Rule of Law. The courts have to decide the cases/matters according to the laws of the land and have to see that the administration is being run under those laws. The laws should be enforced in such a manner that jurists cannot commit any irregularity or act in a biased manner. It should be strictly pro-people and without being unduly pro-rich or pro-autocracy. Presently, it is generally felt that the administration is being run by a corrupt coterie and as such is not acceptable to the people any longer. If the decisions are taken according to law, there would be no injustice to any individual or the society. But to defeat this objective, the politicians have, since the dawn of independence, given a step-motherly treatment to the judiciary. As a net result, because of the rise of corruption, many of the executioners of law have themselves chosen to become corrupt.

Such corrupt people have been introducing corruption into the courts. It has not spread in a day, though its level has risen higher now and many wings of the judiciary have fallen into the trap. Whosoever had the responsibility to guide the Rule of Law, they too have helped to corrupt the judicial system. Now, who will bell the cat? Are all citizens of this land capable to get justice through bribery? Certainly not. The aggrieved victims would try to catch the law with force and they have started taking law into their own hands. They have come to know that the judicial system has become a puppet in the hands of the rich, corrupt and even criminals who do not care a fig about the administration and the courts. The state of things has gone so astray that the corrupt too now feel insecure, due to lack of law enforcement. It is not improbable that in times to come, their own men may shout at them, "Oh corrupt, immoral and dishonest soul! Restore the Rule of Law, and respect the aspirations of the public in general". The ruination of the law has been due to the deterioration of supervision over the judicial system, hence its helplessness to perform. Even now, if due attention is not paid towards it, the corrupt won't be able to walk in streets and won't feel easy while resting in their drawing rooms. Corruption has really made them dumb and deaf and they are unaware of the danger lurking in the shadows. They do not hear the death-knell, it seems.

It is a sour truth that after entering the political field, even the insolvent beggars have become multi-millionaires. The people have been crying hoarse with the demand that the corrupt persons should account for their acquired assets but who is there to inquire? The finger of suspicion is pointing towards them: the gods of corruption. Once upon a time, Dr. C.D. Deshmukh demanded an enquiry through a judicial commission, against the cabinet ministers but the then Prime Minister Pandit Jawahar Lal Nehru rejected the same. Dr. Deshmukh reiterated that the root of every corruption case leads us to some minister. In consequence, corruption/depravity is so prevalent that politicians, officials, businessmen and the police have formed a cartel among themselves. They have incorporated the judicial system too into their mainstream. They were afraid of the judiciary earlier but now it has become a part of the game. Any individual, who swears by the rule of law, is considered a spineless and failed person. What a pity!

Some 26 years back, renowned journalist Mr. Benedict Costa had said that "India would still be the poorest of poor countries even after the year 2000 AD because the planners had declared that poverty cannot be eradicated during their lifetime and as such they were planning for their great grand children". It is worse now. Witnessing the present state of affairs, the future looks more and more dim. The foreign multi-national companies are capturing our commerce and economy. Current rulers are

mute administrators and the real power is slipping into the hands of these foreign rich comers as under the new agreements, they will supply the essential commodities to the poor. Under the dumping policy, our industry and commerce are both standing at crossroads. So far, the selfish leaders could not raise the standard of living of our people nor could they provide food or drinking water for crores of Indians.

The custodians of power, in order to encourage scams and more scams, were making the masses lose faith in the law courts. It is possible, only if the judicial system is demoralized and becomes corrupt. They have succeeded terribly and this may result in utter chaos.

The President of India has openly expressed that "instead of becoming temples of justice, the courts have become gambling dens where everything depends on the face or obverse of the coin". Eminent journalist, Mr. Swaminathan S. Ankleshwaria Aiyar has reacted in an angry tone that "the President should own responsibility, as he is a prominent member of the system that has let us down so badly. Too many of us have done well by joining the existing system instead of opposing it from outside; too many of us have compromised with corruption, banditry and injustice because it helps us get ahead. You are not only one; I and many fellow journalists are also guilty of making too many compromises. But why do you not say that this very scepticism about economic freedom was the excuse for imposing the politician-bureaucrat rule (*Neta-Babu Raj*) which has ruined us. Today India is a land without justice. Nobody is convicted for corruption although it is omnipresent. Murderers, thieves are not in jail, they are in Parliament. Law-breakers have become lawmakers. Why? In the name of democracy, Ministers obtained the power to transfer any official at will and then used this power to literally sell lucrative transfers and make officials accomplices in political crimes. Now, money, muscle and influence count for much more. This has caused glaring inequalities and injustice, not economic freedom". It is a matter of great concern as to how the laws originated and enacted by such people can establish the rule of law.

There are people who oppose the rule of law on the simple ground that these laws were enacted and enforced by the British and should cease functioning in the changed circumstances. They put themselves as the alternative because they want to bring the caste-based system under which the Brahmin was the master and the *Shudra*, a slave. The privileged corrupt people would not be answerable to the new system while the mentally and economically depressed people are deemed as slaves who are being made menial workers through the corrupt politician-judicial nexus. Currently every moneyed person is out of the arms of the courts. Calling wealth a goddess, these worshippers of mammon want to establish such a rule of

law. Every corrupt person abhors law. How can the worshippers of *Laxmi* (goddess of wealth) co-exist with law? That is why they are giving a bad name to the current laws, instead of reforming it by introducing some relevant and useful amendments.

Can we expect justice from the people inside the governments or their allies in India? Think for a moment. Are you not becoming a part and parcel of the corrupt clique, which is crying hoarse that the judicial system, education system, administrative system, constitution and democratic system are alien to Indian traditions and need drastic change? The present rulers are hell bent upon following the ancient partisan and degraded *Manu* laws and intend to thrust those uncivilised, out-dated and discriminatory laws on the Indian people. These people are ruling through brute police force and not through the law.

The misuse of law is the mother of corruption. It is not rule of law when rulers wearing the mask of law use the police and the courts to enforce their own decisions intending partiality and thereby destroy the social cohesiveness. It is a proven fact that the state power bereft of rule of law cannot impart justice because a human being is always a human being and cannot forsake impartiality and authoritarian attitude. It may take a thousand years before a human being becomes complete and guiltless and get him/herself substituted for Law. Only then, the idealistic scripts may prove effective. Only rule of law can be beneficial to the present society and no useful purpose can be served by building castles of idealistic thoughts in the air. The enacting of laws on the basis of partiality and inequality is rigid fundamentalism. The only solution for the above is adherence to the moral side of religion and thus enforcing the Rule of Law for the people.

Obviously, a corrupt person believes that worshipping *Laxmi* is worship of God. *Laxmi* refers to wealth and the later to god and thus is so worshipped. As wealth (*maya*) is god, so no stone is left unturned to please it. If a sin is committed during this process, one may be absolved of it by merely repenting (*prayaschitta*), as there is no punishment for the commission of such sin. In other words, the worshippers of *Laxmi* are Hindus who are adherents of the caste system. The deification of *Laxmi* (corruption) is granting motherhood to sin. What kind of justice is expected from those persons, whose god is the creator of all sins? Ugly culture and ugly civilization are the products of those sins. The society may be rid of this evil, only if we get rid of this evil worship. One should isolate him from the society of such idolaters and only there, lies salvation.

The corrupt persons are of the view that laws are not made for strange purposes but are for recognising the habits, rites and rituals of the masses.

Now, when the people have become accustomed to collect wealth through corrupt means, this habit requires recognition. This viewpoint leads us to believe that a strong person is demanding the recognition of slaying the weaker persons. These used to be the *Manu's* Laws which gave Brahmins, a right to exploit the downtrodden by naming them *Shudras*. Such inhuman laws are likely to be introduced in near future, as the *Manu*ite ideas are still being operated and the Brahminical persons are not prepared to substitute the animal instinct for human instinct. For this reason, rule of law could not be established in India, i.e. Bharat, and the rule of corruption is still hailed here. According to world-renowned writer, Aldous Huxley, the worshipping of human gods is the lowest example of a religion. Fortunately, Sikhism does not allow such vulgar ideas of worshipping a person of bones and flesh.

The caste system has put an estopple to the growth of man to an ideal person. In today's world, if a man is to be graded as low or mean, people call him "as corrupt as a native of the Indian sub-continent". It is apparent that the people of developed countries have a great hatred towards the caste-ridden society of India and they despise them. Why are the religious minorities being targeted for reintroduction of caste-system by the leaders of Hindutva? In the garb of introduction of a single civil code in the country, why the identity, culture, ideas, customs and self-respect of the minorities are being eliminated? Why *Manu's* depraved laws are being enacted and why attempts are being made to devour the languages, religions, beliefs etc. of the minorities? Dictatorship has taken place in the name of so called democracy. Progressive religious movements have gone to the wind; instead gods with multi-arms and multi-legs having pre-civilization rituals have arrived with a vengeance. Religion has gone in hiding and sin is visible everywhere.

The Home Secretary of India, Kamal Pande, while addressing a batch of IPS officers-trainees at Hyderabad, posed a few questions and said, "It may sound harsh but it is true that the people no longer feel safe in the hands of police. Does a common Indian approach a policeman or a police station in case of difficulty or does he hesitate fearing rude behaviour? Does the public willingly cooperate with the police to help them solve a crime or do they avoid getting involved apprehending harassment or even false incrimination? Can a woman or poor person go to a police station and feel safe? He regretted that the answer to each of these questions is "what it should not be". He also adds that the system "is unfortunately suspected by the law-abiding public, but not by the people who are on the wrong side of the law". Mr. Pande advocated major changes in the present police system, which he describes as "oppressive, unfriendly, incompetent and outmoded".

Mrs. Kiran Bedi, the well-known Joint Commissioner of Police has admitted "that a lot of work and courage are needed to instill a sense of humanity and morality into the Indian police to bring them at par with the American police. It is essential that at the time of recruitment, morality is kept in view through required tests. It is not untrue that the police lacks humane and moral values and as such their interaction with the public is far inferior to those of the developed nations. She reminded that good policing is extremely expensive both from human resources and technology point of view". Only recently, the Punjab Human Rights Commission has also observed that the Punjab police is still violating the human rights at its worse. It is difficult to restrict them because the politicians and the officials have been and are still feeling secure only under the protection of the police bayonets and as such the police is not answerable to them.

Press, too is under police control: Former Director General of Police, K.P.S. Gill opposed the restrictions on the press, when Anti-Terrorist Bill 2000 was to be introduced in the Lok Sabha with the remarks that 'the press had given full cooperation to the police during the last upsurge in Punjab with full commitment. Such cooperation should not be exposed. Only one journalist had expressed his desire to be posted to Assam and he is keeping liaison with me through telephone.' Can the media yet be called independent, free and fair when it has an open close liaison with even the corrupt, inefficient, immoral, pro-rich, anti-victim and anti-complainant police personnel? For this very reason, the media is being advised to stand erect against the unlawful pressure, though the police and politicians have habitually been subduing the Press in one way or the other and are still pursuing this line of action.

The past practice of the Indian rulers is evident that they enact an anti-people law under false promises but then misuse the same. It is still adopting the same practice and the Anti-terrorist bill 2000 comes under the same category. Home Minister Lal Krishan Advani in order to enforce his fascist views to enhance the Nazi-like rule, is trying to get it passed, even though the National Human Rights Commission is fighting it tooth and nail. The government of India is still dilly-dallying to avoid ratifying the U. N. Convention against Torture though more than 120 states are now party to the Convention against torture. The National Human Rights Commission (N.H.R.C.) has remarked that because of non-ratification of the U.N. Convention, the number of violations of human rights is increasing day by day. But, through the Indian press, it is being widely claimed that India is the champion for the protection of Human Rights of the public. It may mislead the simpletons of the country, but nothing can be concealed from the eagle eyes of other nations. No circumstances can justify the use of

torture. Neither war nor insurgency, nor public emergency, nor orders from superiors can be invoked to explain the practice. It is forbidden by the constitution and the rulings of the Supreme Court. It is prohibited absolutely, both under international humanitarian law and the human rights instruments of the United Nations.

Regretfully, police has been largely criminalised, as they have no respect for human life. Only recently, the Calcutta Police and CBI succeeded in roping in five senior Punjab police officers in the Tiljala murder case where they killed a Sikh couple in a fake encounter. Though convicted and sentenced to undergo life imprisonment, the five convicted police officers have secured release on bail from Mr. Justice Nure Alam and Mr. Justice P.K. Sen of Calcutta High Court. The convicts include the then Superintendent of police Sant Kumar and Deputy Supt. Police Sukhdev Singh of Bhatinda. Can a poor ordinary person get instant release on bail when the Supreme Court had already taken a strong stand against such a heinous crime? According to a senior bureaucrat, Mr. K.J. Alphons, "for far too long this country has been run on a single principle-secrecy. Secrecy has helped politicians and bureaucrats to get away with murder. You remove the veil of secrecy and truckload of worms will come out. Under our judicial system, the culprits with money and influence may not get the punishment they deserve". A prominent lawyer, Indira Jaising also said, "the only way to check the cancer of corruption in high places is to introduce a mechanism of transparency and accountability in governance."

Sometime back, Union Home Secretary Mr. N.N. Vohra had tabled a report that there was a nexus among the politicians, criminals, officers and other persons of high posts. Perusing the report, the Supreme Court had directed the Government that the Central Vigilance Commission be made an autonomous body to independently deal with the cases of corruption and other accusations against bureaucrats and politicians; but the direction was not heeded. Prime Minister Atal Bihari Vajpayee holds the courts responsible for delays and omissions while the Chief Justice of India Dr. Adarsh Sen Anand holds the Central and State Governments guilty for the lapse. Politics seems always more powerful than the judiciary and is still acquiring more powers. For the purpose, the Prime Minister announced that his government will soon set up a National Judicial Commission (NJC) to recommend appointment of judges to the Supreme Court and the high courts and draw up a code of ethics for judiciary. Mr. Ram Jethmalani and some other politicians are also playing the same game actively and tactfully to undermine the judiciary to keep it under the control of parliament.

Mr. Kalyan Singh, the former B.J.P. Chief Minister of U.P., while admitting to the conspiracy to demolish the Babri Mosque told that he had

been ordered by the Supreme Court to provide all facilities to the Kar Sewaks. For the demolition of the mosque, Mr. Atal Bihari Vajpayee (now Prime Minister), Mr. Lal Kishan Advani (presently Home Minister) and other organizations of the Sangh Parivar had taken active and purposeful part. If so, has the Supreme Court remained impartial? A serious question has arisen.

The President of India on the occasion of the 50th annual celebrations of the Republic Day, said that "50 years after becoming a republic we should be ashamed of our appalling poverty and illiteracy, our mistreatment of women and social and religious minorities, the erosion of accountability and criminalisation of politics, the sad lack of justice or voice for the common man". It is an open secret that the whole structure of the country is in doldrums and is directionless. Mr. Ram Jethmalani, the former law minister of India admits that the police and the courts are eating into the roots of the judicial system because of prevalent corruption and inefficiency.

Enquiries show that out of 425 M.L.A.s of U.P. in 1995, as many as 180 were criminals. In Bihar, 243 criminals had contested Assembly elections. In the year of 1998, as many as 19 criminals were ministers in U.P., while one of them had 37 murder cases against him pending in courts. Only recently, the B.J.P. had allotted election tickets to criminals in larger numbers as compared to other political parties. Moral character is a the thing of the past in Indian politics.

In India, candidates spend far more as compared to their accountable income but a very small amount is shown in electoral documents. A survey carried out in this connection reports that every Lok Sabha candidate spends an amount between Rupees 4 million to Rupees 10 million but the current Prime Minister Shri Atal Bihari Vajpayee and former Prime Ministers have never shown their expenses exceeding 2-5 lakhs. Replying to a question on the subject, S. Manohar Singh Gill, the Chief Election Commissioner lamented that politicians are not sincere in introducing reforms in the electoral laws. Passing of laws is in the hands of the politicians and the Election Commissioner cannot go beyond the statute for carrying out reforms. In order to remain out of the ambit of law, politicians are not prepared to pass laws which may put an effective end to their corrupt practices. A large number of persons in power amass wealth through high officials on the pretext of holding elections. Thus, they spread corruption.

The politicians in general are totally against eradication of corruption. It is a well-known fact that whosoever is still ignorant, it is due to the curse of illiteracy. The bureaucracy and the police are looting and exploiting the

masses during the process of collecting money for election funds being raised by the politicians. The poor people have no place to hide from these sharks. It is a common saying that mostly officers and subordinates get posting/transfer orders after making payments for the job. Politicians have gathered influence directly or indirectly over the courts of law. And thus the courts have not been able to escape from the malady of corruption. The feathers of the anti-corruption agencies have already been clipped. The situation has reached a point where it is being admitted in unequivocal terms that people's faith in the justice system is eroding. Such erosion, if not checked immediately, could lead to a tragic scenario where people prefer to settle their scores on the streets instead of resorting to the constitutionally established forum like the police and courts.

It is an open secret that politics in India is a game for the moneyed people and not for the honest or the intellectual. Wealth cannot be accumulated without the commission of sin. The holy Sri Guru Granth Sahib vouchsafes for it:

"O True Master! The whole world has been suffering for gathering this wealth and earlier also a lot of people have undergone sufferings for collecting this wealth, but this wealth cannot be amassed without committing sins and it does not accompany man at the time of death. But whosoever is forsaken by the Lord as per His Will, loses all his virtues and good deeds (actions)."

--Sri Guru Granth Sahib, Page 417

Elections have become tools in the hands of the rich and to combat this evil, the Chief Election Commissioner, Manohar Singh Gill has started a crusade but the sinners/wicked do not support him. He is of the view that in order to reform the electoral process, the electoral machinery should be responsible to the Election Office from where a code of conduct be issued for strict compliance by the staff. This matter is long pending and Executive has put it in cold storage by referring it to the apex court. An early decision was promised but, instead, the cases are pending decision since 1993-1997. It is clear as daylight that the Supreme Court seems unable to work independently. How one can expect the subordinate judiciary to be impartial and free? Because of the conduct of the politicians towards the electoral reforms, legal battle has almost become a farce. According to the proposal put by the C.E.C., a small effort can solve the cases of reservation for women and other groups and there would be no need to amend the constitution. According to him, every group/class can be given representation on the basis of population. For example, women are about 50% of the population and the political parties should allot 50% seats

compulsorily to the women wherever they can get any women elected. In this way, the government does not need to notify any seat as reserved for any class of the population. Everybody can be given a chance on merit and nobody's future in politics could be prejudiced. For this purpose, a minor amendment can be made in the Representation of the People Act without amending the Indian constitution. But, the politicians are not faithful, even for their own citizens. They keep some issues afloat for election purposes and nobody seems honest enough to solve them. These politicians spread hatred by dividing society in groups and fulfil their own ambitions.

The President of India, Shri K.R. Narayanan has admitted that communal violence and hatred has entered a new phase in India. Earlier, the Sikhs were made targets of communal violence and recently, the Christian brotherhood has been targeted for communal hatred. Two Buddhists have now been assassinated in Ladakh. Attacks on Muslims is on the rise again. The President has advised the Governors to put pressure on the state governments to prevent anti-constitutional actions; instead of working as mere agents of the central government. The message is clear that the State governments should refuse to be parties to such undemocratic, unlawful and immoral acts.

The Chief Election Commissioner has similarly stressed that the National Commissions like National Commission for Minorities, National Human Rights Commission and Central Vigilance Commission, etc. should be headed by and composed of only competent persons who are not to be puppets for the administration. He further opined that only then the administrative and electoral machinery can become really impartial and free. Dr. Gill while agreeing with the comments of the President has further remarked that pressure should be constantly exerted over the State governments and after initiation of the electoral process the state administration should directly come under Governors who should prove their mettle during the elections.

The CEC knows well that, being a representative of the ruling party, the part played by the heads of National Commissions, the members and the Governors have always been undesirable. Thus, he is pressing his point that the appointments of such worthies should be made in agreement with the opposition so that they may perform their respective duties freely and impartially. The Government of India is holding the I.S.I. responsible for the attacks on Christians and explosions in the churches, but the Chief Minister of Karnataka, Shri S.M. Krishna has vehemently declared that there was no proof to put blame on any national or international organisation. Mr. John Dyal, the Chairman of United Christians Forum for Human Rights has emphatically said "these attacks and bomb explosions are the result of a

hatred spread against the Christians by the Sangh Parivar."

Mr. John Dyal has condemned Mr. John Joseph, the Christian member of the Minorities Commission, with hard-hitting phrases such as "this member does not represent the Christians but the oppressor government which is playing the old game of divide and rule. Declaring the Sangh Parivar innocent, John Joseph is repaying his masters by endorsing their stand. Similarly the part played by the so-called Sikh representatives in the Minority Commission cannot be called pro-Sikh. They were taken into the Commission solely because of their anti-Sikh background and their fake attitude towards Sikhs so that the Sikhs may leave Sikhism deserting the true spirit of Sikhism by following the example of such pseudo-Sikh representatives who have sold their conscience over loaves and riches. Everybody is now aware that various organisations created by the *Sangh Parivar*, in order to teach a lesson to the Christian community and to push them out of India, are instigating the majority community to attack the Christians.

In India, political parties treat misuse of office as a right. All high constitutional positions must be filled by agreement between the prime minister and the leader of the opposition. This includes governors, chairmen of National Commissions and the Election Commissions. "The Supreme Court ordered the Vajpayee government to consult Ms. Sonia Gandhi on the appointment of Chief Vigilance Commissioner N. Vittal. Can't the Court do the same thing in the above cases?" said Mr. Gill. But, these politicians and their stooges are crying hoarse against the suggestions put forward by Mr. Gill, who has also brought this matter to the fore by asking for reforms in the rules pertaining to appointments in the bureaucracy.

Corruption and injustice in courts are considered to be due to the objectionable appointments of judges. This serious matter is always put in deep freeze on the plea that the persons of high judicial calibre are not coming forward. Practically, all appointments of judges are made by the law ministry and with the specific consent of the ruling party.

Now a days, Indian courts are being charged for corruption. On the other side, the Chief Justice of India, Dr. Adarsh Sen Anand has called for financial and administrative autonomy for the judiciary in order to overcome problems, arising out of neglect, of this vital wing of the democracy by the executive and the legislature. The lawyers too are being condemned for not being able to assert themselves for judicial autonomy, lamenting the "passive" role of lawyers, lack of introspection to refurbish their image and to make judiciary independent, which is so crucial for sustaining the rule of law.

The government spends only 0.2% of the GNP over the judiciary and the balance is made up by the judiciary itself, while other countries spend far more for the purpose. The government's apathy is quite visible. According to a survey, 50 judges should be provided for one million of the population while only 11.25 judges are provided in India for one million people. There are normally 100-150 cases listed daily in almost each of the lower courts. These courts can hardly mark attendance and then adjourn the cases. There are no alternate arrangements for light and air as and when electricity goes off. The courts are so crowded that the condition of the judges, advocates, court staff and clients is worth seeing rather than explaining. The persons inside the courtroom need pity more than anything else. Under such circumstances, a poor litigant is handicapped to produce any witness in the court, because the case is likely to be adjourned and the witnesses have to go back without being examined. When any witness sees the scene in the courtroom, he needs heavy pressure and persuasion to re-visit the courtroom and thus the cases remain pending for a very long time. In these circumstances, one can only imagine as to how one can get justice.

The lower court judges feel dejected in absence of their promotions. Thirteen thousand judges in the country, in protest against the deliberation of the conference of Chief Justices, have given a memorandum to the Prime Minister, Shri Atal Bihari Vajpayee that 50% vacancies in the High Courts be filled from amongst them. They lose patience and feel dejected with the result that the court work suffers. Some judicial officers complain in private of interference of the administration and the politicians in judicial matters. The courts are unable to impart justice because of the rampant inefficiency of the investigating agencies and thus the rate of convictions has gone very low. Many legislators being corrupt and inefficient, people cannot get justice for want of good and simple laws. For example, so far, the Income Tax Act of 1961, has been amended more than 400 times. Thirty million cases are learnt to be pending decisions. Justice J.S. Verma, Chairman of the National Human Rights Commission is of the view that because of shortage of judges, it may take more than 350 years to dispose of these cases. High Courts are seen crowded by the victims of the government institutions, waiting for justice. In Bombay High Court alone, there were 2402 cases pending decisions, connected with the Government institutions during the first 5 months of the year 2000.

The Chief Justice of India, Dr. A.S. Anand has expressed his grief that 'the government, being the biggest litigant does not feel a bit for the judiciary. The government knows that the judiciary needs more courts and judges but it is not prepared to appoint more judges.'

The rulers are generally reluctant to relish and abide by the decisions announced by the courts. For example, the Supreme Court further widened the scope of Article 21 (right to life) by declaring that unpolluted air is also the fundamental right to life. Like other decisions announced for the preservation of Human Rights, the decision about pollution has been thrown into the waste-paper basket by the government.

The government intentionally overlooks the courts because the leaders in power are themselves standing in the dock in the courts. The N.N. Vohra report clearly proves a nexus of politicians, high officers and criminals. Criminals operate in connivance with the government machinery. It is hardly possible that in case some impartial authority starts a chain of inquiry against public leaders, police and the bureaucracy for amassing wealth and assets disproportionate to their known sources of income that any person who has tasted power may come out scot-free. Large number of persons in power understand that they themselves are no less criminals and that is why they are keeping their eyes shut about the courts.

S. Parkash Singh Badal, the Chief Minister of Punjab showing courage in a public meeting in village Humbran, near Ludhiana, asked the audience to name anybody who had taken bribe from anybody? Instantly, the people started one after one, naming the corrupt including two cabinet ministers. Mr. Badal, immediately left the meeting entrusting further proceedings to the district officers. He had then perceived that the day was not far when the public would not spare the names of his own family and other relatives to whom the public had given huge amounts. He has never again dared to repeat the above question in any public meeting, because he is aware that majority of complaints would point their fingers even towards his family. Because of unrestricted loot, everybody is in a hurry to take to public life. Today persons dealing in illegal businesses, land grabbers and looters have become multi-millionaires and even cabinet ministers are being named. When a government likes to run its affairs in such a manner, how can it strengthen the judiciary where the offenders could be taken to task and they would have to pay a heavy price? Instead, the government is in a hurry to apply fetters to the judiciary through a National Judicial Commission, though the Supreme Court is trying to preserve its right of appointment of judges and preparing of directive rules for the courts. Chief Justice of India, Mr. Anand seems to be a far-sighted judge and well aware that the leaders in power are out to destroy what remains of the judicial edifice. He knows that the previous policy regarding transfer of judges has proved ruinous. Law making bodies and the executive are already in the clutches of corruption.

Mr. N. Vittal, the Central Vigilance Commissioner has remarked about the spread of corruption in the country as "this is fatal for the rule of law and justice. The term "corruption" is no more limited to the actions covered by the Prevention of Corruption Act. Any act or omission, which aims at shielding a corrupt public servant whether he is a law maker or a bureaucrat, is a form of corruption which may not necessarily involve monetary consideration but surely involves nepotism. Coercion, whether in the form of a threat or allurement with an ulterior motive to cause further harassment to the innocent or victims of crime, should also be viewed as corruption".

While the directive by the Supreme Court to extend autonomy to the Central Vigilance Commission was underway, the government enacted a law prohibiting the Central Vigilance Commission not to take up cases of corruption against the government and the bureaucracy. Mr. Kuldip Nayyar, well-known columnist, in a dramatic and conspiratorial manner pleaded in favour of the government and against the Central Vigilance Commission. His convoluted logic was that eventually the CVC has to refer matters to the CBI which is already a politicized body and thus is incapable of delivering justice in an impartial manner. He suggested that some other independent agency like *Lok Pal* (ombudsman) should do the job against politicians. Mr. Nayyar added that the government has not clipped the wings of Mr. Vittal but has restricted him from becoming another Mr. T.N. Seshan (former Chief Election Commissioner). Though it may be true, as has been declared by several courts in the past, that evidence produced by the CBI is fabricated and unbelievable, this is no excuse for subverting the CVC.

Taking cue from the centre, the Punjab government through a notification has restricted the powers of the Punjab Vigilance Bureau, with the remarks that being in the pay of corrupt people, this department is of no use any longer, meaning that thief catchers have themselves become thieves. Now, there seems to be no remedy as the thieves and the corrupt are operating freely. In this way, the government has enhanced the malady. This must be in the interest of the ruling party. Now there seems to be no doubt that the ruling clique is in partnership with the corrupt.

Law analysts admit that the cause of corruption in the judiciary is also due to the negligence and lack of will on the part of the judiciary as well as the Bar who do not pay sincere attention to it. They unanimously agree that in order to get rid of corruption, the Contempt of Courts Act should be so amended that transparency and accountability in law courts is doubly encouraged.

Attorney-General Soli Sorabji is of the view that there are only a few

chances for unveiling judicial corruption because no judge can indulge in corruption without the active partnership of the advocates and the carelessness on the part of others; and after identification, such advocates should be excommunicated from society. But it is absurd to disbelieve the acts of corruption prevalent in the judicial system.

Justice B.P. Jivan Reddy, Chairman of the Law Commission is of the view that judges, advocates and the investigation agencies are all responsible for the deterioration of the judicial system for eradication of crime.

Speaking at the golden jubilee celebrations of the Supreme Court, the executive and judiciary headed by Prime Minister Shri Atal Bihari Vajpayee and Chief Justice of India, Shri Adarsh Sen Anand respectively found fault in each other for the snail's pace of administering justice. Justice Anand blamed the centre and the state governments for delay in appointment of judges leading to a huge backlog of cases while Vajpayee said, "there is an all pervasive perception that the law has become a shield of the unscrupulous." He further said, "the judicial system justly invites derision and contempt." In turn, Justice Anand said the responsibility for the backlog of cases was in no small measure due to the apathy of the government to the issues concerning judicial administration as recommendations for creation of 5000 more courts at different levels in various States were pending with Union and State governments but no action has been taken so far.


The former Chief Justice of India, E. S. Venkataramaiah had said that 90% of the men in black robes were corrupt. The judges are contravening the old code of conduct and accepting "feasting" from some members of the bar practicing before them. He said, "judiciary in India has deteriorated in standards because some of the judges are willing to be influenced by lavish parties and whisky bottles..... It was hard to discard reports that every other son/son-in-law whatever his merit/lack of it, can be sure of earning an income of Rs. 10000/- per month." On this, Justice Rajinder Sachhar remarked that Justice Venktaramaiah would have been stunned had he been properly informed that the figure mentioned by him was not for a month but probably less than that earned in a week.


Politicians, businessmen, liquor barons and the like, send valuable gifts and obtain benefits from the judiciary as a matter of practice. Because of that, an addition has been made in the code of conduct to the effect that judges are required to submit statements of assets acquired by them and their close relatives, in writing. Let us see, what happens to the judges' code of conduct ! The introduction of the code points towards their guilt.


Several attempts have been made in the past to enforce such a code upon legislators and persons in political posts but no code could be put to effect. There is no other reason except that nationalism amongst the nationalists is on the lowest ebb.

The former Union Law Minister P. Shiv Shanker went a step ahead and declared that judiciary itself was meant to render justice to the rich, diamond dealers and "wife burners". The politicians or their kin can only tell such home truths because others are threatened with the Contempt of Courts Act.

Several allegations are levelled against the apex court, for example,


 It acquits influential persons by over-ruling its own previous rulings. It has been reported that the Supreme Court does not respect its own earlier judgments and can easily unsettle settled case laws. Justice K. S. Hegde, a former eminent judge of the Supreme Court, had observed in his dissenting note in *ITO Vs TSD Nadar* (AIR 1968 SC 623): "...the decision of this court should not be overruled excepting under compelling circumstances... Every time this court overrules its previous decision, the confidence of the public in the soundness of the decision of this court is bound to be shaken...in law finality is of utmost importance..."

 In order to gain office after retirement, judges collaborate with the government. Another code that also bars seeking elective offices seems to have been observed in breach. Sitting judges of the High Court have been contesting various offices in clubs and other societies. In an embarrassing incident a couple of years ago, a sitting judge of Supreme Court contesting for office at the Indian Law Institute was defeated by a lawyer. At that time, rumours were rife that an attempt was even made to persuade the then Chief Justice of India to exercise his administrative power to nullify the result. Fortunately, he declined. But all this amounted to an unedifying spectacle.

 Twenty-five years ago, the Indira Gandhi government armed itself with a Supreme Court Constitution Bench verdict which held that citizens had no right to move the courts against detention orders during the emergency. The 4:1 verdict, with Justice HR Khanna dissenting had forfeited the judiciary's powers under Article 226 (for High Courts) and Article 32 (for the Supreme Court) to entertain writ petitions regarding violation of fundamental rights, particularly the right to life and liberty. The judgement, being described as a "horrible" piece of judicial action, had overruled the views taken by at least nine High Courts that no order, presidential or judicial, could deprive the citizens of their fundamental

rights, particularly the right to life and liberty. The High Courts said that though the emergency barred the enforcement of certain fundamental rights, it did not abrogate the rule of law and did not allow the authorities to violate it with impunity.

 The Supreme Court is being blamed for assisting and supporting the demolition of the Babri Mosque.

 The Supreme Court is also being criticized for its hand in getting delayed the decisions in important and crucial cases.

The judiciary is still struggling for its financial and administrative autonomy. In such circumstances, people find it difficult to believe that the Indian Supreme Court is a free and independent organ. The condition of the lower courts looks rather pitiable.

Because of lack of rule of law, corruption is rampant in the country. The law does not recognize corruption, which is in full play in India. That is why, a UN report reveals that corruption in India comes from above and does not rise from below. The wealth collected through corruption is also being flown out of the country. The corrupt people are honoured instead of being sent behind bars. The mighty corrupt and criminals belonging to the ruling party are virtually out of the reach of law, though some small fry of the opposition falls prey instead. More than 51% of the population being poverty-stricken are striving to live, even then corruption is progressing. Rule of law has been banished and for this very reason, almost every State is demanding autonomy of one kind or the other. Under the circumstances, they are likely to succeed in their efforts.

A warning for our times !

Annexure 1: Comments: I

Through "Why India is devoid of Rule of Law?", S. Balbir Singh Sooch has made a detailed differential diagnosis of the malady which is eating away the vitals of Indian society. Issues raised in this article are thought provoking and predictions for future, along with remedies to be undertaken if someone be interested to eliminate these evils. Certainly the dragons of inequality and exploitation go hand in hand. Unless the menace of inequality is mended (though there seems to be little chance for it) tranquility in this society cannot be expected.

For any healthy society, three things, namely, truthfulness, contentment and thoughtfulness are vital but all the three have taken to wings. So there is a race to amass wealth (Laxmi) by hook or crook. Even the most rich are not content with what they have. Unhealthy competition to amass wealth and property at any cost has knocked out the brains of the common citizens.

Criminalization of politics has played a vital role for the present state of sagging standards in all spheres of life. This article of S. Sooch is a timely warning for the well wishers of this society (if there be any) and something needs to be done right away.

Dr. Kundan Singh Dhillon
M.S., Ph.D.

Dr. Kundan Singh is one of the 2000 outstanding intellectuals of the 20th century chosen by the International Biographical Centre Cambridge, England.

Annexure 1: Comments: II

As I religiously browsed through
Sardar Balbir Singh Sooch's remarkable thesis

"Why India is devoid of Rule of Law?"

I could not help reacting in the following way:

What now are our ways of life?

The answer is

Cheating, deceiving and robbing are our tools

Corruption our beloved business

Whatever be our operational area

No tolerance we show.....

To honesty, integrity, rectitude and justice

These deadly "enemies" stand tightly nailed

Their biers just wait to be ceremoniously sailed to the cremation grounds

To preclude and shut any possibility of their resurrection

Laws are conceived and framed for the betterment of the entrenched/casteist elite. Judiciary is surreptitiously constrained to operate in favour of power brokers. The parameters of the Constitution are brazenly set ablaze. The Rule of Law stands barbarically consigned to the grave.

Dr. Surjit Singh Sekha, Advocate

M.A., History, Political Science,
Psychology, Philosophy and Education; LL.B.,
Ph.D. (Psychology and Philosophy)

5 January 2001

Annexure I Comments-III**Fascism on the march**

"Why India is devoid of rule of law", a well researched paper by S. Balbir Singh Sooch, Advocate, throws a significant light on the much talked about largest democracy, India. The system is saturated with corruption and rule of law has taken wings. The revivalism and fascist tendencies are fanned under the very nose of the government, which has worn the shroud of National Democratic Alliance (NDA) over its saffron cloak. As Mr. Sooch points out, Brahminical laws are being imposed on the innocent illiterate people through the back door. Corruption is endemic and all pervading and is given religious sanction.

Worship of "*Laxmi*" --wealth has acquired legitimacy. Cheating, defrauding and base values of the cunning are considered to be craftsmanship. Recommendations of various commissions to clean the system are gathering dust, as such recommendations do not suit the rulers. If someone or the public asks as to why the commissions were appointed, for an answer, the buck is passed on to the rulers who constituted such commissions. Thus the recommendations take the role of a football to be kicked back and forth with no tangible results.

Only yesterday the Prime Minister instead of being the spokesman for NDA (a herd of about two dozen parties) has come out openly that demolition of Babri Masjid was the result of popular upsurge and building of Ram Mandir at that site remains as unfinished task and has to be done in view of national sentiments/aspirations. Today he is desperately trying to wriggle out through the government-controlled media and will definitely be able to put a secular robe as far as the media is concerned. But the cat is out of the bag and is in full public gaze.

Advocate Sooch has taken pains to highlight the hypocrisy of the system, which has completely blackened the face of the country called India. Repression against women is increasing every day. Cases of rape are galore and women dread to move out freely. They are harassed en-route in buses, in trains and on roads. Nexus between politician and police is complete and corruption has eaten into the vitals of all institutions. The moot point is, does anybody care to go deep into this malady? It is not possible to cure this cancerous evil as corruption travels downward. Unless there is transparency and accountability in the working of the system, the malady will continue to go from bad to worse. The politicians are evading to reform the electorate/election system and seem hell bent to continue the use of Mafia, money power and muscles to perpetuate their vested interest.

But all is not lost yet. People like Mr. Sooch will continue to be the torch bearers for the public and one day we hope dead wood will be thrown out of the corridors of power and people of this country will breathe in a real secular environment.

06 December, Y2K

Lt. Col. Chanan Singh Dhillon (Retd.)State President,
Indian Ex- Servicemen League (Panjab. & Chandigarh)

Annexure 2:

12 WEDNESDAY, NOVEMBER 29, 2000

Editorial**THE TIMES OF INDIA****NO. 284. VOL. CLXIII****A Thought for Today**

*We no longer choose people who are qualified and capable in terms of leadership calibre.
We choose people who offer us money or gifts or other things. -MAHATHIR BIN MOHAMED*

Corruption Inc.

The recently introduced Bill on the Central Vigilance Commission is ample proof, if more were needed, that our parliamentarians are not interested in fighting corruption. This comes out clearly in the parliamentary joint committee report presented to the two Houses which has recommended a three-member Vigilance Commission, on the grounds that this would make it more democratic and less liable to abuse. If our parliamentarians have their way, they might prefer a three-member prime ministership too. In fact, a three-member, as opposed to a single-member commission is theoretically more vulnerable to the pulls and pressures of outside influence. Further, contrary to the Supreme Court's directive, the report has retained the provision that the Vigilance Commission must seek the governments Approval before initiating action against bureaucrats of the rank of joint secretary and above. The retention of this clause will in effect emasculate the Commission and make it a purely decorative institution which is a waste of the taxpayer's money. The engine of corruption is the politician-bureaucrat combine; political venality at the top generally requires the active assistance of elements in the bureaucracy. In most cases, the corrupt bureaucrat flourishes under the patronage and support of the corrupt politician. To tie the hands of the Vigilance Commission by making it necessary for it to seek governmental approval before investigating suspect senior

bureaucrats is the surest way of shielding corruption. When Chief Vigilance Commissioner N. Vittal published the names of officers in whose cases the government had not responded to the Commission's findings for years, he was in fact indicting legislators for protecting the corrupt. Though corruption has become systemic in our polity, very few holders of high office have been convicted. This displays a general lack of political will to deal with venality, which is further reconfirmed by the present Bill.

The Parliamentary Joint Committee is also reluctant to place the Central Bureau of Investigation under the superintendence of the Vigilance Commission but prefers it to continue to be under the charge of the department of personnel. This is logical extension of the committee desire not to expose the senior echelons of the bureaucracy to potentially embarrassing investigation. This shows the wide support that attempts to thwart the establishment of an effective Vigilance Commission has among political parties across the board. There was only one significant note of dissent, from a nominated member who noted that "By and large the politicians of the country are so enmeshed in corruption that the citizen cannot expect any response from people in power, whether in government or in opposition." What is often overlooked is that corruption not only inhibits development and harasses the common citizen but constitutes a grave national security threat. The politician-bureaucracy-organised crime nexus, which is the inevitable out-come of corruption, is responsible for our porous borders, inflow of drugs, growth of armed gangs; all these create conditions conducive to nurturing terrorism. Our electoral system is so mired in corruption that the political will to combat this malaise is singularly lacking. The same politicians who are the beneficiaries of the present system are unwilling to kill the goose that lays their golden eggs.

Annexure 3:

Balbir Singh Sooch
M.A., LL.B., Advocate

12333, Street # 12,
Vishvakarma Colony,
Behind Sangeet Cinema,
Ludhiana-141 003
Tel.: 0161-531029

Justice Harbans Singh ji
Chief Justice (Retd.)
Chief Commissioner, Gurdwara Elections,
Government of India
23, Sector 8-A, Chandigarh

Dear Sardar Sahib Ji
Waheguru ji ka khalsa, Waheguru ji ki Fateh!

I am enclosing my article, "Why India is devoid of Rule of Law?" for your kind consideration and reaction, alongwith comments from Mr. N. Vittal, Central Vigilance Commissioner, Government of India.

The Panjabi version of the article was first published in Aj Di Awaaz Daily from Jalandhar from 31.07.2000 to 4 August 2000 in five parts. It has also been published in Charhdi Kala, Canada in August 2000. Later on other Panjabi magazines have also dared to publish it.

I hope you will appreciate my attempt to highlight the subject of corruption. I look forward to your comments.

With regards.

Yours faithfully

Balbir Singh Sooch
General Secretary
Sikh Vichar Manch

01 December 2000

Sent by speed post vide Receipt No. 218 Dated: 01-12-2K --ACKNOWLEDGED

Balbir Singh Sooch

M.A., LL.B., Advocate

12333, St.-12, Vishvakarma Colony,
Behind Sangeet Cinema, Ludiana-141 003.
Ph.: 0161-531029

To

Sh. N. Vittal
The Chairman
Central Vigilance Commission,
New Delhi.

Subject: Why India is devoid of Rule of Law?

Sir,

Your honour is doing your level best to eradicate corruption in face of opposition from the corrupt nexus of politicians, traders, criminals and officials holding high posts, who are not sincere with their own citizens.

I hope your honour may appreciate my attempt to highlight the subject in the enclosed Article.

Thanking You

Yours faithfully,

Balbir Singh Sooch

Sent by Speed Post vide Receipt No. 1024 Dt. 29.10.2K --- **ACKNOWLEDGED**

Balbir Singh Sooch

M.A., LL.B., Advocate

12333, St.-12, Vishvakarma Colony,
Behind Sangeet Cinema, Ludiana-141 003.
Ph.: 0161-531029

To

Dr. Adarsh Sen Anand
The Hon'ble Chief Justice of India
The Supreme Court of India
New Delhi

Subject: Why India is devoid of Rule of Law?

May it please your Lordship:-

Your Lordship will always be remembered to call for financial and administrative autonomy for the judiciary in order to overcome problems arising out of neglect of this vital wing of democracy by the executive and the legislature in India. Without it, judiciary cannot be called independent and impartial to establish the Rule of Law in this country.

I hope your honour may appreciate my attempt to highlight the subject in the enclosed Article

Thanking You

Yours faithfully,

Balbir Singh Sooch

Sent by Speed Post vide Receipt No. 1028 Dt. 29.10.2K -NOT ACKNOWLEDGED

Letters sent to important Indian constitutional personalities

Balbir Singh Sooch

M.A., LL.B., Advocate

To

Sh. KR Narayanan

The Hon'ble President of India, New Delhi.

12333, St.-12, Vishvakarma Colony,
Behind Sangeet Cinema, Ludiana-141 003.
Ph.: 0161-531029

Subject: Why India is devoid of Rule of Law?

Sir,

Your honour thought it proper to bring the truth on surface regarding the prevalent and ever increasing corruption and violation against the minorities, are responsible for disparity and injustice in India.

Only the enlightened law abiding citizens could appreciate views expressed by your honour, whereas the rest are the dumb and deaf majority who are not capable to raise their voice against the injustice that is being done to them. But, guidelines given by your honour are worth following in times to come.

I hope your honour may appreciate my attempt to highlight the subject in the enclosed Article.

Thanking You

Yours faithfully,

Balbir Singh Sooch

Sent by Speed Post vide Receipt No. 1025 Dt. 29.10.2K -NOT ACKNOWLEDGED

Balbir Singh Sooch

M.A., LL.B., Advocate

To

Dr. Manohar Singh Gill

The Hon'ble Chief Election Commissioner,
New Delhi.

12333, St.-12, Vishvakarma Colony,
Behind Sangeet Cinema, Ludiana-141 003.
Ph.: 0161-531029

Subject: Why India is devoid of Rule of Law?

Sir,

Your honour has shown courage to suggest various reforms in the government machinery for conducting impartial and fair elections in the country. But, the corrupt politicians and their stooges are crying hoarse against the suggestions put forward by your honour. Due to illiteracy, majority of the people is unable to react against the immature democracy in this country.

I hope your honour may appreciate my attempt to highlight the subject in the enclosed Article.

Thanking You

Yours faithfully,

Balbir Singh Sooch

Sent by Speed Post vide Receipt No. 1023 Dt. 29.10.2K --NOT ACKNOWLEDGED

Annexure 4:

A letter of thanks faxed on 27.01.94

SIKH VICHAR MANCH

27-D, Sarabha Nagar, Ludhiana (Panjab)

To
Mr. Bill Clinton
The President of USA
Washington

The Sikh nation is deeply indebted for your kind concern for Sikh Human Rights as the identity and religion of the Sikhs is being systematically destroyed by the Hindu bigot rulers. During the past decade, more than a hundred thousand Sikhs have been murdered, thousands tortured and maimed, innumerable womenfolk raped, the holy of the holiest Akal Takhat having been razed to ground, their Holy Durbar Sahib is under siege by the state Armed Forces. No Sikh can enter the holy precincts for prayer, unless he/she is subjected to bodily search. It is going on for the last 11/12 years.

When the Sikhs, as protest, decided not to participate in the Elections of 1992, the rulers put their stooges as candidates and ensured their success even when they obtained 7-10% of the total votes. The New Delhi Court rewards, bestows honours and promotes the officials who take part in Sikh genocide; all in the name of secularism, democracy, unity and integrity of the Communal Hindu dominated sub-continent.

The Rulers are in power because of fraudulent elections. Mr. T. N. Seshan the Chief Election Commissioner of India has rightly remarked that "there was nothing in Indian Election system which is not sullied. The electoral rolls are bad, personnel are bad; there was rigging and booth capturing and the political parties observed the Code of Conduct, only in breach. Indian Civil Services consisted of people with back-bone fractured in one thousand places". (The Tribune, 24.1.94)

Hindu hatred against the Sikh and Muslim minorities is the root cause for the constant genocide. A Sikh Sovereign State is the only answer for the calamity fallen upon the Sikhs. We, again thank you for the interest taken in Sikh Rights.

Gurbhajan Singh Gill
President

Balbir Singh Sooch
General Secretary

Goodwill Messages



N. Vittal

D.O. No. CVC/2000/1439

भारत सरकार

केन्द्रीय सतर्कता आयोग

GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSIONER
CENTRAL VIGILANCE COMMISSION,
SATARKTA BHAWAN, G.P.O. COMPLEX,
BLOCK -A, INA, NEW DELHI-110 023.

Dated November 9, 2000

Dear Shri Balbir Singh

I thank you very much for your thought provoking note on WHY INDIA IS DEVOID OF RULE OF LAW?

I am sure the note will help sensitise the people about the realities of the situation and motivate them to fight corruption.

With regards,

Yours sincerely,

Shri Balbir Singh Sooch
12333, St 12, Vishvakarma Colony
Behind Sangeet Cinema
Ludhiana - 141003.

(N. Vittal)



Justice Harbans Singh
Chief Justice (Retd.)
Chief Commissioner
Gurdwara Elections.

D. O. No. 529/2000/GEC

Government of India,
Ministry of Home Affairs,
58, Sector 4, Chandigarh-160001.

Dated the 26th December, 2000

Dear Sardar Sahib,

Thank you very much for sending me a copy of your article "why india is devoid of rule of law".

I entirely agree with the remarks of Mr. N. Vittal, Central Vigilance commissioner and hope that this will help in motivating all sensitive and honest people to avoid corruption. With regards and thanking you once again.

Yours sincerely,

(HARBANS SINGH)

S. Balbir Singh Sooch
H.No. 12333, Street # 12,
Vishvakarma Colony,
Behind Sangeet Cinema,
Ludhiana - 141003.