

## **Rebellion in the Supreme Court**

By N.T.Ravindranath, dated 12-03-2018

On January 12<sup>th</sup>, 2018, four senior most judges of the Supreme Court, namely justice Chelameshwar, Ranjan Gogoi, Joseph Kurian and Madan Lokur stunned the people of India by openly revolting against the Chief Justice of India and conducting a press conference in Delhi accusing CJI Deepak Mishra of selective allocation of important cases for hearing to junior judges in an improper and inappropriate manner. Allocation of cases to different benches is the sole prerogative of the Chief Justice of India. Many important cases have been allocated to junior judges in the past and there is nothing unusual or unfair about it. The four dissident judges claim that all judges are equals and that the chief justice is only the first among the equals. On the other hand, contradicting their own assertion, they refuse to treat their own junior judges as their equals. Thus, their allegations against the chief justice Deepak Mishra can be seen as baseless and without any merit. Hence, the open mutiny staged by the four rebel judges is highly condemnable. This episode has not cast any shadow of doubt on the reputation and credibility of CJI Deepak Mishra. On the contrary, it is the four rebel judges who now stand exposed as crooks by their open expression of frustration and anger over non-allocation of certain cases of their interest to them. Their open revolt has only helped to expose their undue interest in getting certain cases allocated to them for their own vested interests which has raised questions about the impartiality and credibility of the Supreme Court. Thus, by this foolish and immature act, they have created an open rift among the senior judges and brought disrepute and shame to the Supreme Court, hitherto considered as the most sacred institution in India. The Supreme Court and the armed forces are two very important pillars of our democracy. People in India have the highest regard for the Supreme Court. This image built up over the last seventy years has been irreparably damaged by the atrocious act of the four rebel judges. Now, people are convinced that even the Supreme Court is afflicted with the malady of corruption and favoritism after witnessing the fight among the senior judges for allocation of certain cases of their interest to them.

Surprisingly, on January 14<sup>th</sup>, four retired judges, namely P.B.Sawant, Hosbet Suresh, A.P.Shah and K. Chandru had written a letter to the Chief Justice Dipak Mishra expressing their support and agreement with the serious allegations raised by the rebel judges against the CJI and requesting the CJI to take immediate steps to resolve all their differences. They have also requested the CJI to allocate all important and sensitive cases only to a constitutional bench of five senior most judges until the differences with the four rebel judges are resolved. Meanwhile on January 15<sup>th</sup>, senior lawyer Prashant Bhushan lodged a complaint against Supreme Court Chief Justice Dipak Mishra alleging his suspected involvement in the Lucknow medical scam and seeking an in-house probe by a collegium of senior most judges to look into the allegations against the CJI, as part of an effort to further corner the CJI.

What could have prompted the four senior rebel judges to take such a stupid action of openly challenging the authority of the Chief Justice of India by publicly criticizing his style of functioning, thus maligning the reputation of the most sacred institution in India and also putting their own reputation at grave risk? To find an answer to this question, we just have to see the

background of some of the prominent people who have come out openly in support of the four rebel judges, as per details given below.

**P.B.Sawant:**

He is a former judge of the Supreme Court. After his retirement, he took to NGO activism and joined Medha Patkar-led anti-development lobby and started taking part in NGO action group movements over human rights violations and acquisition of land for development work, etc. He had opposed the hanging of Yakub Memon (accused in 1993 Bombay blasts), Afzal Guru (accused in Parliament attack case) and Ajmal Kasab (accused in 26/11 Mumbai attack). He is also closely associated with activist and Modi baiter Teesta Setalvad and had formed a committee to defend Teesta Setalvad in various criminal cases registered against her in connection with her campaign against Modi government in Gujarat.

**A.P.Shah:**

He is a former chief justice of Delhi High Court. He has openly criticized the action taken against the JNU students for raising some anti-India slogans and described it as gross misuse of power. He had criticized the government action to crush the Idinthikarai people's agitation against the Kudankulam Atomic Power Plant in Tamil Nadu. He had also openly charged that hanging of Afzal Guru and Yakub Memon was politically motivated.

**Prashant Bhushan:**

He is a senior advocate of Supreme Court, and a human rights activist closely associated with the PUCL. He is a supporter of anti-development lobby in India and has supported all their agitations against various mega development projects in India. He is a strong supporter of the demand for removal of AFSPA from Jammu & Kashmir and a sympathizer of Kashmiri separatists. On October 12, 2011, he was beaten up by some members of Bhagat Singh Kranti Sena within the Supreme Court premises for his remarks in support of Kashmiri separatists. He is also a supporter of the Maoist movement and had opposed all armed action against the Maoists.

**Indira Jaising:**

She is a senior Supreme Court advocate and a former additional Solicitor General of India. She has a soft corner for all anti-national movements in India like the separatist movement in Kashmir and Moist movement. She not only supported the break-India movement of JNU student leader Kanhaiya Kumar and his gang, but even criticized the undertaking that Kanhaiya had to give to the court agreeing to restrain himself from such break-India activism in future for getting his conditional bail. In an open letter to all judges in India, she had described such an undertaking as onerous, oppressive and unconstitutional and asserted that there cannot be any anticipatory restraint on free speech.

### **Hosbet Suresh:**

He is a former judge of the Bombay High Court. He is a hard core human rights activist with deep sympathy for all anti-national movements in the country like the separatist movement in Kashmir, insurgency in the northeast, Islamic terror and the Maoist movement. After the 2002 Gujarat riots, Hosbet Suresh had conducted an extensive campaign against the Modi-led Gujarat government, both within and outside the country, describing the riots as state-sponsored and holding Modi personally responsible for the massacre of Muslims by not taking prompt action to control the riots. As part of his campaign, he had also visited London and had given an interview to prominent historian and academic Richard Bonney of the UK holding Modi as the mastermind behind the riots which had drawn wide coverage by the international media.

### **K. Chandru:**

He is a retired judge of Madras High Court. He is an activist of the Lawyers Collective founded by senior Supreme Court lawyer Indira Jaising. He is a sympathizer of Maoist movement and a close associate of V.Suresh, National General Secretary of PUCL.

On a closer scrutiny, it could be seen that those judges and lawyers who have come out in support of the four rebel judges have some common anti-national traits as mentioned below.

1. They all support the secessionists in Jammu & Kashmir.
2. They support Maoist movement.
3. They all hate Modi, BJP and Sangh Parivar.
4. They support Sikh militancy, Tamil nationalism movement in Tamil Nadu and various insurgency movements in the Northeast.
5. They are sympathetic to the efforts of Christian missionaries to alienate Dalits and Adivasies from Hinduism.
6. They support all agitations against mega development projects in India, particularly coal, steel, thermal and nuclear projects.
7. They opposed stringent anti-terror laws like TADA and POTA earlier, and now they are pressing for the removal of AFSPA from J&K and Northeast.

In short, these eminent judges and senior lawyers are supporters of a lobby which supports all anti-national movements in India. The question naturally arises as to how and why such eminent dignitaries have chosen such a destructive path to act against the interests of their own motherland, betraying their own conscience. The truth is that they all belong to a conglomeration of activists commonly known as civil society groups, consisting of NGO and human rights activists and pseudo-secularists. There is a general perception in India that the greatest threat to India's national security comes from our two hostile neighbours i.e. China and Pakistan. However, the truth is that the most serious threat to India's unity and territorial integrity comes from the vast network of activist NGOs and human rights activists and the so-called secularists in the country who are all now commonly known as civil society groups. These civil society groups are cultivated, supported, funded and controlled by some western intelligence and church agencies and some American and European Foundations. Such civil

society groups have now been established in almost all the countries in the world by the western powers led by the US with the primary aim of protecting the interests of the US and its NATO allies all over the world. Their aim and objectives however may differ from one country to another depending upon the strategic interests and objectives of the US lobby in a particular country and the political affiliation of the ruling regime in that country. In most countries considered as friendly to the western lobby, the role of these civil society groups would be to cultivate agents in all major political parties and at top levels of administration, judiciary and security forces to ensure the continued support of the ruling regimes to the US policies in the international affairs and developments. In countries where the ruling regimes are considered as hostile to the interests of the US and its allies, the role of these groups would be to use the vast network of their painfully cultivated assets to build up a congenial atmosphere in the country for the overthrow of the ruling regime by abetting, funding and supporting all anti-government forces and all other militant movements in the country. Later on, at an opportune occasion, a regime change operation will be undertaken by these groups with the active cooperation and combined might of all anti- government forces by triggering a colour-revolution type uprising to achieve the objective of overthrowing the hostile regime and replacing it with a friendly regime. India is considered as hostile by this lobby simply because India with its vast size, population and growth potential could emerge as a powerful world power soon which is considered as a threat to the global interests of the western lobby. But in India's case, it is not simply a regime change that they want, but a break up of India into 10 or 15 smaller nations, so that the possibility of India ever becoming a stronger global power can be eliminated. Obsessed with this objective, the US and its allies have been trying to create instability and chaos in India since seventies by funding and promoting all militant and secessionist movements in the country like the separatist movement in Kashmir, Khalistani movement in Punjab, insurgency in the northeast and Naxal/Maoist movement in the country.

Action groups and support groups are the two major components of the civil society groups. The action groups consist of those NGO activists who are actually working in the field, mainly among the marginalized sections of people in the rural and tribal areas and guiding and empowering them to lead militant people's movements in support of their various demands and grievances. The support groups consist of pro-leftist intellectuals, pseudo secularists and human rights activists representing the influential and elite sections of the society like retired judges, senior lawyers, eminent academics, retired bureaucrats, writers, journalists, theater personalities and ex-service men who can use their power and influence to mobilize support of the intellectual class in different fields and use them as pressure groups to exert influence on the government for favourable action on issues taken up by the action groups.

After creating activist lobbies among various sections of the society like the bureaucrats, academics, journalists, historians and theater personalities, the civil society groups started recruiting lawyer activists for the first time in 1989 when senior Supreme Court lawyer Colin Gonsalves founded an NGO called the Human Rights Law Network (HRLN) with himself as its Executive Director.

## **Human Rights Law Network (HRLN).**

The HRLN is a collective of lawyers and social activists dedicated to the use of legal system to advance human rights in India. It is the largest human rights NGO in India and is affiliated to Socio Legal Information Center. It was founded in 1989 by senior Supreme Court lawyer Colin Gonsalves.

### **Objectives**

- 1) To protect fundamental human rights and increase access to basic resources for marginalized communities.
- 2) To create justice delivery system that is accessible, accountable, transparent, affordable and works for marginalized communities.
- 3) To equip through professional training, a new generation of public interest lawyers who are comfortable both in the world of law as well as in social movements.

HRLN collaborates with human rights groups and grassroots development and social movements to enforce the rights of poor and marginalized people and to challenge oppression and exploitation and discrimination against any group or individual on the grounds of caste, gender, religion, economic or social status. HRLN provides pro bono legal services, conducts public interest litigation, engages in advocacy, conducts legal awareness programmes, investigates rights violations and participates in campaigns against injustice.

### **Hidden objectives**

The HRLN is found to be very sympathetic to all anti-national movements and organizations in the country like the separatist movement in Kashmir, Maoist movement, Khalistsni movement, Northeast insurgency, Tamil nationalist movement in Tamil Nadu and the anti- development lobby consisting of NGO, human rights and environmental activists in India. From its past activities, it is obvious that its real objective is to give a strong legal support base for all the above mentioned anti-national forces in India. The HRLN was in the forefront in opposing anti-terror laws like TADA and POTO and getting it abolished. It had played a key role in getting 'Salva Judum', an anti-Maoist movement, banned. It is also striving to get the Armed Forces Special Power Act (AFSPA) withdrawn from Jammu & Kashmir and Northeast. It also helps the anti- development lobby by creating legal hurdles aimed to delay or stall various mega development projects in India.

### **Independent People's Tribunal on Environment and Human Rights (IPT)**

The same Colin Gonsalves who founded the HRLN, founded another very important and sensitive organization called the 'Independent People's Tribunal'(IPT) in 1993 to create an activist lobby of retired judges of upper courts and human rights activists with the aim of setting up independent people's courts to conduct parallel trial of human rights and environment violations in India and bring their probe reports before the public in India and abroad. The cases of rights violations that the IPT had taken up in the past and the probe reports submitted so far have clearly showed the so called independent body's firm commitment to an anti-national

agenda. In the name of fact-finding missions, the IPT has always been trying to promote the interests of various militant and secessionist groups in India like the Kashmiri separatists, Maoist groups, Sikh militants and northeast insurgents by always accusing the security personnel of gross violations of human rights in all their clashes/encounters with such militant groups, dubbing all encounters as fake and manipulated and holding the security forces and the police as the real culprits behind all the terrorist/Maoist violence in India. Some of the activities and fact finding missions undertaken by the judge and lawyer activists and their probe reports given as under, will confirm their evil intentions and destructive agenda.

Judge activist Hosbet Suresh, along with Collin Gonsalves, founder of both HRLN and IPT, had visited Imphal in 2000 on an invitation from local human rights activists, to conduct a probe into the atrocities on local population by the army and other security personnel in Manipur in the name of combing operations. As expected, in their probe report submitted to top human rights functionaries in India and abroad, they had indicted the army and other security personnel for committing grave atrocities like rape and murder against the innocent locals misusing the provisions of Armed Forces Special Power Act, and demanded the immediate withdrawal of the AFSPA from Manipur.

On March 7, 2011, the Ratnagiri district administration had banned the entry of retired S.C. judge P.B.Sawant, retired H.C.judge Kolse Patil and social activist Vaishali Patil into Ratnagiri district as a precautionary measure to prevent them from participating in the anti-Jaitapur nuclear power plant agitation at Jaitapur in Maharashtra.

Judge activist Hosbet Suresh had led a joint probe by the HRLN and ANHAD into the human rights violations in Kashmir valley in February 2010 and their report released on September 8, 2010 in Delhi had accused the security personnel of gross violation of human rights of innocent local people and had demanded immediate withdrawal of Armed Forces Special Power Act (AFSPA), which gave protection to the army personnel from prosecution, from Jammu & Kashmir.

In October, 2013, a postcard campaign was carried out by “Justice for All”, a movement launched by judge and lawyer activists like P.B.Sawant, Yusuf Musala and Teesta Satalvad, to put pressure on Prime Minister Manmohan Singh for early tabling of the controversial bill called ‘The Prevention of Communal and Targeted Violence (Access to Justice and Reparations Bill)’ which was termed as an anti-Hindu Bill by the BJP and all other Hindu organizations. The said bill was ultimately dropped by the UPA government due to mounting opposition from all Hindus from different parties.

Retired judges P.B.Sawant and Hosbet Suresh, along with other judge activists like justice Panachand Jain, H.S.Bedi, S.N.Bhargava, K.Chandru and others had sent a mercy petition to the President of India in July 2015 seeking mercy for Yakub Memon who was convicted to death for his role in the 1993 Mumbai bomb blasts, and pleading to save him from the noose.

Late S.M.Daud, a judge activist of IPT and a close associate of Hosbet Suresh had played a key role in the merger of CPI-ML People’s War Group and Maoist Communist Centre (MCC) in September, 2004 to form the CPI-ML- Maoist. He had addressed a state convention of CPI-

ML-Red Flag held at Dombivli in Thane district of Maharashtra in November 2004, stressing the need for unity of various Naxal groups in the country.

Rajinder Sachar, who headed the Sachar Committee under the UPA government is a prominent judge activist and a close associate of Hosbet Suresh and Colin Gonsalves. He had expressed his support for various militant and secessionist groups in the country like Maoists, Kashmiri separatists, northeastern insurgents and Sikh militants through various articles and speeches he had made in the past. In January 2000, Rajinder Sachar had strongly condemned the arrest of Th. Muivah, General Secretary of NSCN-IM, (the most dominant Naga insurgent outfit) of Nagaland by the Thailand police and had sought the intervention of the Government of India for his immediate release. Sachar later flew all the way to Bangkok to express his solidarity with the arrested Naga leader. Later, participating in a symposium organized by "Friends of Nagas", a front organization of NSCN-IM at Bangkok, Sachar along with pro-naxal lawyer activist Nandita Haksar and human rights activist Swami Agnivesh and some other Naga leaders like K.S.Paul Leo and S.Kho John had passed a resolution demanding the immediate release of Th. Muivah. It may be noted that Th. Muivah was arrested by Thailand police on 19<sup>th</sup> January, 2000 while he was travelling from Karachi to Bangkok on a fake South Korean passport. He was however released on bail, only to be rearrested on 30<sup>th</sup> January while trying to fly to Bonn from Hatyai airport in South Thailand, again on a fake passport.

In a press release issued on March 27, 2002, Sachar had described the arrest of Kashmir separatist leader Yasin Malik under POTA by the J&K government in connection with a foreign exchange offence, as a gross abuse of power and had demanded his immediate release. Speaking at a convention on the topic "Kashmir and Indo-Pak friendship" organized by 'Secular Democratic Forum', at New Delhi on 15<sup>th</sup> August, 2001, Rajinder Sachar had said that restoring pre-1953 status to the J&K was the only solution to the Kashmir problem and had declared his whole-hearted support to the demand for autonomy to the J&K. Despite such a shady background and doubtful integrity, Rajinder Sachar was appointed by the UPA government to head a committee to study the backwardness and problems of the Muslims in India and suggest remedial measures for their economic upliftment. As expected, the Sachar Committee used selective indicators and parameters to exaggerate the extent of Muslim backwardness and deprivation and submitted a report which is blatantly biased and deliberately aimed to mislead the Muslim masses that anti-Muslim bias and discrimination was mainly responsible for the general backwardness of Muslims in India.

Activist B.G.Kolse Patil, a retired judge of Bombay High Court, who headed a so-called three-member independent inquiry commission to probe into the police crack down on anti-nuclear protesters at Kudankulam in Tamil Nadu on September 10, 2012 had submitted his probe report condemning the state authorities and supporting the cause of the anti-nuclear protesters. He is the same activist who had courted arrest in 2011, while participating in the agitation against the Jatapur nuclear power plant in Maharashtra. The same Kolse Patil had headed a 15-member independent inquiry committee in 2006 only to prove that the three Muslim terrorists who were shot dead by the police in an encounter in front of the RSS headquarters in Nagpur on June 1, 2006, were innocent people killed in a fake encounter.

## **IPT's secret agenda**

Though the IPT was reportedly formed by retired judges, senior lawyers and human rights activists to position itself as a people's court to conduct free and fair trial of grave human rights violations and to ensure environmental justice, a very important, dangerous and hidden objective of this lobby is to recruit serving judges, mainly from Supreme Court and High courts and create secret cells of serving judges and use their services to get favourable judgments in some of the important and sensitive cases taken up by lawyer activists. Over the years, the lobbies of both lawyer activists and judge activists have emerged as much more stronger and powerful showing symptoms of its adverse impact on the independence and impartiality of some of the judgments of even the Supreme Court of India, especially on issues like the threat to environment, tackling the Maoist/secessionist movements and human rights violations. Though the serving judges generally do not participate in any of the activities of the lawyer and judge activists, some sitting judges of Indian courts along with two judges of the Constitutional Court of South Africa had attended an eight-day long 'national conference on human rights, social movements, globalization and law' organized by the HRLN at Panchgani, Maharashtra, in December, 2000. Some of the High Court and Supreme Court judgments favouring Maoists, environmentalists, etc, in the past, could be attributed to the influence of IPT sleeping cells in the courts. A few such instances of illogical and irrational judgments of the Supreme Court, suspected to be influenced by the IPT, are quoted below.

## **Supreme Court verdict goes in favour of Maoists**

The Supreme Court on July 5<sup>th</sup> 2011 declared the anti-Maoist outfit 'Salva Judum' as illegal and ordered the Chhattisgarh government to disband and disarm 6500 special police officers (SPOs) engaged in anti-Maoist operations, stating that the use of such ill-trained and under-qualified tribals as SPOs is against the moral and constitutional mandate of the government.

Blaming the Maoist violence on the iniquitous policies of the state and striking down the centrally funded scheme to arm the tribal youth as counterweight to extremists, an S.C. bench consisting of Justice Sudarshan Reddy and Justice S.S. Nijjar ordered the Union government to cease and desist forthwith, from using any of its funds in supporting, directly or indirectly, the recruitment of SPOs for the purpose of engaging them in any form of counter-insurgency activities against Maoist/ naxalite groups.

The SC verdict had put the Chhattisgarh government, which has borne the brunt of Maoist violence, in great difficulty as the S.C order has seriously upset all its efforts to neutralize the Maoist threat. The Chhattisgarh government has recruited the SPOs from mostly amongst the ranks of the Salva Judum, a people's resistance movement against Maoist atrocities in the state. The 'Salva Judum', meaning 'peace march', was formed in 2006 by Mahendra Karma, a Congress leader with the support of all other political parties in the state as a last resort against the incessant atrocities like extortion, kidnapping and murder by the Maoists. The formation of the Salva Judum had given a big jolt to the Maoist movement and that is the reason why the western-funded civil society activists had come to their rescue. The verdict against the SPOs had come as a big set back to the fight against the Maoists. The judgment had a crippling effect on

anti-naxal operations in six states where the Centre had financed the recruitment of SPOs who would help the under-staffed local police with their knowledge of the terrain and utility in intelligence collection

The Supreme Court judgment against funding and recruitment of SPOs for the purpose of anti-Maoist operations has pleased only the Maoists and their supporters, mainly the NGO and human rights activists who now project themselves as civil society activists. It is these civil society activists like Prof. Nandita Sunder, historian Ramachandra Guha, activist Swami Agnivesh and former IAS officer E.A.S. Sarma who had approached the Supreme Court seeking a ban on 'Salva Judum' and SPOs. All these activists are known supporters of Maoist movement who had always opposed the government's efforts to end the Maoist menace in the country. They had submitted some extracts from the reports of 'Human Rights Watch' and a documentary telecast by the 'Channel 4' of Britain on Maoist struggle in India in the court as evidence in support of their argument. The 'Human Rights Watch' and the 'Channel 4' of Britain are notorious for their blatant criticism against Indian security personnel for their alleged excesses and gross human rights violations against 'poor and innocent' Maoists and other militant elements in the country. However, supporting the petitioners, the Supreme Court held the iniquitous policies of the government responsible for the Maoist violence. But, there is irrefutable evidence to conclude that certain western NGOs and human rights organizations and Christian funding agencies, guided by their own strategic designs and need for creating mayhem and chaos in India, had played a key role in promoting Maoism in India, taking advantage of acute poverty and unemployment of people in the remote villages. Financial assistance received from these foreign agencies are utilized by some Indian NGOs and human rights organizations to build up the Maoist movement in India. The intelligence wing of the Maharashtra police had identified and submitted to the state home department in March 2008 a list of 56 NGOs that raise funds and help the Maoists in recruiting new cadres. These NGOs work under the umbrella of the Tactical United Front (TUF), a conglomerate of groups sympathizing with the naxal cause. (<http://naxalwatch.blogspot.com/2008/03/56-ngos-raising-funds-cadres-for-naxals.html>)

Two years after the S.C. ban on 'Salva Judum', Mahendra Karma, founder of Salva Judum and 30 others were brutally killed in an ambush of their convoy staged by the Maoists at Darbha near Sukma in Chhattisgarh on 25<sup>th</sup> May, 2013. So gruesome was his murder that even after killing him, the attackers danced around his body stabbing him several times. His body bore 78 stab wounds and 50 bullet wounds. The illogical and irrational verdict of the Supreme Court imposing a ban on 'Salva Judum', which was a people's movement formed only to resist the atrocities by the Maoists, has to be held responsible for the martyrdom of a brave tribal leader like Mahendra Karma.

### **Supreme Court declares Narco-analysis and polygraph test unconstitutional**

The Delhi police had arrested Kobad Ghandy, a top Maoist leader and a politburo member from Bhikaji Kama locality in Delhi on September 20, 2009. He is said to have played a leading role in the formation of the Coordination Committee of Maoist Parties and Organisations in South Asia (CCOMPOSA) and was also engaged in liaison work with the Communist Party of Nepal (CPN). The Delhi trial court, as per its order dated, 31<sup>st</sup> October, 2009, had allowed the Delhi police to conduct a narco analysis test on Kobad Ghandy, which

could have helped the Delhi police to unearth a lot of information about the Maoist activities in India and also about their internal and external links. However some civil society activists had immediately moved the Delhi High Court challenging the trial court order allowing the Delhi police to conduct narco analysis test on him, raising the issue of violation of his personal liberty and seeking a stay of the trial court order. The Delhi High Court, delivering its verdict on November 5, 2009, stayed the trial court order allowing the narco test on Kobad Ghandy, pointing out that since a verdict on the validity of narco analysis test pending with the Supreme Court was expected shortly, it will be in the fitness of things for all the parties to wait for the apex court verdict in this matter. The Supreme Court had earlier reserved its verdict on a bunch of petitions moved by some mafia leaders like Santokben Jadeja, Arun Gawli and others challenging the validity of the narco analysis test, brain mapping and polygraph test. A Supreme Court bench consisting of CJI K.G.Balakrishnan, Justice R.V. Ravindran and Justice M.J.Panjal, giving its final verdict on May 5, 2010 termed the narco analysis test as unconstitutional as it amounted to a violation of personal liberty. The court said that a person could not be forced to undergo narco analysis test, brain mapping and polygraph test as it violates the Article 20 (3) of the Constitution that says that no accused can be compelled to be a witness against himself. Lawyer activist Dushyant Dave was the court-appointed amicus curiae in the case.

Information obtained through narco analysis test is not admissible as evidence before a court of law. But such information gives valuable clues to the police and other investigative agencies in nailing the culprits involved in some important and complicated cases. For instance, the narco test was very helpful in cracking down the Telgi scam. Though the use of third degree methods has no legal sanction in India, it is a fact that such unethical methods are still widely used by the police in India as an easy option to crack many of the criminal cases. Many legal luminaries and other intellectuals in the country often advocate the need for sticking to only scientific methods for interrogation of criminals, as is the case in many of the developed countries, instead of taking recourse to old and barbarian method of torture. The narco analysis, brain mapping and polygraph test are all scientific methods widely used in many countries for obtaining information from the criminals and other wrong doers. Why should the Supreme Court ban the narco analysis test in India, a country worst-affected by terrorism?

### **Supreme Court orders CBI probe into encounter killings in Manipur.**

Despite strong objections by the government and the Army, the Supreme Court on July 14, 2017 had ordered the CBI to institute a five-member SIT to probe into 98 encounter killings in Manipur by the army and other security personnel and the police. A bench of Justice Madan B.Lokur and U.U . Lalit was hearing a writ petition filed by the Extra Judicial Execution Victim Families Association seeking a probe and compensation in the alleged 1528 extra judicial killings in Manipur from 2000 to 2012 by the security personnel and police in the state. On February 12, 2018, expressing its displeasure over the progress of the probe, the S.C. slammed the CBI for not conducting an impartial probe in 81 alleged fake encounter killings in Manipur and instead registering FIRs against victims who were killed, without questioning the army personnel involved in the case. The court ordered a fresh probe to get at the bottom of the truth as reports of NHRC and a commission headed by S.C. judge Santosh Hegde had adversely commented on the role of security personnel in those encounters. Lawyer activist Colin Gonsalves had appeared for encounter victims.

Manipur is an extremely disturbed area with the law and order situation in the state remaining as explosive as the situation in the Kashmir valley. But the Manipur situation does not attract much media attention in India, because unlike the Jammu and Kashmir, Manipur does not have an hostile neighbor like Pakistan to indulge in cross-border terrorism or to sent trained fidayeen militants into Manipur to indulge in terrorist violence. Manipur is a small state with only a total population of just less than three million people. However, the state is badly hit by terrorist violence with about 30 terror groups functioning in the state, mostly based in the Imphal valley. Out of these 30 groups, there are only five or six major groups with the United National Liberation Front (UNLF) and the People's Liberation Army (PLA) being the most dominant among these terror groups. Though the PLA was receiving some help from the China in the initial stage, it has not been getting any financial or material help from China since last two decades. All the terror outfits including the PLA, UNLF, NSCN-IM and other fringe groups are getting liberal financial aid from various western and church agencies, which was intended only to create chaos and instability in India. The NGO and human rights activists who always make a hue and cry about the human rights violations by the Army and other security forces are only the over ground supporters of the underground militants. The encounter killings in Manipur and Kashmir is a routine phenomenon. Even the army camps are targeted by the militants in Kashmir and Manipur and even senior officers of the army are getting killed by the militants. As long as such terrorist threat continues to haunt India, the army will have to take retaliatory action to neutralize this menace of terrorism. The western agencies are using their biased international agencies like 'Amnesty International' and 'Human Rights Watch' and their branches in different countries to malign and demonize the Indian Army by highlighting the distorted versions of human rights violations in India as reported by their human rights agents in India.

Now the Supreme Court bench of justice Madan Lokur and justice U.U.Lalit on February 12<sup>th</sup>, 2018 had expressed their displeasure over the FIRs filed by the CBI in the fake encounter cases as it had failed to nail any army personnel in the case. The Armed Forces Special Powers Act (AFSPA) has given protection to the Army from prosecution in alleged crimes in disturbed areas like Jammu and Kashmir and northeastern states. Still, the esteemed judges seem to have a special interest in getting some army men nailed in the case. It is to be noted here that Madan B.Lokur who is one of the two judges who delivered the verdict on Manipur encounters is among the four senior judges who rebelled against the CJI and conducted a press conference on January 12, 2018, criticizing the style of functioning of Chief Justice Dipak Mishra.

### **Chhattisgarh massacre**

Bastar region in Chhattisgarh is notorious for being a stronghold of Maoists. Hundreds of security personnel have been killed or injured in this region in attacks/ambush by Maoists during the last ten years. In the midst of such unabated Maoist violence, Shri. SRP Kalluri, a tough and strict IPS officer took charge of Bastar region as Special IG in June, 2014. Under his supervision, the police crack- down on Maoists resulted in the surrender of many Maoists within two years. Many other Maoist leaders were killed in encounters with the police and other security forces. Kalluri's crusade against Maoists had made him a bitter enemy of all Maoist supporters like the NGO and human rights activists and some Delhi-based academic activists like Dr.Bela Bhatia, a PhD holder from Cambridge, professor Nandini Sunder of Delhi University and professor Archana Prasad of JNU. Dr. Bela Bhatia had been camping, though intermittently, in Bastar

region since 2007 as part of her research work on Maoist movement, but in reality working among the local Adivasis and motivating them to come under the Maoist fold to resist and fight against the injustice being done to them by various government agencies like the police, forest and civic authorities. Nandini Sunder and Archana Prasad also frequently used to visit all Adivasi pockets in Bastar region to carry on with their efforts to promote and expand the Maoist base in the area. With SRP Kalluri becoming a terror for all pro-Maoist forces in the area, it is these academic activists who started a campaign against the Bastar police headed by SRP Kalluri accusing the police personnel of committing atrocities like rape and sexual assault against the local Adivasi women. The first Bela Bhatia-sponsored FIR against Bastar police was lodged on November 1<sup>st</sup>, 2015 by an Adivasi woman of Peddagelur village in Bijapur district. The second sexual assault complaint was lodged on January 21, 2016, with eight Adivasi women of Bellamnendra village of Bijapur district coming forward to testify about the sexual assault on them. Under the guidance of Bela Bhatia, several more sexual assault cases were filed against Bastar police during the year 2016. Bela Bhatia, who is very influential in Delhi, had also taken up these cases with the NHRC, which had instituted its own inquiries into these incidents. The NHRC in its report released on January, 2017, found that the Chhattisgarh police had sexually assaulted at least 16 Adivasi women between October 2015 and March 2016, and castigated the Chhattisgarh government for its inaction with respect to the repeated incidents of sexual assaults and held the state authorities vicariously liable for the offences committed by the security forces, and demanded compensation. The NHRC had reportedly relied heavily on a fact-finding mission report prepared by 'Women Against Sexual Violence and State repression', an organization having links with the Maoist movement. Dr. Bela Bhatia, who openly supports the Maoist movement had accompanied the NHRC team to Bastar on January 7, 2017. She also accompanied a five-member NHRC team to Peddagelur and Bellamnendra villages in Bijapur district on January 19 and 20, 2017 to record statements of victims of sexual assault cases. The team was assisted by Bela Bhatia and Soni Sori in recording statements of sexual assault victims. Bela Bhatia is a known supporter of Maoist movement. Soni Sori is an over ground activist of Maoist movement. Her husband who was a Maoist leader, had died a few years back while in police custody. How can the NHRC justify its action of using the services of Bela Bhatia and Soni Sori in recording statements of sexual assault victims despite knowing that it was to be used against the state police?

Dr. Bela Bhatia is quite unpopular among all non-Maoist people and also police personnel in the area because of her open support for the Maoists. After the new IG SRP Kalluri started his crusade against the Maoists, Bela Bhatia's work in the area was mainly focused on touring different villages and instigating Adivasi women to come forward and lodge complaints against the police accusing them of sexual assault. The women Maoist cadres are ready to kill themselves to defend their movement. It is not a big thing for such women to lodge a complaint of sexual offence against the police personnel. These vague complaints were drafted by Bela Bhatia herself or Soni Sori, a local Maoist, now aligned with Aam Admi Party. These complaints are without any proof about who, when and where, etc. of the offence committed. There are hundreds of human rights activists working in the Bastar region waiting to get such assault reports to pounce on the police offenders. If there was any such incident of sexual violence, it would have been immediately reported. The local police has turned against Bela Bhatia only because she was trying to nail them in fabricated cases, with the support of human rights activists and NHRC.

On October 25, 2016, at several places in Raipur and Bastar regions in Chhattisgarh, villagers and former special police officers came out in large numbers and burnt effigies of human rights activists like Bela Bhatia, professor Nandini Sunder, Soni Sori, Manish Kunjam and Himanshu Kumar for their support for Maoist movement. On Monday, January 23d, 2017, about 30 people who came in two four-wheelers and some motorbikes, raided Bhatia's house in Jagdalpur (Parpa village) and gave an ultimatum to Bhatia to leave the area in 24 hours. With various human rights activists based in Chhattisgarh and Delhi taking up this threat to Bela Bhatia's life with NHRC authorities, there was tremendous pressure on the Chhattisgarh government and DGP to remove IG Kalluri from Bastar. Though Chhattisgarh Chief Minister Raman Singh had full faith in IG Kalluri, under pressure from NHRC, he had to transfer Kalluri out to police headquarters at Raipur on February, 2017. Before leaving Bastar, Kalluri wrote on his Whatsapp group as quoted below. "Bela Bhatia wins—going on leave—sorry for failing."

All the so-called human rights activists were desperately trying to get SRP Kalluri transferred from Bastar since 2015, as under tremendous pressure from police under Kalluri, the demoralized Maoists were forced to lie low and more and more Maoist cadres were surrendering to the police. After the transfer of Kalluri, there was a reversal of the situation with the demoralized police suspending their tough stance against the Maoists and Maoists becoming more aggressive. With the Maoists again gaining upper hand in the area, there was a bloody massacre of 26 CRPF jawans at Sukma in Bastar region of Chhattisgarh on April 25, 2017 in an ambush staged by the Maoists. The punitive transfer of SRP Kalluri may be a major factor responsible for the laxity on the part of the police in controlling the Maoist menace in the area. The role played by Bela Bhatia and the NHRC led by former CJI H.L.Dattu, which only helped the Maoist cause, also deserves outright condemnation for indirectly helping the Maoists.

### **Neutrino project sabotaged by National Green Tribunal**

The government of India had decided to set up a very important and prestigious neutrino research laboratory (INO) in India and had selected Singara in Nilgiri hills in Tamil Nadu as the most suitable location for this project. The whole universe is filled with neutrinos. They are so tiny that they can pass through anything and everything in this universe. Still, the scientists knew very little about these elusive particles. Scientists believe that the study of neutrinos will help us to understand the universe and its origin better. The project report for the INO was submitted in 2002. The approval for the project came in 2007. The Planning Commission also approved the project and allocated a sum of Rs 950 crore and earmarked Rs 315 crore for disbursement during the 11<sup>th</sup> plan. The ministry of environment and forests gave its clearance for the project in 2008. The proposed laboratory was to be housed in a man-made cave beneath the tallest peak of the Nilgiri hills in Tamil Nadu. There are only handful of such labs in the world, and the INO was slated to be the most advanced among them and was expected to put India in the forefront of neutrino physics.

However, some NGO and environmental activists, who were opposed to this project from the beginning, started a vicious campaign against this project raking up issues like threat to the environment and wild life and started spreading all sorts of lies and falsehood about this project.

Even some international agencies like World Wild-life Fund also took an active part in this campaign. Even the Forest Department of Tamil Nadu opposed the project and refused to give clearance.

Many eminent Indians like former president late Dr. Abdul Kalam, and top scientists like late P.K.Iyengar (former chairman of Atomic Energy Commission) had shown keen interest in early commission of the INO project. In August 2007, eleven leading physicists including Nobel laureates Sheldon Glashow and Masatoshi Koshihara had written to Prime Minister Manmohan Singh urging him to intervene in the matter for early clearance for the project. However, the minister for environment and forests Jairam Ramesh rejected the proposal for the INO project at Singara on the ground that the project site falls in an elephant corridor and tiger reserve area. Singara was the site best suited for the location of INO project as per the site selection committee. It was declared as a tiger reserve area only in 2008, whereas the forest clearance for the INO project at Singara was pending since 2006. Thus, it appears that Singara was declared as a tiger reserve area only to strengthen the cause of anti-INO lobby.

Thousands of scientists all over the world are engaged in unveiling the hidden mysteries of these elusive neutrinos. The experiments being carried out by the European Organization for Nuclear research (CERN) at its research lab in Geneva are also linked with the neutrino research. The proton-colliding experiments at the Large Hadron Collider (LHC) at Geneva with tentative evidence for the existence of Higgs boson (the God particle) has already created a sensation among the scientific community in the world. The neutrino research is certain to open the floodgate of new mysteries and revelations that could shock the mankind. We will now come to know more about the black hole, antimatter and dark energy. The neutrino research is expected to change the complexion of the universe as it is perceived today. The exciting possibilities of neutrino research may one day prove that many of the fictional events shown in the English serial "Star Trek" may not remain fictional any more. Another important fact is that the neutrino technology, just as the nuclear energy, will also have its use in military application. It is possible that those who master the neutrino technology will rule the earth in future. It is such an important project that the Sonia loyalist Jairam Ramesh and the NGO coterie successfully stalled at Singara.

The neutrino project site was subsequently shifted to the Bodi West Hills in Theni district in Tamil Nadu. It may be noted that the new site was earlier rejected by the site selection committee, for not being good enough for the location of the project. The neutrino project at Singara was to be commissioned in 2012. Because of the green hurdles created by the NGO lobby and the MoEF, the INO project, the country's biggest-ever research facility for basic sciences, already suffered a delay of 7/8 years when it was shifted to Bodi West Hills in Theni district. Even at the new site at Bodi West Hills in Theni, the NGO and environmental activists started a campaign against the project raking up various issues and spreading all sorts of lies and falsehoods to stall the project. The opponents of the project, mainly western-funded NGO and human rights activists and environmentalists, have been circulating a lot of propaganda materials, videos, etc, spreading rumours such as that (1) it is suspected to be a dumping ground for nuclear waste, the radiation from which could be a big health hazard for the local population, (2) it is a storehouse for nuclear weapons, (3) it is a lab for testing new nuclear weapons, (4) the

lab will be a threat to the wildlife in the area and (5) it will endanger the safety of Iduki dam located across the border in Kerala.

Removing all such fears and threats, when the project authorities finally decided to move ahead with the work on the project, the southern bench of National Green Tribunal on March 21, 2017 suspended the clearance given by the Environmental Ministry for the underground Neutrino Observatory project at Pottipuram in Theni district of Tamil Nadu. An NGO called 'Poovulagin Nambarkal' (Friends of the planet) headed by G.Sunder Rajan had lodged a complaint with the southern bench of the NGT in 2015 alleging that the environmental clearance was obtained by the INO authorities by concealing the fact that the Madhiketan Shola National Park in Iduki district of Kerala falls within just 4.9 kms from the proposed INO project site at Pottipuram and hence protected by the Wild Life Protection Act of 1972. The NGO further alleged that an unauthorized agency had conducted the study at the Bodi West Hills in Theni and submitted its report. Hence, the NGT stated that it requires further study from an accredited agency to get a fresh green nod. The NGT also said that it needs another clearance from National Board for Wild Life, as the INO project site lies near a national park. According to some newspaper reports, the INO authorities are now thinking of shifting the project location to Andhra Pradesh. Thus, even the location of a prestigious basic science project like the Neutrino observatory, work on which was initiated as early as in 2002, could not be finalized so far, because of the activities of some anti-national forces, backed and funded by some western agencies.

The above instances show how the judge activists have not only succeeded in establishing their secret cell even among the Supreme Court judges, but they have even taken control of other constitutional bodies like the NHRC and NGT to further the cause of terrorist outfits like Maoists as seen in the case of the ban on 'Salva Judum' and narco analysis test, and Manipur militants through the verdict on encounter killings, and the anti-development lobby as in the case of withdrawal of environmental clearance to the Neutrino project.

## **Comments**

The rebellion by the four senior judges of the Supreme Court on January 12, 2018 has to be taken by the Government of India very seriously in the light of the above-mentioned facts and urgent necessary steps should be taken on a war footing to maintain the sanctity and independence of the Supreme Court by weeding out all undesirable elements from the top most court. The four rebel judges belong to a traitorous lobby of judge activists who want to ensure the balkanization of India by encouraging all anti-national and secessionist movements in the country. These four judges should be removed from the court with immediate effect through necessary impeachment proceedings in the Parliament. Some of the retired judges/chief justices who are appointed to head important constitutional bodies like National Human Rights Commission and National Green Tribunal, etc, also need to be subjected to close scrutiny as such bodies could act as a catalyst for internal sabotage, as has been already explained above.

We could identify the four rebel judges with the judge activist lobby only because they have come out openly to challenge the authority of the Chief Justice of India on the question of allocation of certain important cases. There could be more such judges in the Supreme Court

who owe their allegiance to the IPT's secret cell. Without ensuring that, the four rebel judges would not have come out openly exposing themselves. Unless and until all such enemy agents are identified and removed, the sanctity of the Supreme Court as an independent and impartial institution cannot be restored.

The NGO and human rights activists working under the garb of civil society groups and promoted and funded by western intelligence agencies pose the greatest threat to India's unity and territorial integrity. The government of India is well aware of the damage done to India's economy by these western agencies like the Green Peace International and Ford foundation as revealed by a leaked IB report dated June 4, 2014 which was published in almost all newspapers in India. Subsequently, the Modi government had launched a series of steps imposing severe restrictions on western agencies like the Green Peace International and many local NGOs by suspending their FCRA registration, etc. But, when the Centre started taking action against the Ford Foundation, it really unnerved the US which did not want the Modi government to dismantle the painfully built up anti-national infrastructure in India by the American intelligence over the last few decades. The US immediately rushed some of its top officials to New Delhi to convince India about the good work done by the Ford Foundation in India and to dissuade the Modi government from acting against the Ford Foundation. There were also reports that the US had even indirectly threatened to dub India as a rogue nation in case of any rash action against the Ford Foundation. Whether under threat or not, India finally decided to back out from taking any punitive action and instead allowed the Ford Foundation to carry on with its nefarious activities in India. This was a fatal mistake committed by the Modi government. India should not have succumbed to the threats or blackmailing by the US in matters of national security and should have proceeded with stringent action against any foreign agency found involved in destabilization activities in India. Indian Intelligence agencies have enough evidence against the CIA and other intelligence agencies including some church agencies for their active support for various militant and secessionist movements in India like the Maoist movement, Sikh militants, Kashmiri separatists and Northeast insurgents. Despite such blatant support from various US agencies for all anti-national movements in India, India not only backed out from taking any action against the Ford Foundation, but allowed the Carnegie Endowment for International Peace, an American think tank, to set up shop in Delhi in 2016, with its offer of fresh policy ideas directly and collaborate with decision makers and civil society in India. Earlier, the UPA government had allowed the Brookings Institution, a prestigious American think tank to set up its Delhi chapter in 2013, promising to disseminate recommendations for Indian policy makers. If Indian policy makers have to depend upon American think tanks for policy guidance, there is no better prescription for India's early disintegration.

The NGO and human rights activists who were in the forefront of a bitter campaign against Modi accusing him of being the master mind behind the Gujarat riots in 2002, were all supported and funded by various American agencies. It is these activists, with the connivance of the US authorities, who ensured denial of a visa to Modi when he was the chief minister of Gujarat. Thus, Narendra Modi had suffered maximum mental torture from the personal attack on him from these activists, as planned and plotted by the US intelligence agencies. Despite all such bitter experiences, it is very strange as to how prime minister Modi has now become a stooge of the US government and has started committing blunders after blunders, like Manmohan Singh under UPA, damaging his own image and popularity. Instead of demolishing the anti-national

infrastructure that the CIA has built in India, Modi's policies have only strengthened the CIA-built anti-national network in India. Most of the senior bureaucrats in India have already been won over by the US intelligence through civil society groups. A 16-member committee of IAS officers and human rights activists appointed by Planning Commission in 2006 to study all aspects of the Maoist movement had come out with a report that concluded that the Maoist movement was a humanitarian issue and no force should be used to suppress the movement. Only two IPS members in the committee had a dissenting view on the conclusion, but not a single IAS officer in the committee opposed it. The report shows the extent of IAS lobby's support for the Maoists who are promoted and funded by the western intelligence agencies. The rebellion by four senior most judges of the Supreme Court is the latest signal of the tightening grip of an octopus-like network of US intelligence over all vital institutions in India. The US intelligence has already made deep inroads into the armed forces also, and hence this last pillar of our democratic structure is also no more safe from the CIA threat. There are two Indo-Pak friendship organizations of ex-servicemen founded by Admiral L.Ramdas and late Nirmala Despande in 1993, with the avowed objective of promoting peace and friendship between the people of India and Pakistan. However these two organizations are floated by the CIA agents in India with a secret agenda of recruiting serving armed forces personnel and create secret cells in all the wings of the armed forces with the aim of creating dissension and indiscipline among the armed forces personnel. Various incidents of indiscipline, fratricide, clashes between officers and jawans, etc, in the army witnessed during the UPA rule were believed to be engineered by the members of these groups. Thus the security situation in India remains extremely gloomy. Unless, Modi government takes urgent and stringent measures to stop the inflow of foreign funds and declares a war against all anti-national forces within India, it is difficult for India to survive as a united entity for long.