

Behar Herald

SECULARISM AND DEMOCRACY OUR MOTTO

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Justice for Victims of Lynching Act passed in US Congress

Newsdesk – Recently the US Congress passed unanimously an act titled 'Justice for Victims of Lynching Act 2018'. Notable is that the congress could not pass it for a century though nearly 200 anti-lynching bills were tabled during the first half of 20th century.

The Act in its Sec.2. findings mention that the crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction. It also mentions that at least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968, and Ninety-nine percent of all perpetrators of lynching escaped from punishment by State or local officials.

The Congress understands through this Act that only by coming to terms with history can the United States effectively champion human rights abroad and an apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding,

on which improved racial relations can be forged.

The Act in Section 2(15) says that "Having concluded that a reckoning with our own history is the only way the country can effectively champion human rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation."

The United States Senate agreed unanimously to Senate Resolution 118, on April 5, 2017, "condemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States".

To define lynching in its penal scope the act added (1) offenses involving actual or perceived race, color, religion, or national origin & (2) offenses involving actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability.

Online sale of medicines banned

Newsdesk – Madras High Court has directed the Central government to notify statutory rules related to online sale of drugs. In its order dated 17th December 2018 it has banned online sales of drugs till that notification is made. The Court has also directed the government to issue the notification by 31st January 2019.

The writ petition was filed by Tamil Nadu Chemists and Druggists Association. The petitioners sought ban on websites which facilitate online sale of drugs till a legal framework is brought into force. Sale of drugs come under the purview of Drugs and Cosmetics Rules of 1945. The petitioners pointed out that though

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Paying tributes to

Mrinal Sen



Courtesy: <https://commons.wikimedia.org>

Born : May 14, 1923, Faridpur (now in Bangladesh)
Died : December 30, 2018, Kolkata

Nirendranath Chakraborty



Courtesy: Zeenews.com

Born : 19 October 1924, Kolkata
Died : 25 December 2018

News & comments

Casteism for convenience

A Plus-2 school in Lalganj of Vaishali district, run by the government was found segregating the students based on religion and caste. Reports said that students belonging to Muslim and Hindu are made to sit in different sections and rooms. There are separate classrooms for Dalits, OBCs and upper castes. The attendance registers for students are also separate as per religion and castes. It is so arranged that Dalits and Muslim students hardly get any chance to visit other classrooms. As the newspapers said this was also confirmed by the Block Education Officer of Lalganj who made a visit to the school after allegations came in. Enquiry has already been ordered by the government.

But most interesting is the claim of the School Principal. The lady allegedly said that such arrangements of segregation were made to ensure smooth working and implementation of different schemes. And, there was no protest against it by parents and students. She claimed that till date no discrimination has been made in the school on the basis of caste or religious identity!

What does that mean? Making the students sit in different classrooms, enrolling them in different sections as per their religious and caste identity is no discrimination? Then she should rather send recommendation to the government for opening different schools rather, based on religious and caste identities of the students for furthering the 'smoothness' in implementation of different schemes!

Silao Khaja

Aha! The big, sweet crunchy bite of Khaja melting in the already watered mouth! Feeling the warmth of lovely winter sun overhead while standing by the roadside of small sprawling township of Silao. Speeding cars and buses coming from or going to Rajgir. Some stopping to find the better shop of Khaja known to them and purchase a basketful. Some preferring salted Khaja. Geographical Indications Registry at Chennai has granted GI tag to Silao Khaja on Dec 11. The application for this was filed by Silao Khaja Audyogik Swavalambi Sahakari Samiti Ltd. Times of India reported that the applicants

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Crimes against humanity

[The title and the content following form a part of the now famed judgement of Delhi High Court in an Appeal (Crl.A. 1099/2013 & Connected Matters) related with "killing of five Sikhs in the Raj Nagar Part I area in Palam Colony in South West Delhi on 1st and 2nd November 1984 and the burning down of a Gurudwara in Raj Nagar Part II", in which Sajjan Kumar and others were awarded punishment. It is being published as it will give the readers the historical perspective in which the honourable judges viewed the crime.]

367.1. The Court would like to note that cases of the present kind are indeed extraordinary and require a different approach to be adopted by the Courts. The mass killings of Sikhs between 1st and 4th November 1984 in Delhi and the rest of the country, engineered by political actors with the assistance of the law enforcement agencies, answer the description of "crimes against humanity" that was acknowledged for the first time in a joint declaration by the governments of Britain, Russia and France on 28th May 1915 against the government of Turkey following the large scale killing of Armenians by the Kurds and Turks with the assistance and connivance of the Ottoman administration. The declaration termed the killings as "crimes against humanity and civilization for which all the members of the Turkish Government will be held responsible together with its agents implicated in the massacres"

367.2. The Charter that established, after the conclusion of the Second World War, the International Military Tribunal (IMT) at Nuremberg to try Nazi criminals accused of mass extermination of Jews defined "crimes against humanity" as:

"...murder, extermination, enslavement, deportation, and other inhumane acts committed

against any civilian population, before or during the war, or prosecutions on political, racial or religious grounds in execution or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

367.3. The IMT proceeded to hold many of the defendants before it guilty of that crime. The International Criminal Tribunal for the former Yugoslavia (ICTY), as well as the International Criminal Tribunal for Rwanda (ICTR), held trials for a series of offences including genocide, war crimes and crimes against humanity. The definition adopted of "crimes against humanity" in Article 3 of the ICTR Statute was that they were 'inhumane acts' that were part of a "systematic or widespread attack against any civilian population on national, political, ethnic, racial or religious grounds."

367.4. Article 7 of the Rome Statute for the International Criminal Court defines "crimes against humanity" as meaning "any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." and this includes (a) Murder; (b) Extermination; (c) Enslavement and so on and "other inhumane

acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health." It incorporates the criminal element of "murder" "rape" etc. but also a contextual element viz., the perpetrator must be aware that he is contributing to a widespread or systematic attack against civilians.

367.5. It is widely acknowledged that Prof. Hersch Lauterpacht, a renowned international law jurist, who held the Whewell Chair of International Law at the University of Cambridge was responsible for making the offence of "crime against humanity" part of the offences for which the Nazi defendants would be tried at the IMT in Nuremberg. Another renowned scholar, a contemporary of Prof. Lauterpacht, was Prof. Raphael Lemkin whose academic efforts were instrumental in bringing about the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention) which has been ratified by India. In a book titled East West Street (Weidenfeld & Nicolson, 2016) p. xxix, Prof. Philippe Sands explains the distinction between the two concepts as under:

"What is the difference between crimes against humanity and genocide?

Imagine the killing of 1000,000

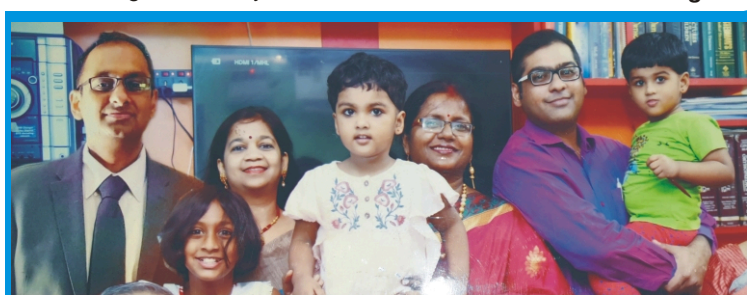
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Dr. (Capt.) D. K. Sinha and Dr Mrs Krishna Sinha to wish Happy Birthday to their granddaughters :- Chinu (Bani Gourab), 22 December, Adya (Krisha Sinha) and Arna (Kaira Sinha) 25 December.

(From Left to Right - Dr. Gourab Sinha, Miss Bani Gourab, Dr. Mrs. Runa Sinha, Miss Krisha Sinha, Mrs. Rashmi Sinha, Dr. Arnab Sinha and Miss Kaira Sinha.)

Dr. (Mrs.) Krishna Sinha and Dr (Capt.) D. K. Sinha are "GOLDEN DONER"s of Behar Herald by donating Rs 10,000 in the name of each Grand Daughters.



Year of the judges and judgments

The year 2018 will be remembered as the year of judges and judgments for India. The year began with the unique press conference. Never before the country had seen some thing like this. Four senior judges of the Supreme Court came out to tell the people through press and media that everything is not OK within the precincts of the highest court of justice in Indian judicial system. There coming out in the open was itself an appeal to the people to be watchful about legal proceedings going on inside and not remain complacent with the belief that 'justice will prevail'. Well, it will prevail, but the people have a role to make it prevail by the end, by remaining vigilant and argumentative.

Then again, one after one historical judgment began coming out. On March 8, 2018 the Supreme Court set aside the order of Kerala High Court in the matter of marriage of Hadiya with Shafin Jahan. Hadiya was a Hindu girl before conversion. SC said that the High Court had transgressed the limits of its jurisdiction and also asserted that the right to change of faith was part of fundamental right of choice.

On March 9, 2018 Supreme Court legalized passive euthanasia with guidelines for patients suffering from terminal and irreversible diseases. It invoked 'Right to die' recognized under Article 21 as fundamental right.

On March 20, 2018 the apex court diluted stringent provisions of SC/ST (POA) Act 1989. But the dilution led to large scale protests and the government moved an amendment to the Act.

There was a conflict between elected government of the state of Delhi and its Lieutenant Governor since the new government came to power. The Supreme Court strongly ruled that LG cannot act as an

'obstructionist'. He is not having independent decision-making powers and is bound to act on the aid and advice by the council of ministers.

On 17th July 2018 the apex court condemned the growing incidents of mob lynching across the country. It asked the Parliament to consider enacting a new law to effectively deal with such incidents and prevent such "Horrendous acts of mobocracy" from becoming a new norm.

On September 14, 2018 the Supreme Court awarded compensation of Rs. 50 lakh to former ISRO scientist Nambi Narayanan who was falsely implicated in an espionage case to ruin India's cryogenic engine project.

A part of Section 377 of 158-year-old Indian Penal Code which criminalized homosexuality was struck down by Supreme Court on September 6, 2018. That is, from that day on, consensual homosexuality, may or may not be moral or ethical, but definitely not a criminal act in India.

Historic judgment on Aadhaar was delivered on September 26. Mandatory submission of Aadhaar for opening bank account and various other transactions were struck down. Only government benefits and IT returns now require Aadhaar.

On 27th September 2018 the Supreme Court struck down the Adultery Law of British period. The Judge said, "Adultery can be ground for any civil wrong. There can't be any social license that destroys the matrimonial home, but adultery should not be a criminal offence."

And then came the Sabarimala judgment. The issue of lifting prohibition in entry of the women of menstrual age has a deeper implication. That is of the menstrual periods being wrongly considered impious in our society.

All were not 'hit's in the rulings. Some were 'miss's as well. However, the press conference by the judges in the beginning of the year bore fruit. All year long, people got good feeds to discuss the judgments and their impacts on the society.

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Crimes against humanity

people who happened to come from the same group.....Jews or Poles in the city of Lviv. For Lauterpacht, the killing of individuals, if part of a systematic plan, would be a crime against humanity. For Lemkin, the focus was genocide, the killing of the many with the intention of destroying the group of which they were a part. For a prosecutor today, the difference between the two was largely the question of establishing intent: to prove genocide, you needed to show that the act of killing was motivated by an intent to destroy the group, whereas for crimes against humanity no such intent had to be shown.... proving intent to destroy a group in whole or in part was notoriously difficult, since those involved in such killings tended not to leave a trail of helpful paperwork."

367.6. In India, the riots in early November 1984 in which in Delhi alone 2,733 Sikhs and nearly 3,350 all over the country were brutally murdered (these are official figures) was neither the first instance of a mass crime nor,

tragically, the last. The mass killings in Punjab, Delhi and elsewhere during the country's partition remains a collective painful memory as is the killings of innocent Sikhs in November 1984. There has been a familiar pattern of mass killings in Mumbai in 1993, in Gujarat in 2002, in Kandhamal, Odisha in 2008, in Muzaffarnagar in U.P. in 2013 to name a few. Common to these mass crimes were the targeting of minorities and the attacks spearheaded by the dominant political actors being facilitated by the law enforcement agencies. The criminals responsible for the mass crimes have enjoyed political patronage and managed to evade prosecution and punishment. Bringing such criminals to justice poses a serious challenge to our legal system. As these appeals themselves demonstrate, decades pass by before they can be made answerable. This calls for strengthening the legal system. Neither "crimes against humanity" nor "genocide" is part of our domestic law of crime. This loophole needs to be addressed urgently.

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News & comments

did submit documents to underline that the 'sweetmeat' was described by famous British archeologist J.D. Beglar. The archeologist did write about the legend that the sweet dates back to King Vikramaditya. The documents submitted referred to another myth that Lord Buddha was offered Khaja at Silao when he was passing through the place during his journey to Rajgir.

The applicants also made a comparison with Kakinada Khaja of Andhra Pradesh and Puri Khaja of Odisha. They also described the climatic conditions of the place, the quality of wheat which makes the dozen thin layers of dough possible within a Khaja. Whatever, our Silao Khaja is the best with its thinnest layers and lightness. The members of Silao Khaja Audyogik Swavalambi Sahakari Samiti Ltd. Deserves congratulations and year-end greetings from us.

Chuppi Tod

A mobile application has been launched at Patna few days back to fight the social evil of child marriage and sexual harassment. Bihar has one of the highest incidences (40%) of under 18 marriages of young girls in the country. On the other hand, despite growing incidences of sexual assault against women, the state continues to register very few criminal cases. If out of 84,746 cases of sexual assault in the country in 2016 only 324 were registered in Bihar, it is not something to boast about. Everyone knows the reality on the ground. The cases are not being registered due to various reasons. The mobile app, launched by noted women rights campaigner Prashanti Tiwari, will educate women and girls on the evils of sexual harassment and child marriage. More importantly, it will offer women innovative provisions to share their experiences, either confidentially or unanimously. The initiative aims to build 10,000-strong cadre of adolescent girls as community journalists under a socio-economic enterprise model in partnership with media houses and skill training institutes.

This last one, if really this army of community journalists are built, will be a great initiative.

To Nepal with love

During the colonial period, the British built a narrow-gauge 2.5-foot wide track in 1937 to transport timber from Nepal. This railway line built around 80 years ago to transport logs from the forest in Mahottari to India was 52 kms long from Bijulpura in Mahottari District in Nepal to Jayanagar, Bihar in India. Around 15 years ago, floods swept away the Bighi Bridge, which affected railway services on the 29km stretch from Janakpur to Jayanagar. Hence the train, finally with only three rusty carriages, windows lacking panes, missing doors and an engine often broke down for days, stopped running or was abandoned in 2014.

Now, a broad-gauge railway project is being built at a cost of Rs. 8.8 billion with the support of the Government of India.

the Ram Janaki temple in Janakpur, where the Hindu goddess Sita is believed to have been born and later married the

Hindu god Ram is visited by millions of pilgrims every year. Now they will be able to avail this train service.

Apart from tens of thousands of Hindu pilgrims, it also will accommodate cargo — landlocked Nepal imports all its oil, food and other goods from India, which accounts for two-thirds of its foreign trade.

Experts have already nodded positively about the feasibility of train service from Raxaul to Kathmandu. When that happens, will the tracks pass through Daman? And we shall look at the mountain range from Dhaulagiri to Mt. Everest through train windows?

CAG sting

Not providing records in a timely manner results in "lack of accountability by state government functionaries and cover-up of frauds, misappropriation and embezzlement etc. Such was the comment of Comptroller and Auditor General after the officers of various departments of government of Bihar failed to produce the records asked for. CAG said that an amount of about two lakh crores remained unaccounted as officers didn't take action on its observations. It has also asked the state government to take disciplinary action against officials who didn't produce records when asked.

But, will the state government act? In contradistinction, let us have a look at what present-day 'gyan-pitara' Wikipedia says about the state of affairs in this regard:

"In the past, almost 30% of the documents demanded by CAG officials have been denied to them. The PPP model has become a favorite mode of executing big infrastructure projects worth millions of rupees and these projects may or may not come under the audit purview of the CAG, depending on sources of funds and the nature of revenue sharing agreements between the government and the private entities. As of 2013, it is estimated that 60 percent of government spending does not come under the scrutiny of the CAG"

New task for teachers

The school teachers in Bihar have already been deputed in census work and election duty. They were even asked to monitor ODF (open defecation free) programme. Now they will be trained for preliminary screening of students with vision defects (refractive error). As part of the National Programme for Control of Blindness the teachers will be given this additional duty; though no monetary initiative will be given to them.

Preferably science teachers from every government and government aided schools would be trained in elementary vision testing. The training will be given by ophthalmic assistants at designated primary health centres.

As the media reports, Bihar has an acute dearth of eye specialists working with the district level hospitals of the government. In a state with 12 crore population, there are 68 eye specialists spread over 37 out of 38 districts.

But teachers? With lowest literacy rates and, as some surveys point out, 37.3% lesser teachers than what required at primary schools, will dependence on teachers for identification of ophthalmic

ailment among students yield result?

Bridging Bihar

Now an additional bridge near Mahatma Gandhi setu. The Cabinet Committee on Economic Affairs has approved the project for construction of a 5.634 km long new 4-lane bridge across river Ganga, just 38 meters on upstream side of the existing MG Setu, along with approaches from km 0/0 to km 14/500 on NH-19 at Patna in the State of Bihar with a capital cost of Rs. 2926.42 crore. The construction period for the project is three and a half years and likely to be completed by January 2023.

This mega project is 14.500 km long and passes through Patna, Saran and Vaishali districts of Bihar. The project includes 5634-meter-long major bridge parallel to the existing old MG Setu, 4 number of Vehicular Underpasses (VUPs), one Rail Over Bridge (RoB), 1580-meter-long one viaduct, 110-meter-long one flyover, 4 minor bridges, 5 numbers bus shelters and 13 road junctions.

The CCEA press release Bihar says that in addition, this project of new bridge will generate direct employment of about 20.94 lakh man-days during construction.

What more do we want? There is no end to people's expectations! Now we may begin clamouring to desilt the river and restore the steamer service from Mahendru Ghat to Pahleja! Huh!

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Myth & Reality of ...

8.3.11- between 1996 to 31.12.2010 a total 4,06,451 cases were referred to the Foreigners Tribunals.

Break up

88,770 : (transferred from IMDT Tribunal to F.T. after Supreme Court struck off IMDT Act)

95,745 : (ref. to F.T. directly by police)

2,21,936 : (pertaining to "D" voter referred to F. Tribunal)

4,06,451 : Total

Latest position as on 31.5.2011

As per reply by the C.M. given in Assam Assembly on 11.7.2011

1. Out of 2,21,936 "D" voters - Tribunal disposed of 83,471 "D" voters case and out of this only 5577 "D" voters were found to be foreigners liable to be deported. (Less than 6.5% have been detected as foreigners - Added by writer)

2. At present as on 11.7.2011 - 1,57,465 "D" voters cases pending in the Foreigners Tribunal.

Total Population in Assam

1971- Census : 1,49,57,542

1981 - No Census in Assam

1991- Census : 2,24,14,302

(After 1971 census Meghalaya & Mizoram were created)

2001 - Census : 2,66,38,407

2011 - Census : 3,11,69,272

(Between 2001 and 2011 Assam's population increased by 16.93%)

Voter list

1985 - 98,834,304

1991 - 1,18,92,068

1996 - 1,25,85,712

1999 - 1,42,77,080

2001 - 1,43,37,794

2004 - 1,50,14,316

2006 - 1,74,34,181

2009 Lok Sabha - 1,74,43,614

2010 - 1,79,51,143

(published on 05-01-2011)

Difference between 2006 voter list and 2010 voter list only 5,7,526.

Building a nation and state through struggle for language

- Shamsuzzaman Khan

Bengalees alone do have their own state ['State' here does not mean province but the political formation of nation/s as Bangladesh is – Tr.]. This impossible feat could be made possible due to the mother tongue of Bengalees – Bengali, the movement to establish its right and uncompromising leadership of Bangabandhu Sheikh Mujibur Rahman.

It cannot be said that the stream of thoughts and ideas of Bengalees have evolved in a pattern during the past centuries. The Bengalee way of life has developed through acceptance-rejection-adjustment of secular senses and messages of the supremacy of humanity chosen from the ideas of Local Nath-Yogis, Tantric sects, Baul-Vaishnavas, secret attainment-rites of the Sadhakas, Gaudiya Vaishnava religion-culture-philosophy of Chaitanya Deva, Sufism of Islam, and the main religions by a huge rural habitation. Remaining out of central control and area of influence of a state [meaning imperial state of Delhi – Tr.] till Middle ages, common people chose this way because of their secular interests and the urge to form a society. And, our mother tongue Bengali, came into being as medium of expression of this way of life.

This coalesced relation of language with society and individual life builds the unique culture of the Bengalees – a lively culture which is close to life and deeply humane. This culture is not of Bengalee Hindus, Bengalee Buddhists, Bengalee Christians or Bengalee Muslims – it is the assimilative, unified culture of all Bengalees. During the rule of Sen kings in eleventh century and the upheavals of Muslim occupation in twelfth and thirteenth centuries, this culture lost its own flow to some extent. But it was reordered in its natural course during the favourable rule of Sultans of Bengal in fourteenth century. And, in this century itself, as a result of appearance of the stream of Mangal-kavyas of the Hindu-Bengalees and appearance of hundreds of Muslim Bengalee poets like Syed Alawol, Syed Sultan, Bengali language and literature flourished to come at an important stage. Some signs of history make one feel that by this time Bengal and Bengalee identity had become a matter of pride. Otherwise, why Shamsuddin Ilyas Shah would be feeling pride by claiming himself to be 'Shah-e-Bangaliana'?

But by sixteenth century, the Bengali language and efforts to build unified nation of Bengalees faced obstacles created by the state. Earlier, for two hundred years, the Bengal region was out of central occupation, existing independently. But during the regime of Emperor Akbar, the region of Bengal came under subordination of the centre as 'Suba-e-Bangla'. The land policy of the time of Akbar was like the Permanent Settlement of Cornwallis. The Muslim section of the elite class created as a result of this policy, divided the Bengalee Muslims in two grades of Ashraf and Altaf under the influence of North Indian culture. And, it was claimed that the mother tongue of Ashraf Bengalee Muslims is Urdu. Basically, the language movement of Bengalee Muslims began after that. The poet Syed Sultan was called 'Munafek' [hypocrite] because he wrote Bengali poem on an Islamic subject like 'Fateha Yazdaham'. In an answer to this, the poet wrote, uttering a fundamental truth, "jare jei bhashe probhu korilen srijon/ sei bhash hoy tar omulyo roton" [The language in which one is created by the Lord, that language becomes his/her priceless gem.]

Even after utterance of this truth about the right of mother tongue the beneficiaries of the rulers of North India did not acquiesce. Rather they got more clamorous in opposing Bengali language. Perhaps, only because of that the poet

Abdul Hakim wrote after hundred years, "je jon bongete jonmi hingse bongobani/ se jon kahar jonmo nirnoy na jani" [One, who born in Bengal begrudges its language, of whom he is born, I can't decide.]. This controversy on the mother tongue of Bengalee Muslims temporarily stopped as India came under British occupation.

But in later period, this controversy on mother tongue of Muslims ran for a long time. Other than some exceptions, the Nawabs, Knights and landlord sections among Bengalee Muslims continued claiming themselves to be Ashrafs (aristocrats) and announced their mother tongue to be Urdu. But a section developed in education and accomplishments, expressed their well-thought opinion that Bengali is the mother tongue of Bengalee Muslims. Some of the Bengalee Muslims, though knowing well the Urdu-Farsi-Hindustani language took pride in Bengali as their own language. Some, as champions of the stream of assimilative unification, following the heritage of the age of Muslim sultans, started translation of Ramayana and Mahabharata. We are giving three examples in this regard.

a) In the year 1883 Maulvi (Pundit) Riyaz-al-Din, teacher of Sanskrit and Bengali in Madrasa-e-Aliya of Calcutta, wrote in his article titled 'Bibad', "We do not have much liberality, being lover of the world or talking about undivided earth remain distant to us; coarsely perceive India though, while remembering-thinking about nation, national duty, national interest etc., but we well-understand the land of Bengal. Get satisfied giving our identity as Bengalee. That the land in which he is living for thousand years, experiencing equally its winter and summer, fortune and misfortune, abundance and famine, happiness and wealth, joy and sadness with others, is not his motherland, the motherland is beyond this as well, a bigger one – well, none can feel like that. That is why, despite being a Muslim, if there appear some discourse regarding the land of Bengal, Bengali language and Bengali nation, I keep hundred percent right to express my views in that. But many of my kind feel relaxed by supposing me to be ostracized and outcast. I also feel relaxed by supposing them to be ostracized and outcast. (1899 AD)

b) Maulana Akram Khan wrote with sarcasm, "Many strange questions are there in the world. What is the mother tongue of Bengalee Muslims? Urdu or Bengali? This one is the strangest question among those. Whether a coconut will grow on a coconut tree or a tree of wood apple? If someone comes to argue with us on this question, then, instead of arguing with him we shall try to purchase him a ticket for Baharampur by collecting money from friends....From the beginning of Muslim history, only Bengali is their own language and be used as mother tongue in future as well. [Third Bangiya Musalman Sahitya Sammelan, excerpt from President's speech, quoted from Baisakh issue of Bangiya Musalman Sahitya Patrika, 1325]

c) Dr. Md. Shahidullah says to the Bengalee Muslim students, "Why do you forget that you are Bengalees? Aryan, Mongolian, Dravidic, Arabic, Persian, Afghan and Turkish bloods remain blended in your veins." [Dr. Mohammad Shahidullah Smarak Grantha, 1895, Introduction, P.16]

On the other hand, the munshi of Fort William College Adalut Khan published 'Translation of the second book of

the Ramayan from the Hindi of Tulsi Das into Literal English with Copious Explanatory Notes and Allusions', in the year 1871. It should be mentioned here that this polyglot belonging to Dadrokh village of Manikganj Subdivision in Dhaka district also translated Betal Panchavingshathi of Pundit Ishwarchandra Vidyasagar.

All the people of present-day Bangladesh have come from agriculture-based way of life. Hence imposition of Urdu language from above could not be possible. The so-called Ashraf Muslims failed in their effort to impose Urdu from sixteenth century to the first decade of nineteenth century. In the same way, when the creator of Pakistan state, Mohammad Ali Jinnah said "Urdu and only Urdu shall be the state language of Pakistan" on 22nd March 1948 at the then Racecourse Maidan of Dhaka, he was stopped by the united "No, no" shouts of the students of Dhaka University. Again, next day, in the convocation ceremony of Dhaka University at Curzon Hall, when repeating the same words, he was stopped by resounding "No, no". Even after that, Pakistanis and their erstwhile East Pakistani subordinates went on trying various trickeries to impose Urdu language on the Bengalees of East Bengal. As an answer to these, Bengalees became vociferous in political, social and cultural protests. On the other hand, Dr. Md. Shahidullah said with deep historical sense, "We educationists should, however, emphatically protest and if necessary, should revolt against the fresh imposition of any language other than Bengali as the medium of instruction for East Bengalee students. This imposition will be tantamount to the genocide of East Bengalees (1953)". A part of the history of East Bengal is reflection of this vision of Mr. Shahidullah.

The state of Bangladesh has been established through national language movement of the Bengalees of East Bengal (11th March 1948 – 21st February 1952), formation of linguistic national entity of Bengalees and struggle for their political rights, and unparalleled genocide by the Pakistani army rulers in 1971 caused by that struggle. Hence, the importance of language movement has been identified as the principal motive force behind establishment of this state. Life long pursuit of Sheikh Mujibur Rahman to establish this secular state by developing the struggle for establishing linguistic rights to the stage of struggle for liberation and by making the assimilative, unified and secular way of life of Bengalees for the last thousand years a part of the fundamental policy of that state through sacrifice of 30 lakhs Bengalees, has anointed him with the appellation of 'Bangabandhu' [friend of Bengal] and 'Jatir Pita' [father of the nation].

Due to formation of this state Bengalee has become a nation with political meaning from an ethnic community. There are so many big ethnic communities in the peninsula, e.g. – Punjabi, Sindhi, Pashtu, Gujrati, Tamil, Telegu, Marathi, Bengalee etc. But none of them are politically meaning nation or an independent state. Only Bengalees own a state and are a nation. This impossible feat was made possible by the mother tongue Bengali of the Bengalees, the movement to establish its rights and uncompromising leadership of Bangabandhu Sheikh Mujibur Rahaman. By recognizing this movement of Bengalees to form a state, United Nations has declared 21st February as International Mother Language Day. [Writer is former Director General of Dhaka Bangla Academy]

Courtesy: <http://uttorpurbo24.com/news/details/Column/10430>

Translation from Bengali: Bidyut Pal

Myth & Reality of Foreigners Problem in Assam* - Muzzammil Ali Laskar**

(Continued from last issue)

The present process of making N.R.C with reference to 1971 voter list is required to be expedited to settle the problem of "Khilonjia" i.e. local people i.e. son of the soil.

The Illegal Migrants (Determination by Tribunal) Act 1983 was passed by Parliament to facilitate speedy determination of the foreigners entering Assam as illegal migrants. The Supreme Court of India in Sarbananda Sanwal - I & II cases reported in AIR 2005 SC 2920 and 2007 (I) SCC (174) has struck down the Act as ultra vires since it was made applicable in Assam alone, stating there cannot be a law for a state only.

That in the laws framed for the preparation of National Register of Citizen, a new provision "4(4)" has been added for Assam making it obligatory for the non-Assamese people to apply in prescribed form to the designated officers for inclusion of the names in N.R.C. If IM(DT) Act

1983 is struck down by the Hon'ble Supreme Court as ultra vires this special provision "4(4)" for only Assam should also be struck down by the same reasoning and a uniform national policy in this regard should be made for all state.

Since the dawn of modern time, historically from 1874, the two major communities of Assamese and Bengalee are living under one administrative umbrella. The relationship so long was one of love and hate. We sincerely wish love should get a premium while hate should be jettisoned. For peaceful, happy and prosperous Assam there should be co-operation, amity and goodwill between the communities living in the state.

Since there is a consensus between all concern that there should not be a single foreigner living in Assam, it is demanded by all concern that the existing laws for the detection of foreigners are erroneous and required to be overhauled.

The entire gamut of law concerning foreigners and citizens are to be perused and re-assessed. The following are the existing laws in this regard:

1. Foreigners Act. 1946
2. Immigration (Expulsion from Assam) Act 1950
3. Citizenship (Amendment) Act 2003
4. Citizenship Act 1955
5. Illegal Migrants (determination by Tribunal) Act 1983

6. Assam Accord 1985
7. Foreigners Order 1948
8. Relevant provision of RP Act
9. Relevant provision of citizenship in Indian Constitution.
 - i) Art 6 of the constitution
 - ii) Art 324
 - iii) Art 325
10. Foreigners (Tribunal order 1964)
11. Foreigners (Tribunal Amendment order 2006)
12. Foreigners (Tribunal for Assam order 2006)

And other Act, if any. The Foreigners Act 1946 was enacted by the British and designed in a way so as to detect foreigners against espionage during Second World War. Now the context has changed and so a review of the Act is necessary. We propose to the central Govt. to constitute a Task Force to study, peruse, evaluate the existing laws concerning foreigners, immigration, infiltration and refugee problem and suggest suitable new legislation to cope with the existing problem. And till such new legislation is made, the process of detection and deportation should be kept in abeyance.

We strongly resist any attempt by the Central Govt. to amend the Constitution to provide for the safety & security of the Assamese people from the so called threat to their language, literature and culture from "Mr. Dodo who does not exist."

CASES PENDING BEFORE FOREIGNERS TRIBUNAL
(Placed in Assam Assembly by Chief Minister on 11.7.2011)

As per report received from Additional DGP (Border), Assam and submitted in the Guwahati High Court on

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With best compliments from -

Dr. Supriyo Mukherjee

Secretary

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Cruelty of Sons to their Parents: Sociological Analysis

- Professor B. B. Mandal

are behaved insensitively.

The general notion is that relationship between mother-in-laws and daughter-in-laws becomes seldom cordial. Daughter-in-laws are often subjected to ill-treatment, especially in the first few years of marriage. After some years, daughter-in-laws return it in the same coin and convince their husbands to form separate household or remain away from their parents. This is also said to be one of the important causative factor for breakdown of joint family. However, in urban areas, parents are often neglected and considered to be burden. Most often than not, these unacceptable persons are often given the respect of domestic help.

In accordance with the inheritance law, all children (both sons and daughters) are entitled to equal share of their paternal property. Hence it is viewed that parents' responsibility should also be shared by daughters as well. Instances are not uncommon where dependent parents' responsibility is shared periodically by sons and daughters. The cases are also not rare when one son has got registered parental property by persuasion or coercion; thereby other legal inheritors are deprived of and become compelled to go for legal solution.

The social and economic empowerment programmes of the government for women have positively encouraged them to obtain education and job, enjoy individual liberty and thereby have a definite say in the family decision-making. This also allows them to live a life of their own choice. This is definitely welcomed. But this often becomes one of the factors for the bone of contention between daughter-in-laws and mother-in-laws who are often considered old haggard.

Some T.V. serials have been fervidly demonstrating disharmonious relationship between two in-laws and in spite of the efforts to cope with the situation, daughter in-laws suffer from humiliation. The cascading effect of such serials is likely to create a fear psychosis among unmarried/ adolescent girls about mother-in-laws as well as about joint family / joint living with in-laws. Naturally, girls after marriage would prefer living without in-laws. Such T. V. serials, seem to be influenced by the ways of living prevalent in the west, tend to encourage familial disintegration, break-down of joint family and support living in simple nuclear family. It will be a welcome move if some T.V serials come out with solution of elder parents' social security. Old age home is one of the solutions for those who are capable of paying required amount for their living there (if no consideration is made for mental agony that they suffer). But what is for those not having paying ability?

The Government of India in the Ministry of Social Justice and Empowerment has enacted 'Maintenance and Welfare of Parents and Senior Citizens Act, 2007' to cast obligations on children (term includes son, daughter, grandson and granddaughter) to maintain their parents/ grandparents and the relatives of senior citizens. The Act defines maintenance as the provision of food, residence, medical allowance and treatment whereas welfare means provision of health, recreation and other amenities necessary for senior citizens who are unable to maintain themselves from their own earning or out of their own property. In case, children do not provide the maintenance, senior citizens can seek assistance of the concerned Tribunal in their district or any other district. The tribunal will

dispose of the case within a maximum period of 120 days. Senior citizens would be entitled to receive maximum allowance Rs. 10,000/- per month from children. If children do not comply with the order of the Tribunal without cause, they are liable to punishment/ even imprisonment. The Act also provides that if any property (movable or immovable) transferred to children with the condition that the transferee would provide basic amenities and physical needs, but then they refuse to do so, the transfer will be declared as null and void. No doubt, the Act has been promulgated for the good of senior citizens and parents, but keeping in view the intricacies of legal procedure and requirement of energy- and- money, most of the poor parents/ senior citizens would be out of its reach and its actual beneficiaries are not likely to be many.

The fast emerging problems of social security of old parents/ senior citizens need to be addressed so as to arrive at a meaningful solution. The readers' views on the issues raised here are welcomed and these can eventually be resolvable guidelines.

We and Our Police
will be re-serialized from next issue.

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In Indian Society, parents, especially of rural areas, always prefer sons to daughters, though the government of India proclaims equality of sexes and legal provision of inheritance of paternal property—both movable and immovable -- by sons and daughters. Parents' aspiration goes by the value system that daughters are paraya dhan (other's property/ wealth), not expected to take care of them, and sons are inheritors of their property and are to look after them at their old age. In spite of Government's emphasis of "Hum do Hamara do" (we are two, ours are two) for controlling population growth rate, parents want at least two sons, one of which is likely to be alive at their old age. This aspiration is much deep rooted in rural India where most of the population depends on landed property or related agricultural pursuits. This value is gradually waning among educated population of urban areas mainly due to economic implication in the upbringing of their offspring. Along with this decline, the value for appropriate care of parents at their old age by their sons has also been weakening.

We come across news of barbaric behaviour of sons to their parents through printed and visual media. Sons' brutality at times extends to their murder. Some may argue that owing to greater exposure of mass media, such brutal behaviour is coming to the fore frequently and such cases were never uncommon in India. Though it is needless to contest such an argument, it cannot be denied that the increasing number of old age homes in urban and suburban areas is by itself an indicator of the neglect of aged parents. Rapid appraisal survey by some TV channels have also made it clear that most of the inmates of old age homes are compelled to be there and their desire of living with their dear ones has been put to an end.

The offensive and mortifying behaviour to older persons by their sons or other close siblings need to be understood in economic and social perspectives. Man is said to be a social animal as animal impulses such as greed, jealousy, cruelty etc., are tamed through socialization process by family, peer groups, schools and community/village panchayats. Tertiary socialization continues throughout life due to exposure of tertiary agencies in the country and abroad. The primary and secondary agencies like family, neighborhood, school, and village panchayats enforce the societal norms through social conventions and social sanction.

The deteriorating child--parents' relationships need to be understood in the structural change perspective in the society. One of the most integrative forces for societal relationship is joint family in which the elders has been responsible for enforcing discipline among younger siblings in accordance with traditionally prevailing norms of behaviour. Everyone in the joint family has been accountable to the eldest person who has been the head and final decision maker. Any difference in the normative behaviour among the members is used to be sorted out to maintain the familial integration. Dependence on landed property is also a binding force in keeping members together in joint family. In course of time, owing to several socio-economic factors like education, salaried job opportunities etc., young persons are required to move out of joint family and establish separate households from their family of orientation. Consequently, joint family system has broken down even in rural areas of India. It may be pointed out that joint family system has seldom been in practice among landless persons or daily wage earners. The so-called tribal communities have no joint families. The married sons establish separate households and are not dependent on parents.

Another discipline enforcing agency has been the neighbours who through informal sanctions (like reprimand, condemnation, censure etc.) help correcting improper behaviour of persons. Besides, traditional village panchayats/caste councils have also great roles in enforcing discipline and resolving familial disputes. These traditional village agencies have now become almost dysfunctional. In the place of these traditional forms of norm enforcing agencies, statutory Gram panchayat has come into existence in certain states. But its role is limited to enforcing governmental rules and is not in enforcing societal norms.

Owing to educational development, less dependence on agricultural property, yearn for salaried jobs, desire for economic independence, etc., persons move to urban area and settle there away from village home and most of the time from their parents. Consequently, in urban and suburban areas, traditional norm enforcing agencies have no existence. In urban areas every family is independent and does not have any inkling of the family in the next door. The greater social and economic insecurity leads people in urban areas to become relatively self-centred and selfish. Money becomes more important than love, compassion, respect, emotion, social obligation and other non-material things. Elderly persons who are less solvent or insolvent

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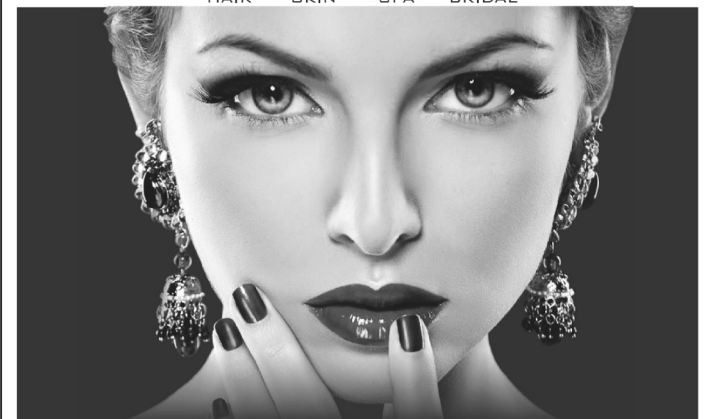
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