

WORLD SIKH NEWS

This is a court of law, young man,
not a court of justice.
—Oliver Wendell Holmes, Jr.

Hurling a law, winging a shoe

At a time when the world is celebrating the 60th year of the Universal Declaration of Human Rights, India has tripped, and tripped badly. It has brought in a law under pressure from the right wing BJP which is a further assault on human rights, but perhaps some fault lies with those also who think they are fighting strong nation states.

There is no excuse for terrorism against innocent citizens. Acts like the Mumbai attack which claimed the lives of innocent people has given forces like the BJP a filip to pressurize the Manmohan Singh government and hence the new law.

Now, New Delhi has set in motion the process to seek Parliament's nod on its war against terror with the introduction of a bill to create a National Investigation Agency (NIA) to exclusively deal with terror attacks and is also planning to have a new tougher law.

The National Investigating Agency Bill, 2008, when passed, would for the first time in the country allow officers of the agency to freely crack terror cases and bring culprits to book.

Imagine the security personnel cast in the mould of Punjab Police using this law. You think the terrorists will be quivering in their shoes? Most happy will be those who look for opportunities to create more terrorists. Laws like these, and their misuse which is written into the subtext of politics in India, is guaranteed to only produce more terrorists.

The Indian establishment is well aware of how POTA was misused. Whatever gives it an idea that the new law of the new Home Minister is foolproof against mischief?

The bill provides for overriding powers to NIA officers "of or above the rank of sub inspector" throughout India — powers equivalent to the officer-in-charge of a police station in the area the officer might be at the time of investigation.

The NIA would be empowered to take over investigation of eight specifically mentioned terror-related crimes including hijacking, any terror attack, any violation of the Atomic Energy Act and anything against the law on weapons of mass destruction. The bill empowers the Centre to hand over the investigation of a terror attack on its own. In addition, if states want to get any offence investigated by the NIA they would be able to do so.

In case of a terror attack or a related offence, the officer-in-charge of the concerned police station would be required to immediately inform the state government, which in turn shall forward the report to the Centre as soon as possible, the bill says. The Centre would have to decide within 15 days whether the offence committed is fit to be handed over to the agency.

We all know what the Armed Forces have done under the garb of the Special Powers Act. The women in northeast of India had shamed the entire country when they were forced to protest nude. Which one of us had not hung his head in shame?

Under the new law, those accused of terror would be tried in special courts on a day-to-day basis, with the agency having its own prosecutors to elaborate the charges. In case the special court wants it, the trial would be held in-camera — meaning — it would not be open to public.

Now these are all recipes for making those who are targeted as a result of the misuse very angry, angry enough to blow themselves up. Or making their younger brother or children so angry. The man who winged the shoes at President Bush was one such angry man. And he was subjected to much less than what such a law can do.

When the world is going through times of terror, the need is to deal with terrorism in such a way that we yield no ground and allow no new recruitment to the other side. We must not bring in laws that help argue the terrorists' viewpoint. Between Bush and Obama, the world has learnt many lessons. Why is India adamant on not unlearning the wrong ones?



Sehajdhari and Parlok! Har Har Mahadev

Sach Kanwal Singh

In a complete expose, the World Sikh News brought out last week the sinister attempt by the powers-that-be in the SGPC to open floodgates for non-Sikhs, particularly the RSS-BJP lobby, for intermingling and penetrating the core institutions of Sikhism in the garb of non-keshadhari Sikhs.

In an affidavit submitted to the Punjab and Haryana High Court, the SGPC gave such a twisted definition of the word "Sehajdhari" Sikh that it virtually empowered any non-Sikh to call himself a Sehajdhari and took away any obligation to even have the outer symbols like unshorn hair.

As report after report has suggested, the premier brain behind this entire saga and the hand guiding that of Anurag Singh, the president of Sikh History Research Board, is the office of the Punjab Advocate General Hardev Singh Mattewal.

Mattewal, Parkash Singh Badal's automatic choice for the top law officer job in Punjab, is a much honored man. He has never stopped reminding the Sikh community that he has been rendering his services free of cost to the SGPC and does not forget to quantify this cost. In 2006, the SGPC led by Avtar Singh Makkar officially bestowed the honor on Mattewal and Makkar said the AG had "always upheld the true ideals and never compromised for personal interests."

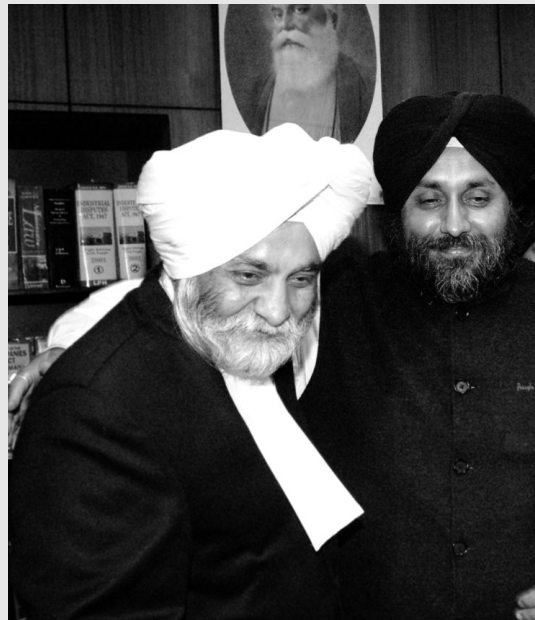
Has he?

Well, it will be best to believe Mattewal himself when it comes to what he has done for the Sikh community's interests.

As the Special Report on Page 14-15 and our exhaustive coverage has brought out so succinctly, the Sikh community and the SGPC itself has led a determined fight to end the construct of Sehajdhari. The 1973 resolution of the SGPC and finally the amendment in the Sikh Gurdwara Act, 1925 which disenfranchised the Sehajdharis to the utter relief of the Sikhs is being consistently sought to be overturned by Mattewal and his office.

That his efforts are in consonance with the agenda of increasingly secularizing the Badal-led Akali Dal and saffronising panthic organisations is something for which the Badals are primarily responsible, but Mattewal, being a man of lot many words, makes it easier for us to understand when he picks up a pen.

On the Prakash Gurburab of the tenth Sikh Master, Guru Gobind Singh Ji, in 2003, Hardev Singh Mattewal published a strongly argued article on the editorial page of The Tribune, advocating that the Sehajdharis should be given the right to vote.



Punjab Advocate General and a self-proclaimed lifelong friend of the Badals, H S Mattewal strongly argued for voting rights for Sehajdharis, and is now leading the charge once again. He threatens the Sikhs asking for disenfranchisement of Sehajdharis of not only the wrath of the Badals or the saffron forces, but even of the wrath of the Akal Purakh. "Those who create animosity and division by mixing up matters of religion, politics and society are bound to suffer here (lok) and in the hereafter (parlok)."

(Visitors to www.WorldSikhNews.com will find a link to the original article when they access this one on the website)

If his wont were to have the writ, Mattewal would even fight for Sehajdhari's right to vote incorporated even in the Delhi Sikh Gurdwara Management Committee elections where they were never allowed anywhere near Sikh shrines' management.

So aware is Mattewal of the import of what he was saying that he called it "a fundamental question" and wanted nothing less than "the widest possible discussion within the community". Obviously, the 1947 to 2003 broad spectrum discussions were not wide enough because they did not allow the Sehajdharis to succeed. He termed the attempts of the community as "the greatest danger to Sikhs" from "Sikhs themselves".

Mattewal is dissatisfied with the definition of the Sikh, particularly with the 1944 proviso added to the Section 49, that dealt with the qualification of electors, by adding: "Provided that no person shall be registered as an elector who (a) trims or shaves his beard or keshas except in the case of Sehajdhari Sikhs; (b) smokes; (c) takes alcoholic drinks."

Mattewal suggests several different formulations of the definition of Sikh. Quoting one of the most moderate varieties of scholars, Khushwant Singh, as saying that "the sense of belonging to the Sikh community requires both the belief in the teaching of the Adi Granth and the observance of the Khalsa tradition initiated by Guru Gobind Singh and there is no such thing as a clean shaven Sikh, he is simply a Hindu believing in Sikhism" (Khushwant Singh, A History of the Sikhs), Mattewal even calls that "an extreme view."

He said, and he actually wrote this to be published in The Tribune, that Khushwant

Singh's view was not just "an extreme" one but that "it excludes both the Keshdharis and Sehajdharis from the Sikh Panth and is not generally accepted."

Note the phrase "is not generally accepted". After which "widest possible discussion within the community" that Mattewal so eagerly wants, did he decide that it "is not generally accepted" that a Sikh should be Keshadhari? Just as the Badals indulge in "widest possible discussion" around the dining table where everyone shares a surname and a blood relationship, Mattewal seemed to have sat in the chamber with his own flesh and blood, his son, a self proclaimed patit.

And then Mattewal comes down to misquoting Bhai Kahan Singh Nabha to prove his point. He writes: "Bhai Kahan Singh Nabha says 'in contrast to baptised Sikhs, Sehajdhari is used for those Sikhs who do not adopt the Rahit of Kes, Sword and the Kach.'" Mattewal is not just a liar. Browse the Mahaan Kosh entry on Sehajdhari and you will know he has forged it. The Kosh only exempted "kachh and Kirpan", not "Kesh".

What kind of a Sikh embraces the religion without following the universal code, what kind of Sikh believes in the ten Gurus without believing in their injunctions? Read Mattewal's thoughts, expressed in black and white: "(T)o now restrict the right to vote only to the Keshdhari Sikhs will be going against the long tradition of accepting the Sehajdhari Sikhs as essential members of the Panth."

And then read the legal corruption that Mattewal induces. He claims in the article that not accepting the Sehajdhari Sikhs "as essential members of the Panth" will not be in consonance with their "right to vote in elections to the SGPC since its inception in 1925."

That is simply not true. The biggest sin a lawyer can commit is to tell a lie on oath. Mattewal, when he writes for public consumption, should be presumed to be on oath that at least the facts will be true, irrespective of his capacity to mutilate, twist or misrepresent them. But a black lie is a bad argument. Mattewal knows fully well that the Sehajdharis were given the right to vote only in 1959.

And Mattewal threatens the Sikhs asking for disenfranchisement of not only the wrath of the Badals or the saffron forces, but even of the wrath of the Akal Purakh. It is not clear by what law or argument did he arrogate the Akal Purakh on to his side, but he writes: "Those who create animosity and division by mixing up matters of religion, politics and society are bound to suffer here (lok) and in the hereafter (parlok)."

And he snatches away their right to call themselves even human beings, forget aspiring to become a Guru Ka Sikh. "They do not deserve the title of 'human beings' much less the title of 'God's Progeny'."

And the Indian ultra nationalist sounds so much like LK Advani or Keshava Baliram Hedgewar, the founder of the RSS when he concluded by saying: "Those who belong to different religions and yet regard themselves as part of one nation earn respect and honor."

That is the quarter from where Mattewal wants to earn respect and honor. Not the Sikh community. Mattewal is aiming right. And the Badals have chosen the right law officer to smoothen the secularization project. If only Mattewal carries a trishul in hand when he appears before the bench, he will be making a clearer statement about where he stands. Not that he lacks in such clarity himself. Thanks for writing that article, Hardev.

Har Har Mahadev!